

General Provisions

Section 1-1 Title and Intent

This Ordinance shall be known and may be cited as the Cabarrus County Development Ordinance. It is the intent of this Ordinance to provide a system of intelligent land usage through the creation of zoning districts and accompanying standards, the creation of an administrative mechanism, and such other allied rules and regulations that enable Cabarrus County government to fulfill its obligation to provide for and to promote the public safety, health, and general welfare of its residents. To that end, these regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

These regulations have been made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations have been made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

Section 1-2 Authority

This Ordinance is adopted pursuant to the authority contained in North Carolina General Statutes Chapter 160D, Local Planning and Development Regulation.

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1-3 Jurisdiction

This Ordinance shall be effective:

- Everywhere throughout the County outside corporate municipalities except for any areas that lie within the extraterritorial planning areas now or hereafter established for any such municipality; and

- Everywhere within the corporate limits or extraterritorial planning areas of any municipality that has adopted a resolution authorizing the Ordinance to be applicable within such areas.

Section 1-4 Bona fide farms exempt

The provisions of this Ordinance shall not affect bona fide farms, owner-operated or leased, but any farm property used for non-farm purposes shall be subject to the provisions of this Ordinance. For purposes of this Ordinance, see Chapter 2, Rules of Construction and Definitions, for the definition of a Bona Fide Farm and Agriculture.

Section 1-5 Re-enactment and repeal of existing Development Ordinance

This Ordinance carries forward by enactment some of the provisions of the prior Cabarrus County Zoning Ordinance, originally adopted February 1, 1982, and as subsequently amended (The “1982 Ordinance as Amended” or the “Prior Ordinance”). It is not the intention to fully repeal The 1982 Ordinance as Amended, but rather to re-enact and continue in force several provisions of such Ordinance so that all rights and liabilities that have accrued thereunder are preserved and may be enforced under this Ordinance.

Section 1-6 Enforcement

All suits at law or in equity and/or all prosecutions resulting from a violation of the Prior Ordinance which are now pending in any courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted. Further, any prosecution of any and all violators of the Prior Ordinance which has not yet been instituted may be hereafter filed and prosecuted.

Section 1-7 Relationship to land development plan

It is the intention of the Cabarrus County Board of Commissioners (the “Board”) that this Ordinance implement the planning policies adopted by the Board for the County as reflected in the Land Development Guide, Area Plans, and other planning documents.

Section 1-8 No use or sale of land or buildings except in conformity with Ordinance provisions

- a. Notwithstanding Chapter 14 of this Ordinance, Nonconformities, no person may use, occupy or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under that person’s control except in accordance with all of the applicable provisions of this and/or other County ordinances.

- b. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that building or land.

Section 1-9 Severability

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 1-10 Computation of time

If the Ordinance requires a certain action (e.g., mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (e.g., a public hearing), then, when computing such time period, the day of the event shall not be included but the day of the action shall be included. For example, if notice of a public hearing is required to be published at least ten days before the hearing, then notice published on the first day of the month would be satisfactory for a hearing on the eleventh day of the month.

Section 1-11 Repeal of conflicting ordinances

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate an existing violation of such prior ordinance provision.

Section 1-12 Relationship to other ordinances

It is not intended that this Ordinance shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which this Ordinance replaces. It is not intended that this Ordinance shall interfere with any easements, covenants, or other agreements between parties except such which are subsequent to this Ordinance and which are in conflict with the Ordinance. If the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, for yards, or for the size of structures than is called for by other ordinances, permits, easements, or agreements, then the provisions of this Ordinance shall control.

SECTION 2-1 GENERAL RULES OF CONSTRUCTION

The following rules of construction shall govern the application and interpretation of this Ordinance:

1. When the text of this Ordinance conflicts with any caption, figure, illustration, table or map, the text shall control.
2. In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more restrictive provision shall apply.
3. The words shall, must, and will are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature.
5. Words used in the present tense include the future tense.
6. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
7. Words used in the masculine gender include the feminine gender.

SECTION 2-2 BASIC TERMS AND DEFINITIONS

ABANDONED VEHICLE - Any motor vehicle that is left or abandoned

1. On public grounds or county-owned property in violation of a law or ordinance prohibiting parking;
2. For longer than 24 hours on property owned or operated by the county;
3. For longer than two hours on private property without the consent of the owner, occupant, or lessee of the property; and/or,
4. Left for longer than seven days on public grounds

ABUT - Having property, district lines, rights-of-way or easements in common; lots abut if they have property lines in common.

ACCESS - A way of approaching or entering a property from a street.

ACCESSORY BUILDING, ACCESSORY STRUCTURE - A building or structure located on the same parcel as a properly permitted principal building or structure.

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ACCESSORY DWELLING UNIT- A secondary residence located on the same parcel as a properly permitted principal residence.

ACCESSORY USE - A subordinate use of a building or use of land which is:

1. Conducted on the same parcel as the principal use to which it is related, and
2. Clearly incidental to and customarily found in connection with the principal use of the building, structure or land.

ADDITION - An extension or increase in floor area or height of a building or structure.

ADULT BUSINESS, SEXUALLY ORIENTED BUSINESS - Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. 14-202.10.

ADJACENT - All properties immediately contiguous to a site, including those which are separated from the site only by a road, right-of-way or easement

ADMINISTRATIVE DECISION – Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

ADMINISTRATIVE HEARING – A proceeding to gather facts needed to make an administrative decision.

ADMINISTRATOR - The officer charged with the authority and duty to administer this Ordinance.

AGRICULTURE –G.S. 106 581.1 defines Agriculture as:

- a. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- b. The planting and production of trees and timber.
- c. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- d. Aquaculture as defined in G.S. 106-758.
- e. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.

- f. When performed on the farm, agriculture also includes the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. When performed on the farm shall include the farm within the jurisdiction of the county and any other farm owned, or leased to or from others, by the bona fide farm operator, no matter where located.
- g. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry and store grain.

AGRICULTURAL LAND - Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program.

AGRITOURISM - An enterprise or activity operated on a bona fide farm and offered to the public or to invited groups for the purpose of recreation, education, active involvement or the sale of value-added products and services. These activities must be related to agriculture or natural resources and be incidental to the primary farm operation on the site.

AGRITOURISM ACTIVITY– Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. "Agritourism activity" includes an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.

AIRPORT, COMMERCIAL - Any public airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

AIRSTRIP - An area of land or water on private property used by the owner or lessee for the landing and takeoff of aircraft. Includes helipads and drone fields to be used by the property owner or the lessee only.

ALLEY - Any public space or thoroughfare 20 feet wide or less which has been dedicated or deeded for public use.

ALTER, ALTERATION - Any change or modification in construction or occupancy.

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AMBULATORY SURGICAL FACILITY - A facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient.

AMENDMENT - An amendment to the Cabarrus County Zoning Ordinance or Subdivision Ordinance.

AMUSEMENT, OUTDOOR - An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location. Also commonly known as an amusement park.

ANIMAL HOSPITAL - Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian and may include outdoor accommodations for the temporary boarding of animals.

ANIMAL SHELTER - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, government agency, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

ANTENNA - An apparatus, external to or attached to the exterior of a building, together with any supporting structure for sending or receiving electromagnetic waves.

APPEAL - A request for a review of the Administrator's interpretation of any provision of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance. Also includes requests for review of Planning and Zoning Commission decisions.

APPLICANT - Any person, firm, association, group or organization applying for a development application.

APPLICATION - A complete request, including any required documentation, for any approval, permit, or action required by this Ordinance.

APPROVED USE - Any use that is or may be lawfully established in a particular district provided that it conforms to all requirements of these regulations for the district in which such use is located.

ARCADE, GAME ROOM - A primarily indoor structure, open to the public, which contains coin-operated games and similar entertainment facilities and devices for amusement purposes only.

ARCHITECT - A person who is duly licensed to practice architecture by the North Carolina Board of Architecture.

ASPHALT PLANT - A plant used for the manufacture of asphalt, macadam and other forms of coated road stone, sometimes collectively known as blacktop.

ATLAS MAP, ZONING MAP-The official zoning maps of Cabarrus County which show the zoning classification for parcels of land.

ATM, AUTOMATED TELLER MACHINE - Equipment used for patrons to deposit or withdraw funds, typically located as an accessory use on bank or financial institution properties or other properties where appropriate.

AUCTION HOUSE - Any place where items are sold at auction to the highest bidder.

AUCTION, ESTATE OR ASSET LIQUIDATION – A temporary use where items from an estate or company are sold at auction to the highest bidder.

AUCTION, LIVESTOCK- A temporary use where livestock is sold at auction to the highest bidder.

AUTHORIZED AGENT - Any person with valid authority provided by the Owner, as evidenced by a legal document, authorizing representation of the Owner during the application process.

AUTOMOBILE PARTS, TIRES, ACCESSORIES - Establishments where automobile supplies are sold. These establishments are mainly retail in nature and parts are stocked inside the business on shelves or custom ordered for customers. For businesses that supply parts from wrecked vehicles or vehicles stored on site, see Salvage Yard.

AUTOMOBILE RENTAL - An establishment engaged in the rental of new or used motor vehicles.

AUTOMOTIVE REPAIR GARAGE - A facility which is used for the temporary storage, repair and servicing of automobiles and pick-up trucks, typically with two axles and four wheel spaces, and other similar small-scale vehicles.

AUTOMOBILE SALES, NEW AND USED - An establishment engaged in the display, sale or lease of new and/or used motor vehicles.

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AVERAGE LOT WIDTH - Measurement of average lot width shall be on an individual basis, not over several lots. For a regularly shaped lot (basically rectangular), two measurements shall be taken; at the front lot line (street frontage) and the rear lot line. The arithmetic mean lot size shall be used to determine average lot width. When a lot has multiple street frontages, the required lot width shall be measured along the narrowest street lot line (street frontage). Irregularly shaped lots shall be measured three times, with the arithmetic mean taken from those measurements. Measurement points will be determined on a case by case basis, but shall be roughly at the front, rear, and middle points of the lot.

BANK, FINANCIAL INSTITUTION - A business establishment where money is kept for savings or commercial purposes or is invested, supplied for loans or exchanged.

BANQUET HALL - A commercial establishment primarily engaged in renting space for wedding receptions, birthday parties, retirement parties, corporate events, awards banquets, graduations, etc. The establishment may or may not include on-site catering services.

BARBER, BEAUTY SALON- Establishments that provide personal hair care services to customers.

BARN - A building located on a farm or agricultural site used for storage, as a covered workplace, to house livestock or to store farming vehicles and equipment.

BED AND BREAKFAST - A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

- a. Does not serve food or drink to the general public for pay;
- b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- c. Includes the price of breakfast in the room rate; and
- d. Is the permanent residence of the owner or the manager of the business
- e. A bed and breakfast shall not operate as a reception facility.

BERM - A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or buffer yard along with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) - Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BLUEWAY - A water path or water trail that is developed with launch points and points of interest for canoeists and kayakers.

BODY PIERCING –The practice of puncturing or cutting a part of the human body, creating an opening in which jewelry may be worn, or where an implant could be inserted.

BONA FIDE FARM - The production and activities relating to or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S.106-581.1.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S.105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner or operator's most recent federal income tax return.
- d. A forest management plan.

BONA FIDE FARM PURPOSES. – Agricultural activities as set forth in G. S. 160D-903.

BOAT WORKS AND SALES - Establishments primarily engaged in the repair and/or sales of boats or personal watercraft.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance.

BOTTLING WORKS - A commercial enterprise whose output is the bottling of beverages for distribution.

BRICK- A masonry unit of clay cured in a kiln, typically used for building veneer, shaped as a rectangle $2\frac{1}{4} \times 3\frac{3}{4} \times 8$ inches.

BUFFER YARD - A strip of land established to protect one type of land use from another land use or to provide screening between uses.

BUILDING AND CONTRACTOR SUPPLY- Establishments primarily involved in wholesale supply of building materials, such as lumber, pipe, brick, stone, landscape materials, roofing materials, etc.

BULK GRAIN STORAGE - Establishments where bulk grain is stored for future use or processing.

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BUILDING HEIGHT - The vertical distance from grade to the highest point of the building. The height limitations of this Ordinance do not apply to passive solar collectors, church spires, belfries, cupolas and domes not intended for human occupancy.

BUS STATION, BUS TERMINAL - A structure or building where busses stop to pick up and drop off passengers.

CAMPGROUND - A plot, parcel, or tract of land upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CAR WASH - An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment or by self-service facilities.

CAST CONCRETE - A construction product produced by casting concrete in a reusable mold or forms which is then cured in a controlled environment, transported to a construction site and lifted into place.

CATERING SERVICE - A business the primary purpose of which is preparation of food not consumed on site.

CEMETERY - Property used for the interment of the dead, which may also include commercial sale and location of burial lots, crypts, or vaults for use exclusively on subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. This definition shall include pet cemeteries.

CERTIFICATE OF OCCUPANCY - The certificate issued by Cabarrus County Construction Standards, indicating that all required building and service systems have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CHANGE OF USE - A change from one principal use of a building or parcel of land to another principal use of the building or parcel of land.

CHEMICAL MANUFACTURING - Facilities primarily engaged in the manufacture of chemicals.

CIVIC GROUP CAMP FACILITY - These types of establishments typically provide recreational or educational opportunities for school age children or adults. These types of facilities may or may not include overnight accommodations for camp participants. Examples include but are not limited to: Religious Institution Camps or Retreats, Boy Scout Camps, Girl Scout Camps, YMCA, etc.

CIVIC ORGANIZATION FACILITY - A meeting place for organizations that promote civic enhancement including but not limited to: Jaycees, Rotary Club, Masons, Chamber of Commerce, Lions Club, VFW, American Legion, Boy Scouts and Girl Scouts.

COLISEUM - A large theater or building for public meetings, sporting events, exhibitions, etc.

COLLEGE, UNIVERSITY - An institution providing full-time or part-time education beyond the high school level which may also include lodging or housing for students or faculty.

COMBINE - To create one lot by combining two or more lots to meet development standards.

COMMERCIAL STABLE- A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

COMMERCIAL VEHICLE - Any motor vehicle with a manufacturer's chassis rating greater than one ton.

COMMUNICATIONS TOWER, 911 COMMUNICATIONS TOWER - A tower which supports communication (broadcast, receiving, or relay) equipment, utilized by government or other public and quasi-public users only. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission (FCC).

COMMUNITY GARDEN - A single piece of land gardened collectively by a group of people.

COMPREHENSIVE PLAN - Includes comprehensive plans, land-use plans, small area plans, neighborhood plans, transportation plans, capital improvement plans, and any other plans regarding land use and development that have been officially adopted by the governing board.

COMPREHENSIVE TRANSPORTATION PLAN (CTP) - A long-range, multimodal transportation plan that shows the future plans for the major highways, intersections, bus transit, passenger rail and other transportation facilities. It includes expected new facilities and whether there are planned improvements for current facilities. This information helps citizens and staff know whether to reserve right-of-way for future roadways and passenger rail during the development review process, and how to budget for future facilities. Projects included in the CTP are generally unfunded until ranked through the state prioritization process and placed on the State Transportation Improvement Plan.

CONCRETE PLANT - A device that combines various ingredients to form concrete.

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CONDITIONAL ZONING – A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONDOMINIUM - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONFORMING USE - A use that is permitted within the applicable zoning district.

CONSERVATION EASEMENT - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of the real property.

CONTIGUOUS - Bordering or adjoining.

CONTRACTOR OFFICE, CONSTRUCTION EQUIPMENT STORAGE A temporary accessory use that is part of to an active Construction Project, permitted in any zoning district.

CONTRACTOR'S STORAGE YARD - An outside area where construction materials and equipment are stored for jobs, inclusive of the contractor's office, if on site. Includes specialty trade contractors.

CONTRACTOR OR TRADE SHOP - Establishments primarily engaged in providing contracted services for customers off site. These establishments may include an office and a storage area of less than 10,000 square feet for materials to be used at job sites.

CONTROLLED-ACCESS FACILITY - A State highway, or section of State highway, especially designed for through traffic, and over, from, or to which highway, owners or occupants of abutting property, shall have only a controlled right or easement of access.

CONVENIENCE STORE WITH PETROLEUM SALES - A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers and self-service gasoline sales.

CONVENIENCE STORE WITHOUT PETROLEUM SALES - A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers.

CONVENTION CENTER FACILITY - A large civic building, or group of buildings, designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms.

CORRECTIONAL FACILITY - A building, or group of buildings, for the confinement of persons held while awaiting trial, persons sentenced after conviction, etc.

COUNTY – Any one of the counties listed in G.S. 153A-10.

CTP INDEX-A document that is part of the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan. It lists existing and proposed right-of-ways for roads and road widening projects located in Cabarrus and Rowan counties.

CUL-DE-SAC - A short street having only one end open to traffic and with a vehicular turnaround at the other end.

CREMATORIUM - A place where a dead person's body is cremated.

CURTAIN WALL- An exterior wall having no structural function.

DAIRY PROCESSING - Establishments primarily engaged in processing milk and milk based products for safe consumption by the general public.

DAY CAMP, SUMMER CAMP - These types of establishments typically provide recreational, educational or fine arts related opportunities for school age children during the summer or when school is not in session. These types of facilities may or may not include overnight accommodations for participants.

DECISION-MAKING BOARD – A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions.

DE NOVO HEARING - A new hearing, to hear anew.

DENSITY - The total number of dwelling units per acre.

DETAIL SERVICE - An establishment that provides washing and cleaning of passenger or recreational vehicles, inside and out, by hand, by use of automated equipment or by self-service facilities.

DETERMINATION – A written, final, and binding order, requirement, or determination regarding an administrative decision.

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DEVELOPER – A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT – Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT APPROVAL – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by local government regulations, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT REGULATION – A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D or a local act or charter that regulates land use or development.

DEVELOPMENT ORDER - Any action granting, granting with conditions or denying an application for a development permit.

DOUBLE FRONTAGE LOT- A lot having frontage on two streets.

DRIVE-IN THEATER - A motion-picture theater designed to accommodate patrons in their automobiles.

DRUG STORE, PHARMACY - Any place where prescription drugs are dispensed or compounded.

DRY CLEANING, LAUNDRY PLANT - A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing.

DRY CLEANING PICK-UP STATION - A place where articles to be dry cleaned are dropped off and picked up but are not processed on site.

DUMPSTER - A large steel waste receptacle designed to be emptied into garbage trucks.

DUPLEX - A building containing two individual commercial units located on a parcel that is at least 150% of the minimum lot size for the zoning district.

DWELLING – Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING UNIT - A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters for a family. Facilities for food preparation, sleeping and sanitation are included. Dwelling units may either be attached, sharing common vertical walls or detached, possessing open yards on all sides.

EASEMENT - A limited right to make use of a property owned by another.

ELECTRIC GENERATING FACILITY - Any plant facilities and equipment used for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power.

ELEMENTARY SCHOOL - A school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program.

EQUIPMENT SALES AND SERVICE - Establishments primarily involved in the retail sale and service of equipment, such as lawn mowers, tractors, bobcats, forklifts, etc.

ETHANOL FUEL PRODUCTION/ALCOHOL FUEL PLANT - A special type of distilled spirits plant for producing, storing, using or distributing distilled spirits to be used exclusively for fuel use. See Code of Federal Regulations, Title 27, Part 19.

1. Ethanol Fuel Production, Residential District, Personal Use Only, see Chapter 7 for standards.
2. Small Plant-An Alcohol fuel plant that produces (including receives) not more than 10,000 proof gallons of spirits per calendar year.
3. Medium Plant-An Alcohol fuel plant that produces (including receives) more than 10,000 but not more than 500,000 proof gallons of spirits per calendar year.

EVIDENTIARY HEARING – A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation

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EXTERNAL BUFFER YARD - A buffer yard located along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between development and adjacent land uses.

EXTRACTION OF EARTH PRODUCTS, MINING - Mining activities as defined in G.S. 74-49; summarized as the breaking of surface soil in order to remove minerals, ore, or other solid materials.

FABRICATION - Building structures by cutting, bending, and assembling pieces. It is a value-added process involving the creation of machines, parts, and structures from various raw materials.

FAMILY - For purposes of this Ordinance, family shall be defined as an individual or two or more persons related by blood, marriage or adoption, living together in a dwelling unit; or a group of not more than five persons who need not be related by blood, marriage, or adoption, living together in a dwelling unit. A "family" may include five or fewer foster children.

FAMILY CARE HOME – A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities.

FARM MACHINERY REPAIR SHOP - A facility used for the repair and servicing of farm related machinery, including but not limited to tractors, combines and front end loaders.

FARMER’S MARKET - A place where produce is brought for the purposes of retail sales. There may be more than one seller per parcel of land. The site may or may not include a permanent structure where the sellers can set up their produce. Typical items for sale at a farmer’s market include fruits, vegetables, eggs, baked goods, cheeses, meats, poultry and honey.

FARM SUPPLY SALES - Establishments primarily involved in retail sale of items typically used on a farm, including tractors, tractor parts and accessories, tillers, livestock feed, livestock housing, etc.

FENCE - A barrier of man-made construction, regardless of the material used, including walls but not retaining walls.

FEMA TRAILER - A FEMA manufactured trailer that is used as temporary shelter during the recovery phase of natural disaster or significant weather event.

FINAL PLAT - A survey map of record which indicates the final boundaries for streets, blocks, lots, easements, etc. and is recorded in office of the Register of Deeds.

FLAG LOT - A lot having no frontage or access to a street, right-of-way or place except by a narrow strip of land.

FLEA MARKET – Establishment where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas inside a building for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale.

FLOODPLAIN - A flat or nearly flat area of land adjacent to a stream or river that is susceptible to flooding during periods of high discharge. It includes the floodway, which consists of the stream channel and adjacent areas that carry flood flows, and the flood fringe, which are areas covered by the flood, but which do not experience a strong current.

FREEZER - Establishments primarily engaged in the processing of foods or the storage of frozen foods for distribution.

FRONTAGE - The distance in which a property line is common with a public or private street road right-of-way.

FOUNDRY - A workplace for casting metal or glass.

FULL ACCESS DRIVEWAY. - A driveway providing access to and from a lot adjoining the frontage roadway, which is intended to provide both ingress to and egress from the lot for traffic entering and exiting the lot from the left and from the right.

FUNERAL HOME - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services. These establishments may include on-site crematories.

GARAGE - An accessory building, or portion of a principal building, designed or used for the parking or temporary storage of motor vehicles.

GARDEN - An area used for the raising of fruits, vegetables or flowers usually found on residential property as an accessory use.

GAS SERVICE STATION - A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities, but not body work or painting, which are subordinate to the sale of petroleum products.

GOLF COURSE - An area that includes a series of holes, each consisting of a teeing ground, a fairway, rough and other hazards, and a green, all designed for the game of golf. A golf course may be publicly or privately owned.

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GOVERNING BOARD – The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

GOVERNMENT, EXCLUDING CORRECTIONAL FACILITY - Buildings used for the provision of government services. Examples include administrative offices, social service offices, tax collection, etc.

GOVERNMENT BUILDINGS, STORAGE ONLY - Buildings used by government as a storage facility only.

GOVERNMENT BUILDINGS, STORAGE ONLY, WITH OUTDOOR STORAGE AREA - Buildings used by government as a storage facility only which may include an area outside of the building that is also used for storage.

GOVERNMENTAL WASTEWATER SYSTEM (SEWER) - A single system of wastewater collection, treatment and disposal owned and operated by a water and sewer authority, a county or municipality.

GOVERNMENTAL WATER SYSTEM (WATER) - A single system for water distribution and treatment, owned and operated by a water and sewer authority, a county or municipality.

GREENHOUSE - An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants.

GREENWAY - A greenway is a corridor of protected open space that is managed for recreation or conservation purposes.

GROUP CARE FACILITY – A facility licensed by the State of North Carolina, other than a Family Care Home, with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for more than six resident persons with disabilities.

GUNSMITH - A person who repairs, modifies, designs, or builds firearms.

HATCHERY - A facility for the reproduction of types of living species generated from eggs, typically, non-mammal species.

HAZARD MITIGATION - Actions taken to help reduce or eliminate long-term risks caused by hazards or disasters, such as flooding, earthquakes, wildfires, landslides, or dam failure.

HEALTH CLUB, FITNESS CENTER - An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEAVY EQUIPMENT - Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT - The vertical distance from the grade to the highest point of any portion of a structure.

HIGH SCHOOL - A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education.

HOME OCCUPATION, GENERAL - A business, profession, occupation, or trade which is conducted within a residential dwelling for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the dwelling, and which does not adversely affect the character of the-property or the surrounding area. See Chapter 7 for list of permitted general home occupations.

HOME OCCUPATION, RURAL - An accessory use subordinate to the primary residential use of the property operated by persons residing in the principal dwelling on the same parcel of land upon which the home occupation is located. Additionally, such use may be carried out in no more than one building separate from the principal residential dwelling on the same parcel of land. See Chapter 7 for list of permitted rural home occupations.

HOSPITAL - A public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

HOTEL - Any building containing guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

ICE PLANT - Establishments primarily engaged in the production of ice.

ICE PRODUCTION, ICE DISPENSING - A self-contained plant that produces, stores, bags and sells ice to customers through a vending system.

IMPERMEABLE OR IMPERVIOUS SURFACE - Refers to land area which, by virtue of an outer coating, no longer permits the penetration of water.

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INN - A commercial establishment, typically a smaller facility, that provides lodging and food for the public and whose primary customers are travelers.

INTERSTATE - A multi-lane express route with limited access connecting or existing between two or more states.

IRON WORKS - A building or site where iron is smelted and where heavy iron and/or steel products are made.

ITINERANT MERCHANT- Merchants that sell food, fruit, vegetables, beverages, or merchandise from a temporary stand, motor vehicle or food truck at existing business sites.

JUNK VEHICLE - Any motor vehicle that:

1. Does not display a current license tag and registration; or
2. Is partially dismantled or wrecked; or
3. Cannot be self-propelled or moved in a manner in which it originally was intended to move;
4. Is not road worthy; or
5. Is more than five years old and appears to have no resale value except as a source of parts or scrap.

KENNEL, COMMERCIAL - A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot.

KENNEL, PRIVATE - Considered to exist when five or more dogs over six (6) months of age are kept as pets and/or for hunting, dog shows, exhibitions, or field and obedience trials.

LAND DISTURBING ACTIVITY - Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDFILL, DEMOLITION - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid waste meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or re-contour land using only soil is not construed to be such a landfill. Demolition landfills are presumed to be an adjunct to an ongoing construction process and, as such, are to be reclaimed at the termination of construction.

LANDFILL, SANITARY - Any disposal facility or part of a disposal facility where waste is placed in or on land, whether publicly or privately owned, and holding a permit from the State of North Carolina.

LANDLOCKED PARCEL - A parcel of land without access of record.

LANDOWNER OR OWNER– The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina.

LANDSCAPE CONTRACTOR - Within the meaning of this Ordinance, any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board.

LAUNDROMAT - A commercial establishment where clothes can be washed and dried using coin-operated machines.

LEGISLATIVE DECISION – The adoption, amendment, or repeal of a regulation under this Ordinance or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement.

LEGISLATIVE HEARING – A hearing to solicit public comment on a proposed legislative decision.

LIVESTOCK - Shall include, but not be limited to, equine animals such as horses and donkeys, bovine animals such as cattle, bison, buffalo, water buffalo, yak, antelopes, sheep, goats, llamas, alpacas, poultry, such as chickens, quail, ducks, geese or turkeys, ostriches, emus, pheasants, rabbits, and swine, such as domesticated pigs, hogs or potbelly pigs. These types of animals are typically housed on a farm. Poultry Exception: See Chapter 7, Agriculture-Female Chickens (Limited Number)

LIVESTOCK SALES - Any business where the primary purpose is to buy livestock for the purpose of resale or auction.

LOADING AND UNLOADING SPACE - A permanently maintained space for the purpose of loading and unloading goods or receiving inventory.

LOCAL ACT – As defined in G.S. 160A-1(2).

LOCAL GOVERNMENT – A city or county.

LOCKSMITH - A person who makes or repairs locks and keys.

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LOT - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision plat, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract.

LOT OF RECORD - A parcel of property indicated by deed or plat which is filed with the County Register of Deeds and that exists in the records of the Cabarrus County Register of Deeds.

LOT DEPTH (LENGTH) - The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT FRONTAGE - The distance for which a lot abuts a street.

LOT LINE - Any boundary or boundary line which provides the legally defined limits of a lot, parcel or tract.

MACHINE SHOP - Establishments primarily involved with a form of subtractive manufacturing in which a collection of material-working processes utilizing power-driven tools such as lathes, milling machines, and drill presses, are used with a sharp cutting tool to physically remove material to achieve a desired geometry.

MAINTENANCE - The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SUBDIVISION - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MANUFACTURED HOME, MOBILE HOME - A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

MANUFACTURED HOME PARK - Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence.

MANUFACTURED HOME RETAIL SALES - Establishments where manufactured homes are set up and on display for potential buyers to view.

MANUFACTURED HOME SPACE - The portion of land area allotted and/or designated to be allotted to any one manufactured home in a manufactured home park.

MANUFACTURED HOME SUBDIVISION - A parcel or contiguous parcels of land subdivided into two or more lots configured for development and placement of manufactured housing.

MANUFACTURING - Establishments primarily engaged in the use of machines, tools, and labor to produce goods for use or sale.

METAL FABRICATION - Building metal structures by cutting, bending, and assembling pieces.

METAL WORKS, METAL PROCESSING - Establishments primarily engaged in the process of working with metals to create individual parts, assemblies, or large scale structures.

MIDDLE SCHOOL - A school which embraces not more than the first year of high school with not more than the upper two elementary grades.

MINOR PLAT - A plat that may be used for the transfer of land qualifying as a minor subdivision as defined in the Cabarrus County Subdivision Ordinance.

MITIGATION - The minimization of impacts that result from development. Examples of mitigation include providing road improvements or traffic signals to lessen the impacts of increased traffic, installing additional buffering next to existing residential property lines to provide increased visual screening or increasing setbacks to lessen noise at property boundaries.

MIXED USE DEVELOPMENT - A proposed development that includes primary non-residential and primary residential uses on the same site.

MOBILE OFFICE, TEMPORARY - Office space mostly used in conjunction with either construction or residential sales projects not of a permanent nature typically housed in a form of a mobile unit.

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MOBILE PERSONAL STORAGE UNIT - A portable storage or shipping container typically used for local or long distance moving. Also known as POD units or SAM units.

MODULAR HOME - A dwelling unit constructed in accordance with the construction standards of North Carolina Residential Code for One-and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on a chassis or steel frame, or a series of panels or room sections transported to the site and erected, assembled, or joined there.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients.

MOTOR HOME - A large motor vehicle, usually with facilities for sleeping and eating, used for recreational activities such as camping.

MOTOR VEHICLE - Any machine designed or intended to travel over land, water, or air by self-propulsion or while attached to a self-propelled vehicle.

MOTORCYCLE, ATV, AND OTHER MOTOR VEHICLE DEALERS - Establishments primarily engaged in retailing new and/or used motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), personal watercraft (jet skis), utility trailers, and other motor vehicles or retailing these new vehicles in combination with activities, such as repair services and selling replacement parts and accessories. Does not include automobiles, light trucks, recreational vehicles, or boats.

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MOVIE THEATER - A motion-picture theater. May include in-house restaurant facility that serves patrons food while watching the motion-picture.

MOVING VAN, TRUCK OR TRAILER RENTAL - Establishments primarily engaged in renting moving vans, trucks or trailers. These types of facilities may be permitted as a standalone use or as accessory use at self-storage facilities.

MULTIFAMILY RESIDENTIAL - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities. May be stacked or located side by side.

MULTI-PHASED DEVELOPMENT- A development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

MULTIMEDIA PRODUCTION AND DISTRIBUTION COMPLEX - A facility, the principal use of which is to create varying forms of educational or entertainment products including but not limited to films, videos, and records. The facility also encompasses all allied accessory uses spanning both the construction and media production fields.

NAIL SALON - Establishments primarily engaged in providing nail services, such as manicures and pedicures.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure that was lawfully developed, and legally existed prior to any change in the applicable zoning district-regulations, but does not comply with one or more of the applicable district regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance.

NONCONFORMING LOT - A lot which was lawfully created prior to the adoption of this Ordinance but which does not conform to the dimensional requirements for lots in its zoning district as set forth in this Ordinance.

NONCONFORMING USE - A use of land that:

1. Legally existed before its current zoning or land use category designation; and
2. Has been maintained continuously since the time the applicable regulations governing the land changed; and
3. Because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale.

NURSERY, DAYCARE CENTER - An individual, agency, or organization providing pre-school instruction or care on a regular basis for more than five children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult. Includes adult daycare facilities that provide adult care services and activities while the adult's primary care giver is at work.

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OPEN SPACE - Any portion of a parcel or area of land or water which is open and unobstructed from the ground to the sky including areas maintained in a natural and undisturbed character.

OPEN SPACE, COMMON - Open space within or related to a development or subdivision, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

ORDINANCE - Unless otherwise specified, refers to the Cabarrus County Development Ordinance.

OUTDOOR STORAGE AREA- An area provided for the storage of materials or equipment that is not located inside a building.

OWNER - Any person, agent, firm or corporation having a legal or equitable interest in the property.

PARK - Provides recreational opportunities and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. A park may also include areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARKING GARAGE, COMMERCIAL - An attached or detached building which is used for the parking or storing of motor and other vehicles. These facilities are open to public use-and typically charge a daily or monthly fee.

PARKING LOT, COMMERCIAL - Any lot, parcel, area or place for the parking or storing of motor and other vehicles. These facilities are open to public use and typically charge a daily or monthly fee.

PARKING SPACE - A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PAWN SHOP - A business that offers secured loans to people, with items of personal property used as collateral.

PERMEABLE PAVEMENT - A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high

rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

PERMANENT TEMPORARY EVENT FACILITY-A permanent site intended to accommodate uses that are typically held outdoors and temporary in nature, such as festivals, car shows, RV shows, circuses, fairs, craft fairs, concerts, fund raising events, etc. and includes customary and incidental uses related thereto.

PERMIT - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of compliance, certificate of occupancy; special use permit; or any other official action of the County or any other state or local government commission, board, agency, or department having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

PERMITTED BASED ON STANDARDS (PBS) - The proposed land use in question could be compatible with the district as long as it meets certain additional standards.

PERMITTED BY RIGHT (P) - A proposed land use that is considered compatible in a particular zoning district.

PERSON – An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

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

PET SHOP, PET GROOMING, ENCLOSED FACILITY - Establishment that acquires for the purposes of resale, animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. Pet Shops may provide grooming services, such as bathing and nail trimming, for pets. Facilities that provide grooming services only are also included in this category. Animals at these types of establishments must be kept and boarded inside the building.

PETITIONER - See applicant.

PHASED SUBDIVISION OR SITE PLAN APPLICATION - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in individual phase(s) over a period of time.

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PLANNING AND DEVELOPMENT REGULATION JURISDICTION – The geographic area within which a city or county may undertake planning and apply development regulations.

PLANNING BOARD – Any board or commission established pursuant to G.S. 160D-301.

PLANNING AND ZONING COMMISSION - The Cabarrus County Planning and Zoning Commission. Also referred to as the Planning Board.

PLAT - The legal map of a subdivision.

PRELIMINARY PLAT - The preliminary survey drawing or drawings indicating the proposed manner or layout of the proposed subdivision to be submitted to the proper authority for approval.

PREMISES - A lot, parcel tract or plot of land together with the buildings and structures thereon.

PRIMARY BUILDING OR STRUCTURE - The building or structure where the principal use of the parcel is located. This shall include any buildings which are attached to the principal structure by a covered structure.

PRINCIPAL USE - The main or primary use of a parcel of land.

PRINTING, REPROGRAPHIC FACILITY - Establishments primarily engaged in the process of reproducing, reprinting, or copying graphic material especially by mechanical, photographic, or electronic means.

PRIVATE - Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE ROAD - Any road, street, or other means of vehicular access to a parcel of land not dedicated or intended for public use.

PRIVATE STABLE - A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

PROFESSIONAL ENGINEER - A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

PROFESSIONAL OFFICE - A place where a particular kind of business is transacted or a professional service is offered, excludes retail. Examples of professional office include accountant's office, physician, dentist or chiropractor's office, lawyer's office, engineer, architect or surveyor's office, consultant's office, photographer's office, etc.

PROMOTIONAL ACTIVITIES INVOLVING THE DISPLAY OF GOODS OR MERCHANDISE - Activities conducted on the premises of an existing business, typically near the entrance to the building, to advertise the goods or merchandise sold at that business.

PROPERTY - All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

PROPERTY LINE, COMMON - A line dividing one lot from another.

PUBLIC CULTURAL FACILITY - The use of land, buildings, or structures by a governmental agency to provide cultural services directly to the general public, inclusive of public libraries and museums.

PUBLIC HEARING - A public meeting for which notice has been given and an opportunity for public testimony is provided.

PUBLIC MEETING - A meeting where the public may attend.

PUBLIC NOTICE - Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY - Any area on, or adjoining, a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

PUBLIC SERVICE FACILITY - The use of land, buildings, or structures by a public utility, railroad, or governmental agency. Includes, but is not limited to:

1. Water treatment plants or pumping stations
2. Sewage treatment plants or pumping stations
3. Non-nuclear power stations and substations
4. Telephone exchanges
5. Bus and railroad terminals or stations
6. Alternative power generation facilities, including solar fields, solar farms and wind farms
7. Natural gas facilities
8. Other similar public service structures

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Land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials are not considered public service facilities. See government buildings, storage only.

PUBLIC USE FACILITY - The use of land, buildings, or structures by a governmental agency to provide protective, administrative, social, or recreational services directly to the general public. Includes:

1. Police, fire and emergency medical services stations
2. Emergency services sub-stations
3. Community centers, senior centers
4. Public parks
5. Other public facilities providing any of the above services.

Land, buildings or structures devoted solely to the storage and maintenance of equipment and materials are not considered public use facilities. See government buildings, storage only.

PUBLIC UTILITY - A business organization (such as an electric, water or sewer company) performing a public service and subject to special governmental regulation.

QUASI-JUDICIAL DECISION – A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

QUARRY - See EXTRACTION OF EARTH PRODUCTS, MINING

RACE TRACK, ANIMAL - A facility consisting of a dirt track used primarily for the sport of animal racing, such as dogs or horses. The race track may include seating, concession areas and parking facilities and offices but does not include residences, or retail facilities.

RACE TRACK, AUTOMOBILE - A facility consisting of a paved or dirt roadway used primarily for the sport of automobile racing. The race track may include seating, concession areas, suites, parking facilities and accessory offices but does not include, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks or other similar facilities), but does not include seating, concession areas, or retail facilities for the general public.

RACETRACK, OTHER - A facility consisting of tracks or courses used for racing go-karts, motorcycles, BMX bicycles, All-Terrain Vehicles (ATVs), etc. The race track may include seating, concession areas, parking facilities and accessory offices but does not include residences or retail facilities.

REAR SETBACK - The minimum distance between any building and the rear property line.

RACE SHOP - A facility used for the production, testing, and repair of competitively raced motor vehicles inclusive of offices and warehousing of vehicles and souvenirs.

RACE TEAM COMPLEX - A facility used for the production, testing, and repair of competitively raced motor vehicles inclusive of offices, warehousing of vehicles and souvenirs. Race Team complexes may include multiple buildings for multiple teams or separate fabrication, chassis construction, or painting facilities.

RADIO AND TELEVISION STUDIO - A facility for the production of films and/or the production and broadcast of television and radio programs.

RAIL STATION, RAIL TERMINAL - A railway facility where trains regularly stop to load or unload passengers or freight.

RAIL STORAGE YARD - A complex series of railroad tracks for storing, sorting, or loading or unloading, railroad cars or locomotives.

RECEPTION FACILITIES - Establishments located in rural Cabarrus County, which host banquets, wedding receptions, private events, parties, etc. Events are by reservation only, with food and beverage brought on site or prepared in an approved kitchen located on the site. A reception facility shall not be operated as a restaurant with entertainment or as a bed and breakfast.

RECREATIONAL FACILITY, INDOOR - An establishment providing amusement, entertainment or recreation indoors typically for an admission charge. Types of indoor recreational facilities include but are not limited to:

- a. Dance halls
- b. Live theater
- c. Bands, orchestra and other musical entertainment
- d. Bowling alleys
- e. Billiard and pool establishments
- f. Membership sports and recreation clubs
- g. Indoor swimming pools or waterparks
- h. Skating rinks
- i. Indoor kart racing

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RECREATIONAL FACILITY, OUTDOOR - An establishment providing amusement, entertainment or recreation outdoors, typically for an admission charge or membership fee. Types of outdoor recreational facilities include but are not limited to:

- a. Ball field, ball field complex
- b. Soccer field, soccer field complex
- c. Miniature golf
- d. Outdoor Adventure Facilities, including zip lines, ropes courses and rock climbing walls
- e. Amphitheater
- f. Campground
- g. Non-competitive kart racing
- h. Radio controlled race car or truck course
- i. Radio controlled airplane flying fields, drone flying fields
- j. Paint ball fields
- k. Outdoor pools or waterparks open to the general public

RECREATIONAL THERAPY FACILITY, RURAL SETTING - A facility that provides recreational therapy to individuals with a wide range of cognitive, physical and emotional disabilities. Recreational therapy is the provision of services to an individual to restore and rehabilitate using recreational techniques, in order to improve functioning and independence, as well as reduce or eliminate the effects of illness or disability and promote well-being.

RECREATIONAL TRAIL - Any paved or unpaved surface used as a greenway, blueway or recreational facility.

RECREATIONAL VEHICLE - A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, motor homes and tiny homes on wheels. Recreational vehicles are intended for temporary occupancy and may not be used as a permanent residence.

RECYCLABLE MATERIALS DROP OFF - A bin or container-like device situated for the receipt and temporary storage of recyclable materials which is not enclosed within a building or structure.

REGISTERED LAND SURVEYOR - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

RELIGIOUS INSTITUTION - Any of a broad range of denominations organized primarily for the purpose of providing weekly religious services, Sunday school and occasional evening religious events.

RELIGIOUS INSTITUTION WITH SCHOOL - Any of a broad range of denominations organized primarily for the purpose of providing weekly religious services, Sunday school, occasional evening religious events, and standard secular teaching at both the elementary and secondary levels on weekdays, similar to that offered by the North Carolina Department of Education.

REQUIRED SETBACK - The distance required between a building or other structure and the property line.

RESTAURANT, EXCLUDING DRIVE THROUGH - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor seating area.

RESTAURANT WITH DRIVE-THRU FACILITY - An establishment serving food and beverages, where service takes place within an enclosed building, in accessory outdoor seating areas, or through a vehicular pickup window.

REST HOME, CONVALESCENT HOME, NURSING HOME - A facility primarily designed to provide a home-like environment while patients recover from long term illnesses or medical procedures. Many residents return to their own homes after recovery but some may stay at the facility to receive long term health care.

RETAIL SALES, NEIGHBORHOOD MARKET - Small store intended to serve the surrounding neighborhood. These types of markets typically sell bread, milk, snack foods, drinks, candy, bait and other basic grocery items and may include a small area where simple foods are prepared. These markets are 1000 square feet or less.

RETAIL SALES, SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

RETAINING WALL - A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

RIGHT-OF-WAY- The right to cross somebody else's property by a specific route.

ROADWAY - The improved portion of a street within a right-of-way and/or easement.

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SAWMILL - Establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size.

SALVAGE YARD - An establishment operated for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, construction materials, wrecked, used or dismantled products and articles, such as machinery, vehicles, appliances, manufactured homes, recreational vehicles, and the like. Also known as a Junk Yard.

SCIENTIFIC RESEARCH AND DEVELOPMENT - Government or other organizations engaged in scientific research and/or new or enhanced product design or development.

SCREENING - Shielding, concealing or effectively hiding from view of a person standing at ground level on an abutting site by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or buffer yard.

SEDIMENT - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENT AND EROSION CONTROL DEVICES - Sediment fences, sediment traps, or other devices necessary to reduce sedimentation.

SEDIMENTATION - The process by which sediment has been, or is being, transported off the site of land disturbing activity or into a lake or watercourse.

SELF SERVICE STORAGE FACILITY - Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

SEMI-ATTACHED HOUSE - Two houses sharing one common side, typically identical homes on each end with matching appearances and driveways, with a common front lawn.

SEPTIC TANK SYSTEM - A subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

SETBACK - The minimum distance between any building and the property line.

SETBACK LINE - A line marking the distance from the street right-of-way or lot lines which establishes the minimum required front, side and rear setbacks.

SHOOTING RANGE, INDOOR - A firing range facility with targets for rifle or handgun practice located inside a building.

SHOOTING RANGE, WITH OUTDOOR TARGET PRACTICE - A firing range facility with targets for rifle or handgun practice located inside a building and also includes outdoor practice ranges.

SINGLE-FAMILY DETACHED RESIDENTIAL DWELLING - A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation.

SITE PLAN – A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, landscape and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SITE SPECIFIC DEVELOPMENT PLAN (SSDP) - A plan which has been submitted by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

SKETCH PLAN - A sketch submitted prior to the preliminary plat or site plan to enable the applicant to save time and expense in reaching general agreement with the reviewing authority as to the form of the plat or site plan and the objectives of this Ordinance.

SKIN CARE SALON - Establishments primarily engaged in providing personal services related to skin care such as facials and laser treatments.

SLAUGHTERHOUSE, MEAT PACKING - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

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SLOPE - A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SMALL ENGINE REPAIR SHOP - A facility used for the repair and servicing of small engines, such as lawn mowers, lawn tractors, chain saws, trimmers, etc.

SOIL SURVEY - The Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by reference.

SOLAR FARM - Collections of solar panels that work together to capture sunlight and turn it into electricity.

SOLAR PANEL - A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

SOLAR PANELS AS RESIDENTIAL ACCESSORY USE – A collection of up to 20 solar panels, located on a residential property, used for power generation for the subject property.

SPECIAL USE - A use which, because of its unique characteristics, cannot be properly classified as a permitted use and warrants review by the Planning and Zoning Commission, serving as Board of Adjustment.

SPECIAL USE PERMIT – A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

SPORTS AND RECREATION INSTRUCTION OR CAMP - Establishments primarily involved in the instruction of sports or recreation, including but not limited to baseball, football, soccer, tennis, golf, lacrosse, dance or gymnastics. These facilities may or may not include overnight accommodations for participants.

SPLIT-FACE BLOCK-A concrete masonry unit, split lengthwise by a machine after curing to produce a rough, fractured face texture.

STADIUM - A sports arena, usually oval or horseshoe-shaped, with tiers of seats for spectators.

STEEL MILL - An industrial plant for the manufacture of steel.

STORAGE BUILDING SALES - Establishments primarily engaged in the display and sale of small accessory buildings to be used for storage.

STORAGE LOT, LOGISTICS AND FREIGHT - A lot used for the storage of logistics and freight related trailers and chassis. These lots typically charge a monthly fee.

STORMWATER - The flow of water which results from precipitation and which occur immediately following rainfall or a snowmelt.

STORMWATER RUNOFF - The direct runoff of water resulting from precipitation in any form.

STREET, PUBLIC - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. Also includes any Road.

STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURAL COVERAGE - Refers to the amount of land area covered by structures.

STRUCTURE - Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code.

STRUCTURE, ACCESSORY - A structure located on the same lot and customarily incidental and subordinate to the principal building or structure.

STRUCTURE, PERMANENT - Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY - A moveable structure not designed for human occupancy.

STUB-OUT, STUB-STREET - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE - The act or process of creating a Subdivision.

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SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SWALE - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIM CLUB, TENNIS CLUB, COUNTRY CLUB - A private club that provides one or more of the following: tennis or swimming facilities, indoor or outdoor exercise facilities, recreation rooms, recreational equipment, tennis or swimming lessons, etc. These types of facilities are restricted to use by members and their guests. Country Clubs may also include golf courses and/or a clubhouse with dining and banquet facilities.

SWIMMING POOL - A structure designed to hold water to enable swimming or other water based leisure activities. Pools can be built into the ground or built above ground.

TANNING SALON - Establishments that provide tanning beds and/or spray tanning for customers.

TATTOO - A form of body modification made by inserting indelible ink into the dermis layer of the skin to permanently change the pigment.

TATTOO STUDIO - A place where people receive permanent decorative tattoos from a tattoo artist. Body piercing may also be performed at these facilities.

TAXI SERVICE - A service that provides vehicles for hire with a driver who conveys passengers between locations of their choice for a fee.

TAXIDERMY - The act of mounting, stuffing or reproducing dead animals for display.

TAXIDERMY STUDIO - A place where a taxidermist performs taxidermy.

TEMPORARY FAMILY HEALTH CARE STRUCTURE – A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

TEMPORARY USE - A use that is established with the intent to discontinue such use upon the expiration of the permit and that does not involve the construction or alteration of any permanent structure. See Chapter 7, Temporary Uses for List of Uses.

THOROUGHFARE - Those roadways in Cabarrus County designated as thoroughfares (major or minor) by the North Carolina Department of Transportation (NCDOT) or the Long Range Transportation Plan.

THOROUGHFARE, MAJOR - Primary traffic arteries where the main function is to move traffic in and around the area.

THOROUGHFARE, MINOR - Roads that collect traffic from local streets and carry it to the major thoroughfares.

TIRE RECAPPING - Establishments where worn automobile tires are reconditioned.

TOUR BUS COMPANY - A bus service that takes visitors sightseeing, with routes around tourist attractions.

TOW TRUCK - A vehicle used to transport motor vehicles to another location or to recover vehicles which are no longer on a drivable surface.

TOWING SERVICE - Businesses primarily engaged in pulling or hauling vehicles in the case of breakdowns or collisions or that may be impounded for legal reasons.

TOWNHOUSE - A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit.

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TRADE OR VOCATIONAL SCHOOL - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools.

TRAIL HEAD - Area specifically designated for accessing a recreational trail.

TRUCKING AND HEAVY EQUIPMENT, SALES AND SERVICE - A commercial facility for the maintenance of trucks or their sale, rental or lease, including the sale, rental or lease of heavy equipment.

TRUCKING EQUIPMENT COMPANY, HEAVY EQUIPMENT COMPANY, DISPATCH FACILITY WITH STORAGE - A commercial facility for the dispatch of trucks or heavy equipment which includes the storage of such equipment on site between jobs.

TRUCK STOP, TRUCK TERMINAL - A facility which accommodates the trucking industry by providing fueling stations, weigh stations, restaurants, convenience foods, and occasionally, overnight rooming accommodations. These facilities are typically located near state, federal or interstate highways.

UNDERLYING ZONING DISTRICT - A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UPZONING - The reclassification of land from a residential to a non-residential zoning district, or to a zoning district which permits greater density or intensity than the current zoning classification of the property.

USE - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED - Any use that is or may be lawfully established in a particular district provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE VARIANCE - A variance as to the permissible use of land. A use variance is not permitted under North Carolina law.

UTILITY USE – See Public Service Facility

VARIANCE - A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this Ordinance. Establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

VESTED RIGHT - The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance.

VETERINARIAN - A person rendering surgical and medical treatment to animals which may include overnight accommodations for the animals for purposes of recovery or boarding. Crematory facilities shall not be allowed as part of a veterinarian office or establishment.

WAREHOUSE, ENCLOSED STORAGE - The indoor storage of goods, materials, or merchandise for shipment to or processing on other property with no on site retailing.

WAREHOUSE WITH OUTDOOR STORAGE - The outside storage of goods, materials, or merchandise for shipment to or processing on other property with no on site retailing.

WAREHOUSE, VOLATILE MATERIALS - The indoor or outside storage of materials considered to be volatile, i.e., explosive. Petroleum products, propane, oxygen, dynamite and blasting supplies are among those items considered volatile materials.

WATER TREATMENT FACILITY - Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

WATERSHED - A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission.

WELDING SHOP - Establishments primarily engaged in the process of metal welding or metal repair.

WELLNESS RETREAT, WELLNESS SPA- A retreat, camp or spa where the focus of the facility is physical fitness, holistic care, relaxation, emotional balance, stress reduction and spiritual health. These facilities are typically located in a natural setting where clients enjoy nature and activities related to, or occurring in, the natural setting. Facilities may or may not include overnight accommodations. Day spas may also be included as a part of these types of facilities.

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WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

WIND ENERGY FACILITY- A facility generating electricity, for personal use only, through using a wind turbine or multiple turbines on the same site.

WIND FARM - Large collections of wind turbines that work together to capture wind energy and turn it into electricity.

WIND TURBINE- a device that converts kinetic energy from the wind into electrical power.

WIRELESS TELECOMMUNICATION SERVICES (WTS) - Licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services for non-commercial entities in the amateur radio service, public safety radio service, or licenses assigned to non-profit organizations such as the Red Cross, Civil Air Patrol, or other military affiliated radio services that are licensed by the Federal Communications Commission.

ZONING ADMINISTRATOR - The employee of the Cabarrus County Planning and Development charged with overseeing the administration and enforcement of these regulations and his/her designee(s).

ZONING DISTRICT - Any portion of the area of the County in which the same Zoning regulations apply.

ZONING ENFORCEMENT OFFICER- Zoning Administrator and/or his or her duly authorized representative.

ZONING MAP AMENDMENT, REZONING – A request to change the zoning designation and applicable regulations applied to a specified property or properties.

Section 3-1 Introduction

The purpose of this Chapter is twofold. First, it is to establish types of zoning districts for grouping similar and compatible land uses throughout Cabarrus County. Secondly, it is to set forth a "Table of Permitted Uses" that lists types of land uses and their status in each district.

Section 3-2 How to use this Chapter

The description of zoning districts is set forth in Section 3-7. After a description of the zoning district, a listing of uses follows. If you know the zoning district and want to understand what is allowed within it, this section provides the answer. If, on the other hand, you have a use in mind and want to know where it fits, find the use in the Table of Permitted Uses located at the end of this Chapter to understand the status within the various zoning districts. A land use may be:

Permitted by right (P) - This means that the land use is considered completely compatible in the district and no further governmental review is needed.

Permitted based on standards (PBS) - This means that the land use in question could be compatible with the district as long as it meets certain standards. For example, a gas station may be completely appropriate in a residential district if it is built on a smaller scale than the gas stations found on major commercial corridors with multiple pumps and twenty-four hour operation. Many of the PBS uses have more than one standard.

Special Use (SU) - This means that the land use considered needs to be reviewed by a public body, in this case, the Planning & Zoning Commission acting as a Board of Adjustment. Often, these are land uses with the potential for far reaching consequences. A public airport is a good example. The creation of an airport may profoundly affect an area's transportation system, may greatly affect surrounding land use from a noise standpoint, etc. Accordingly, these types of land uses merit consideration and debate in a public forum. In order to assure compatibility with surrounding land uses, conditions may be placed on the proposed development of the property.

Accessory use - These are land uses that are secondary, subordinate, and incidental to what typically is the original land use or permitted use. Within the Table of Permitted Uses, all accessory uses are listed as a separate type of use under the heading of "Accessory". A utility shed in the backyard of a residentially developed property is a good example of an accessory use. Accessory uses must be considered compatible with

both the original use and the surrounding land uses. Accessory uses cannot exist by themselves. They must be accessory to the primary use of the property.

Section 3-3 Zoning districts designated and purposes listed

All land and water areas in Cabarrus County, except within the corporate limits of any municipality and their respective extraterritorial jurisdictions, if any, are divided into the following districts. Such districts are designed to both assure the compatibility of land uses within each district and to partially implement the officially adopted Cabarrus County Area Plans, and other planning documents which serve as part of the overall county comprehensive plan.

Section 3-4 Standard zoning districts and standard zoning district categories

For the purpose of implementing this Ordinance, the following general zoning categories and specific zoning district types are hereby created.

RESIDENTIAL:

Agricultural/Open Space (AO)
Countryside residential (CR)
Low density residential (LDR)
Medium density residential (MDR)
High density residential/mixed use
(HDR/MU)

COMMERCIAL:

Office/Institutional (OI)
Limited commercial (LC)
General commercial (GC)

INDUSTRIAL:

Limited industrial (LI)
General industrial (GI)

Section 3-5 Map of zoning districts

The boundaries of these districts are shown on maps entitled "Official Zoning Atlas of Cabarrus County." The zoning atlas and all notations, references and amendments to it are hereby made a part of this Ordinance. These documents are kept in the Office of the Zoning Administrator and are available for public inspection. Other supplements, in the form of maps, guides, illustrations, records, reports, interpretive material and standards may be officially adopted, directly or by reference, to facilitate administration and public understanding of the Official Zoning Atlas or of regulations adopted for the zoning districts or other divisions established thereby.

Section 3-6 Rules governing interpretation of district boundaries

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following jurisdictional lines of municipalities or sanitary districts shall be construed as following such lines.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line.
- f. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and in the event of change, construed as being the actual.

Boundaries indicated as parallel to or extensions of features indicated in (a) through (f) above shall also be construed.

Distances not specifically indicated on the Official Zoning Atlas shall be determined by the scale of the map.

- a. Where physical or cultural features existing on the ground vary with those shown on the Official Zoning Atlas, or in other circumstances not covered by (a) through (f) above, the Zoning Administrator shall interpret the district boundaries.
- b. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the regulations for either portion of the lot may be extended, not to exceed one hundred (100) feet, beyond the district line into the remaining portion of the lot.

Section 3-7 Statements regarding the purpose of zoning districts

The following subsections more fully describe the essential nature of each zoning district; explain the rationale for its creation and list land uses as either Permitted (P), Permitted Based on Standards (PBS), or Special Use (SU).

RESIDENTIAL DISTRICTS:

AGRICULTURAL/OPEN SPACE

This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavors are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural - housing and business are typically related to, and supportive of, the practice of modern day agriculture. It is not, however, improbable that a small hamlet type settlement might evolve in this zoning district. As to those areas constituting open space, manmade uses must take care to enhance and not detract from the essential character of the area.

Rationale

Cabarrus County, due largely to its proximity to the Charlotte-Mecklenburg metropolitan area, is in a growth mode which will, in all probability, continue. While the issue of farmland preservation may ultimately be more driven by market economics, it still behooves policy makers to prudently attempt farmland preservation. Less a matter of market economics is the concept of retaining unspoiled, undeveloped lands for future generations to enjoy.

AGRICULTURE/OPEN SPACE USES

AO Permitted (P) Uses

Agriculture Excluding Livestock	Hatchery
Agriculture Including Livestock	Livestock Sales
Agritourism, Accessory to Agriculture	Manufactured Home, In Manufactured Home Overlay District Only-See Chapter 4
Bulk Grain Storage	Nursery, Greenhouse
Dairy Processing	Single Family Detached Residential
Family Care Home	Stables, Commercial

Wireless Telecommunications Services,
 Stealth Antennae, 65 feet or less

AO Permitted based on Standards (PBS) Uses

Accessory Dwelling Unit

Accessory Building

Auction House

Auction, Estate or Asset Liquidation,
 Temporary Use

Auction, Livestock, Temporary Use

Barn, Greenhouse as Primary Structure

Bed and Breakfast

Cemetery

Civic Organization Facility

Communications Tower, 911
 Communications Tower

Community Garden, Accessory Use

Contractor Office, Construction Equipment
 Storage, Temporary Use

Contractor or Trade Shops

Convenience Store with Petroleum Sales

Convenience Store without Petroleum Sales

Country Club with Golf Course

Dumpsters, Commercial Waste Containers,
 Temporary Use

Ethanol Fuel Production, Residential District,
 Private Use Only, Accessory Use

FEMA Trailers, Natural Disaster or Significant
 Weather Event, Temporary Use

Gas Service station

Golf Course, Public or Private

Home Occupation, General

Home Occupation, Rural

Ice Production, Dispensing, Accessory to
 Convenience Store

Ice Production, Dispensing, Accessory to Gas
 Service Stations

Kennel, Private

Landfill, Demolition-Less Than One Acre

Mobile Personal Storage Unit, Renovation,
 Temporary Use

Mobile Personal Storage Unit, Vacate or
 Occupy Premises, Temporary Use

Nursery, Daycare Center

Promotional Activities Involving the Display
 of Goods or Merchandise, Temporary Use at
 Existing Business

Public Cultural Facility

Real Estate Office in Construction Trailer or
 Modular Unit, Commercial/Mixed Use Projects,
 Temporary Use

Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use

Real Estate Office in Model Home, Temporary Use

Recyclable Materials Drop Off

Recreational Trail, Greenway, or Blueway Connector

Religious Institution with Total Seating Capacity 350 or Less

Repair Garage, Automobile

Repair Shop, Farm Machinery

Repair Shop, Small Engine

Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less

Restaurant, Excluding Drive-Thru

Retail Sales, Neighborhood Market 1,000 Square Feet or Less

Sawmill

Scientific Research and Development, Accessory to Agriculture

AO Special Uses (SU)

Airstrip, as Accessory Use

Animal Hospital

Animal Shelter

Correctional Facility

Colleges, Universities

Swim Club, Tennis Club, Country Club

Swimming Pool, Accessory to Single Family Residential

Temporary Dwelling for Large Construction Projects, Temporary Use

Temporary Health Care Structure

Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use

Towing Service, Accessory to Automobile Repair

Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales

Trail Head, Accessory

Trail Head, Primary Use Site

Wind Energy Facility, Accessory Use, On-Site Use Only

Wireless Telecommunications Services, Co-location

Day Camp, Summer Camp, Civic Group Camp Facility

Elementary, Middle and High Schools

Kennel, Commercial

Landfill, Demolition-One Acre or More

Landfill, Sanitary	Religious Institution with School
Multimedia Production & Distribution Complex	Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds
Public Service Facility	Shooting Range with Outdoor Target Practice
Public Use Facility	Slaughter House, Meat Packing
Race Shop, Race Team Complex	Sports and Recreation Instruction or Camp
Reception Facilities	Trade and Vocational Schools
Recreational Facility, Outdoor	Veterinarian Wireless Telecommunications Services
Recreational Therapy Facility, Rural Setting	Wellness Retreat, Wellness Spa
Religious Institution with Total Seating Capacity 351 or More	

COUNTRYSIDE RESIDENTIAL

Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling.

Rationale

This land use district was created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his or her original investment. This district helps implement a growth management philosophy before the fact, rather than after. In summary, the principle purpose of this district is to provide some land area in the County for a permanent country, rural residential life style.

COUNTRYSIDE RESIDENTIAL USES

CR Permitted (P) Uses

Agriculture Excluding Livestock

Agriculture Including Livestock

Agritourism, Accessory to Agriculture

Dairy Processing

Family Care Home

Livestock Sales

Manufactured Home, In Manufactured Home Overlay District Only-See Chapter 4

Nursery, Greenhouse

Single Family Detached Residential

Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less

CR Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit

Accessory Building

Auction House

Auction, Estate or Asset Liquidation, Temporary Use

Auction, Livestock, Temporary Use

Barn, Greenhouse as Primary Structure

Bed and Breakfast

Cemetery

Civic Organization Facility

Community Garden, Accessory Use

Contractor Office, Construction Equipment Storage, Temporary Use

Convenience Store with Petroleum Sales

Convenience Store without Petroleum Sales

Country Club with Golf Course

Dumpsters, Commercial Waste Containers, Temporary Use

Ethanol Fuel Production, Residential District, Private Use Only, Accessory Use

FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary

Gas Service Station

Golf Course, Public or Private

Home Occupation, General

Home Occupation, Rural

Ice Production, Dispensing, Accessory to Convenience Store

Ice Production, Dispensing, Accessory to Gas Service Stations

Kennel, Private

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 3-ESTABLISHMENT OF DISTRICTS

Landfill, Demolition-Less Than One Acre

Mobile Personal Storage Unit, Renovation,
Temporary Use

Mobile Personal Storage Unit, Vacate or
Occupy Premises, Temporary Use

Nursery, Daycare Center

Promotional Activities Involving the
Display of Goods or Merchandise,
Temporary Use at Existing Business

Public Cultural Facility

Real Estate Office in Construction Trailer or
Modular Unit, Commercial or Mixed Use
Projects, Temporary Use

Real Estate Office in Construction Trailer
or Modular Unit, Residential Projects,
Temporary Use

Real Estate Office in Model Home,
Temporary Use

Recreational Trail, Greenway, or Blueway
Connector

Religious Institution with Total Seating
Capacity 350 or Less

Rest Home, Convalescent Home, Nursing
Home with 10 Beds or Less

Restaurant, Excluding Drive-Thru

Sawmill

Scientific Research and Development,
Accessory to Agriculture

Stables, Commercial

Swim Club, Tennis Club, Country Club

Swimming Pool, Accessory to Single
Family Residential
Temporary Dwelling for Large
Construction Projects, Temporary Use

Temporary Health Care Structure

Temporary Residence in Mobile Home during
Construction of New Home on Same Site,
Temporary Use

Trail Head, Accessory Use

Trail Head, Primary Use Site

Wind Energy Facility, Accessory Use, On-
Site Use Only

Wireless Telecommunications Services,
Co-location

CR Special Uses (SU)

Animal Hospital	Recreational Therapy Facility, Rural Setting
Animal Shelter	
College, University	Religious Institution with Total Seating Capacity 351 or More
Communications Tower, 911 Communications Tower	Religious Institution with School
Day Camp, Summer Camp, Civic Group Camp Facility	Rest Home, Convalescent Home Nursing Home with More Than 10 Beds
Elementary, Middle and High Schools	Shooting Range with Outdoor Target Practice
Kennel, Commercial	Slaughter House, Meat Packing
Multimedia Distribution & Production Complex	Sports and Recreation Instruction or Camp
Public Service Facility	Veterinarian
Public Use Facility	Wireless Telecommunications Services
Reception Facilities	Wellness Retreat, Wellness Spa
Recreational Facility, Outdoor	

LOW DENSITY RESIDENTIAL DISTRICT

This district is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. This district is located where public utilities are available or are envisioned available within the next two to five years.

RATIONALE

This district is designed to provide permanent protection for those who want to live in a low density residential environment. The district, while focused on single-family residential development, is designed to allow a wide variety of residential types.

LOW DENSITY RESIDENTIAL USES

LDR Permitted (P) Uses

Agriculture Excluding Livestock	Nursery, Greenhouse
Agritourism, Accessory to Agriculture	Semi-Attached House
Family Care Home	Single Family Detached Residential
Manufactured Home, In Manufactured Home Overlay District Only-See Chapter 4	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less

LDR Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit	Contractor Office, Construction Equipment Storage, Temporary Use
Accessory Building	Convenience Store with Petroleum Sales
Agriculture-Female Chickens, Limited Number, Less than 5 Acres	Convenience Store without Petroleum Sales
Agriculture, Including Livestock	Country Club with Golf Course
Auction, Estate or Asset Liquidation, Temporary Use	Dumpsters, Commercial Waste Containers, Temporary Use
Auction, Livestock, Temporary Use	Ethanol Fuel Production, Residential District, Private Use Only, Accessory Use
Automated Teller Machine, as Accessory	FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use
Bank, Financial Institution, Automated Teller Machine	Gas Service station
Barn, Greenhouse as Primary Structure	Golf Course, Public or Private
Bed and Breakfast	Home Occupation, General
Cemetery	Home Occupation, Rural
Civic Organization Facility	Ice Production, Dispensing, Accessory to Convenience Store
Community Garden, Accessory Use	

Ice Production, Dispensing, Accessory to Gas Service Stations

Itinerant Merchant, Temporary Use

Landfill, Demolition-Less Than One Acre

Mobile Personal Storage Unit, Renovation, Temporary Use

Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use

Nursery, Daycare Center

Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business

Public Cultural Facility

Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use

Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use

Real Estate Office in Model Home, Temporary Use

Recreational Trail, Greenway, or Blueway Connector

LDR Special Uses (SU)

College, University

Communications Tower, 911
 Communications Tower

Elementary, Middle and High Schools

Religious Institution with Total Seating Capacity 350 or Less Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less

Restaurant, Excluding Drive-Thru

Scientific Research and Development, Accessory to Agriculture

Stables, Commercial

Swim Club, Tennis Club, Country Club

Swimming Pool, Accessory to Single Family Residential

Temporary Dwelling for Large Construction Projects, Temporary Use

Temporary Health Care Structure

Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use

Trail Head, Accessory Use

Trail Head, Primary Use

Wind Energy Facility, Accessory Use, On-Site Use Only

Wireless Telecommunications Services, Co-location

Public Service Facility

Public Use Facility

Recreational Facility, Outdoor

Religious Institution with Total Seating Capacity 351 or More

Religious Institution with School

Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds

Wireless Telecommunications Services

MEDIUM DENSITY RESIDENTIAL

This district is intended to permit development with a moderately high density community character. This district allows open space and amenity subdivisions. Residential development options for this district include a variety of housing types, including townhouses. This district is located where public utilities are available.

RATIONALE

This district is designed to provide permanent protection for those who want to live in a moderately high density residential environment. The district is designed to provide the principal location for a wide variety of residential types.

MEDIUM DENSITY RESIDENTIAL USES

MDR Permitted (P) Uses

Agriculture, Excluding Livestock

Agritourism, Accessory to Agriculture

Family Care Home

Manufactured Home, In Manufactured Home Overlay District Only-See Chapter 4

Nursery, Greenhouse

Semi-Attached House

Single Family Detached Residential

Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less

MDR Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit	Golf Course, Public or Private
Accessory Building	Home Occupation, General
Agriculture-Female Chickens, Limited Number, Less than 5 Acres	Home Occupation, Rural
Agriculture, Including Livestock	Itinerant Merchant, Temporary Use, Existing Business
Auction, Estate or Asset Liquidation, Temporary Use	Ice Production, Dispensing, Accessory to Convenience Store
Auction, Livestock, Temporary Use	Landfill, Demolition-Less Than One Acre
Automated Teller Machine as Accessory	Mobile Personal Storage Unit, Renovation, Temporary Use
Bank, Financial Institution, Automated Teller Machine	Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use
Barn, Greenhouse as Primary Structure	Nursery, Daycare Center
Bed and Breakfast	Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business
Cemetery	Public Cultural Facility
Civic Organization Facility	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use
Community Garden, Accessory Use	Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use
Contractor Office, Construction Equipment Storage, Temporary Use	Real Estate Office in Model Home, Temporary Use
Convenience Store without Petroleum Sales	Recreational Trail, Greenway, or Blueway Connector
Country Club with Golf Course	
Dumpsters, Commercial Waste Containers, Temporary Use	
Ethanol Fuel Production, Residential District, Private Use Only, Accessory Use	
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	

Religious Institution with Total Seating Capacity 350 or Less

Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less

Restaurant, Excluding Drive-Thru

Scientific Research and Development, Accessory to Agriculture

Swim Club, Tennis Club, Country Club

Swimming Pool, Accessory to Single Family Residential

Temporary Dwelling for Large Construction Projects, Temporary Use

Temporary Health Care Structure

Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use

Townhouses

Trail Head, Accessory Use

Trail Head, Primary Use

Wind Energy Facility, Accessory Use, On-Site Use Only

Wireless Telecommunications Services, Co-location

MDR Special Uses (SU)

College, University

Communications Tower, 911

Communications Tower

Elementary, Middle and High Schools

Public Service Facility

Public Use Facility

Recreational Facility, Outdoor

Religious Institution with Total Seating Capacity 351 or More

Religious Institution with School

Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds

Restaurant with Drive-Thru Facility

Wireless Telecommunications Services

HIGH DENSITY RESIDENTIAL/MIXED USE

This district is intended to allow for a wide range of residential uses and will be the primary location for multifamily development. This district allows open space and amenity subdivisions. Both water and sewer are available and transportation networks are capable of supporting high density development. The district is also designed to accommodate office and commercial uses that are compatible with a high density setting. High density residential/mixed use districts will typically develop near municipal boundary lines but should always be located near major thoroughfare level roads.

RATIONALE

This district is designed to provide permanent protection to those who want to live in a more densely settled residential setting with conveniently sited low intensity nonresidential uses.

HIGH DENSITY RESIDENTIAL/MIXED USES

HDR Permitted (P) Uses

Agriculture, Excluding Livestock	Manufactured Home, In Manufactured Home Overlay District Only-See Chapter 4
Agritourism, Accessory to Agriculture	Movie Theater
Barber, Beauty, Tanning, Nail or Skin Care Salon	Pet Shop, Grooming, Enclosed Facility
Drug Store	Retail Sales-Shopping Centers 10,000 Square Feet and Less
Dry Cleaning Pick-Up Station	Semi-Attached House
Family Care Home	Single Family Detached Residential
Laundromat	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less

HDR Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit	Community Garden, Accessory Use
Accessory Building	Contractor Office, Construction Equipment Storage, Temporary Use
Auction, Estate or Asset Liquidation, Temporary Use	Convenience Store without Petroleum Sales
Automated Teller Machine as Accessory	Country Club with Golf Course
Bank, Financial Institution, Automated Teller Machine	Dumpsters, Commercial Waste Containers, Temporary Use
Bed and Breakfast	FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use
Cemetery	Golf Course, Public or Private
Civic Organization Facility	

Home Occupation, General	Recreational Facility, Indoor
Itinerant Merchant, Temporary Use, Existing Business	Recreational Trail, Greenway, or Blueway Connector
Ice Production, Dispensing, Accessory to Convenience Store	Religious Institution with Total Seating Capacity 350 or Less
Landfill, Demolition-Less Than One Acre	Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less
Mobile Personal Storage Unit, Renovation, Temporary Use	Restaurant, Excluding Drive-Thru
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Scientific Research and Development, Accessory to Agriculture
Multifamily Residential	Swim Club, Tennis Club, Country Club
Nursery, Daycare Center	Swimming Pool, Accessory to Single Family Residential
Office, Professional Less Than 5,000 SF	Temporary Dwelling for Large Construction Projects, Temporary Use
Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Temporary Health Care Structure
Public Cultural Facility	Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use
Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use	Townhouses
Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use	Trail Head, Accessory Use
Real Estate Office in Model Home, Temporary Use	Trail Head, Primary Use
	Wireless Telecommunications Services, Co-location

HDR Special Uses (SU)

College, University	Religious Institution with Total Seating Capacity 351 or More
Communications Tower, 911	Religious Institution with School
Communications Tower	Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds
Elementary, Middle and High Schools	Restaurant with Drive-Thru Facility
Public Service Facility	Wireless Telecommunications Services
Public Use Facility	
Recreational Facility, Outdoor	

OFFICE/INSTITUTIONAL DISTRICT:

OFFICE/INSTITUTIONAL

This district is intended to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. This district serves as a transitional district between residential land uses and higher intensity non-residential land uses.

RATIONALE

This district is used to provide for low intensity office and institutional uses that can be complementary to adjacent residential land use. This district features employment options and essential services which require a moderate number of average daily trips. These uses will have a minimum impact on the surrounding area because these trips will generally occur during regular business hours, thus, not competing with residential traffic at peak hours or on weekends. This district should be located adjacent to residential districts or in areas where its use would serve as a transition between residential land uses and higher intensity non-residential land uses. Higher intensity non-residential land uses may include commercial districts, light industrial or mixed use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility so that the nonresidential activities are not a nuisance to residential use.

OFFICE/INSTITUTIONAL USES

OI Permitted (P) Uses

Banquet Hall	Hospital, Ambulatory Surgical Care Facility
Barber, Beauty, Tanning, Nail or Skin Care Salon	Office, Professional Less Than 30,000 Square Feet
Civic Organization Facility	Parking Lot, Parking Garage, Commercial or Private
College, University	Printing and Reprographic Facility
Crematorium	Public Cultural Facility
Farmer's Market	Public Use Facility
Funeral Home	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less
Group Care Facility	

OI Permitted Based on Standards (PBS) Uses

Accessory Building	FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use
Auction, Estate or Asset Liquidation, Temporary Use	Golf Course, Public or Private
Automated Teller Machine as Accessory	Mobile Personal Storage Unit, Renovation, Temporary Use
Bank, Financial Institution, Automated Teller Machine	Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use
Catering Service	Nursery, Daycare Center
Community Garden, Accessory Use	Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business
Contractor Office, Construction Equipment Storage, Temporary Use	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use
Country Club with Golf Course	Recreational Facility, Indoor
Dumpsters, Commercial Waste Containers, Temporary Use	
Duplex, Commercial Use, Individual Lots	

Recreational Trail, Greenway, or Blueway Connector

Recyclable Materials Drop Off

Religious Institution with Total Seating Capacity of 350 or Less

Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less

Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use

Scientific Research and Development

OI Special Uses (SU)

Communications Tower, 911 Communications Tower

Convention Center Facility

Elementary, Middle and High Schools

Public Service Facility

Recreational Facility, Outdoor

Swim Club, Tennis Club, Country Club

Temporary Dwelling for Large Construction Projects, Temporary Use

Tent or Temporary Structure, Including Cell on Wheels, Temporary Use

Trail Head, Accessory Use

Trail Head, Primary Use Site

Wireless Telecommunications Services, Co-location

Religious Institution with Total Seating Capacity of 351 or More

Religious Institution with School

Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds

Trade and Vocational Schools

Wireless Telecommunication Services

COMMERCIAL DISTRICTS:

LIMITED COMMERCIAL

This district is intended to accommodate relatively small scale commercial and office development at intensities complementary to residential land uses.

RATIONALE

This district is used to provide both the convenience of neighborhood oriented goods and services and the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial districts, light industrial or high density residential/mixed use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility, so the nonresidential activities are not a nuisance to residential uses.

LIMITED COMMERCIAL USES

LC Permitted (P) Uses

Arcade, Game Room	Dry Cleaning Pick Up Station
Automobile Parts, Tires, Accessories	Equipment Sales and Service
Banquet Hall	Farm Supply Sales
Barber, Beauty, Tanning, Nail or Skin Care Salon	Farmer's Market
Building and Contractor Supply, No Outdoor Storage	Flea Market, Indoor Vendors Only
Car Wash, Detail Service	Funeral Home
Catering Service	Group care facility
Civic Organization Facility	Gunsmith
College, University	Health Club, Fitness Center
Convenience Store with Petroleum Sales	Hospitals, Ambulatory Surgical Care Center
Convenience Store without Petroleum Sales	Hotels, Motels, Inns
Crematorium	Laundromat
Drug store	Locksmith
	Mobile Home Retail Sales
	Movie Theater

Nursery, Greenhouse

Office, Professional, Less Than 30,000
Square Feet

Parking Lot, Parking Garage,
Commercial or Private

Pawn Shop

Pet shop, Grooming, Enclosed

Photographic studio

Printing and Reprographic Studio

Public cultural facility

Public use facility

Religious Institution with Total Seating
Capacity of 350 or Less

Religious Institution with Total Seating
Capacity of 351 or More

LC Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit

Accessory Building

Auction, Estate or Asset Liquidation,
Temporary Use

Automated Teller Machine as Accessory

Automobile Rental

Automobile Sales, New and Used

Bank, Financial Institution, Automated
Teller Machine

Bed and Breakfast

Restaurant, Excluding Drive-Thru

Retail Sales-Shopping Centers 10,000 -
50,000 Square Feet

Retail Sales-Shopping Centers 10,000
Square Feet and Less

Reupholstery, Furniture Repair

Tattoo Studio

Taxidermy Studio, No Outdoor
Processing

Towing Service, No Vehicle Storage Lot,
Office Only, Storage of Tow Truck, Car
Haulers Permitted On-Site

Wireless Telecommunications Services,
Stealth Antennae, 65 Feet or Less

Community Garden, Accessory Use

Communications Tower, 911
Communications Tower

Contractor or Trade Shop

Contractor Office, Construction
Equipment Storage, Temporary Use

Country Club with Golf Course

Day Camp, Summer Camp, Civic Group
Camp Facility

Dumpsters, Commercial Waste
Containers, Temporary Use

Duplex, Commercial	Real Estate Office in Construction Trailer or Modular Unit, Commercial /Mixed Use Projects, Temporary Use
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use Real Estate Office in Model Home, Temporary Use
Golf Course, Public or Private	Recreational Facility, Indoor
Government Buildings, Storage Only	Recreational Trail, Greenway, or Blueway Connector
Home Occupation, General	Recyclable Materials Drop Off
Ice Production, Dispensing, Accessory to Convenience Store	Repair Garage, Automobile
Itinerant Merchant, Temporary Use, Existing Business	Repair Shop, Small Engine
Landfill, Demolition- Less Than One Acre	Restaurant with Drive-Thru Facility
Mobile Personal Storage Unit, Renovation, Temporary Use	Scientific Research and Development
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use
Moving Van, Truck or Trailer Rental	Self-Service Storage Facility
Moving Van, Truck or Trailer Rental, Accessory to Self-Storage Facility	Shooting Range, Indoor
Motorcycle, ATV, Other Motor Vehicle Dealers, New and Used	Sports and Recreation Instruction or Camp
Multifamily Residential	Storage Building Sales, with Display Area
Nursery, Daycare Center	Swim Club, Tennis Club, Country Club
Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Temporary Dwelling for Large Construction Projects, Temporary Use
	Tent or Temporary Structure, Including Cell on Wheels, Temporary Use

Townhouses	Wireless Telecommunications Services, Co-location
Trail Head, Accessory Use	
Trail Head, Primary Use Site	
<u>LC Special Uses (SU)</u>	
Animal Hospital	Recreational Facility, Outdoor
Animal Shelter	Trade and Vocational School
Kennel, Commercial	Veterinarian
Public Service Facility	Wireless Telecommunications Services

GENERAL COMMERCIAL DISTRICT

The primary purpose of this district is to provide locations for large scale commercial activities. This level of commercial activity usually draws clientele regionally as well as from nearby neighborhoods, requires siting on major thoroughfares, and requires relatively large-scale off street parking areas. The district will accommodate a wide variety of office, retail and lodging land uses. General commercial may border the other less intense commercial district or either of the two industrial districts. A general commercial district may border a higher density residential district, but care should be taken to ensure appropriate buffers between the two.

RATIONALE

This district is intended to provide the principal location for large scale commercial and office development in Cabarrus County.

GENERAL COMMERCIAL USES

GC Permitted (P) Uses

Arcade, Game Room	Automobile Sales, New and Used
Auction House	Banquet Hall
Automobile Parts, Tires, Accessories	Barber, Beauty, Tanning, Nail or Skin Care Salon
Automobile Rental	

Boat Works and Sales, with Sales Lot	Gas Service Station
Building Contractor Supply	Gunsmith
Car Wash, Detail Service	Health Club, Fitness Center
Catering Service	Hospitals, Ambulatory Surgical Care Center
Civic Organization Facility	Hotels, Motels, Inns
College, University	Laundromat
Convenience Store with Petroleum Sales	Locksmith
Convenience Store without Petroleum Sales	Machine Shop
Contractor or Trade Shop	Mobile home retail sales
Contractor's Storage Yard	Motorcycle, ATV, Other Motor Vehicle Dealers, New and Used
Crematorium	Movie Theater
Drive-In Theater	Multimedia Production and Distribution Complex
Drug store	Nursery, Greenhouse
Dry Cleaning Pick Up Station	Office, Professional, Less Than 30,000 Square Feet
Dry Cleaning, Laundry Plant	Office, Professional, 30,000 Square Feet or More
Equipment Sales and Service	Parking Lot, Parking Garage, Commercial or Private
Equipment Sales and Service with Outdoor Storage	Pawn Shop
Farm Supply Sales	Pet Shop, Grooming, Enclosed
Farm Supply Sales with Outdoor Storage	Photographic Studio
Farmer's Market	Printing and Reprographic Studio
Flea Market, Indoor Vendors Only	Public Cultural facility
Freezer, Ice Plant	
Funeral Home	

Public Use facility	Retail Sales-Shopping Centers 50,000-100,000 Square Feet and Less
Race Shop, Race Team Complex	Reupholstery, Furniture Repair
Radio and Television Studio	Tattoo Studio
Recreational Facility, Indoor	Taxi Service, Dispatch and Taxi Storage
Recreational Vehicle Sales and Service with Outdoor Storage or Sales Lot	Taxidermy Studio, No Outdoor Processing
Religious Institution with Total Seating Capacity of 350 or Less	Tour Bus Company, Travel Agency with On-Site Bus Storage
Religious Institution with Total Seating Capacity of 351 or More	Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks and Car Haulers Permitted On-Site
Repair Garage, Automobile	Trucking Equipment, Heavy Equipment, Sales and Service with Sales Lot
Repair Shop, Small Engine	Truck Stop or Truck Terminal
Restaurant, Excluding Drive-Thru	Warehouse, Enclosed Storage
Retail Sales-Shopping Centers 10,000 Square Feet and Less	Welding Shop
Retail Sales-Shopping Centers 10,000 - 50,000 Square Feet	Wireless Telecommunications, Stealth Antennae, 65 Feet or Less

GC Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit	Communications Tower, 911
Accessory Building	Communications Tower
Auction, Estate or Asset Liquidation, Temporary Use	Contractor Office, Construction Equipment Storage, Temporary Use
Automated Teller Machine as Accessory	Country Club with Golf Course
Bank, Financial Institution, Automated Teller Machine	Day Camp, Summer Camp, Civic Group Camp Facility
Community Garden, Accessory Use	Dumpsters, Commercial Waste Containers, Temporary Use

Duplex, Commercial, Individual Lot	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Recreational Trail, Greenway, or Blueway Connector
Golf Course, Public or Private	Recyclable Materials Drop Off
Government Buildings, Storage Only	Restaurant with Drive-Thru Facility
Government Buildings, Storage Only, Outdoor	Scientific Research and Development
Ice Production, Dispensing, Accessory to Convenience Store	Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use
Ice Production, Dispensing, Accessory to Gas Service Station	Self-Service Storage Facility
Itinerant Merchant, Temporary Use, Existing Business	Shooting Range, Indoor
Landfill, Demolition- Less Than One Acre	Sports and Recreation Instruction or Camp
Mobile Personal Storage Unit, Renovation, Temporary Use	Storage Building Sales, with Display Area
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Swim Club, Tennis Club, Country Club
Moving Van, Truck or Trailer Rental, Accessory to Self-Storage Facility	Temporary Dwelling for Large Construction Projects, Temporary Use
Moving Van, Truck or Trailer Rental	Tent or Temporary Structure, Including Cell on Wheels, Temporary Use
Nursery, Daycare Center	Towing Service, Accessory to Automobile Repair
Permanent Temporary Event Facility	Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales
Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Trail Head, Accessory Use
	Trail Head, Primary Use Site
	Wireless Telecommunications Services, Co-location

GC Special Uses (SU)

Adult Business	Public Service Facility
Airport, Commercial	Recreational Facility, Outdoor
Airstrip, as Accessory Use	Retail Sales - Shopping Centers Greater Than 100,000 Square Feet
Amusement, Outdoor	Single-Family Detached Residential
Animal Hospital	Trade and Vocational Schools
Animal Shelter	Truck Stop, Truck Terminal
Coliseum, Stadium	Trucking Company, Heavy Equipment Dispatch Facility with Storage
Convention Center Facility	Veterinarian
Kennel, Commercial	Wireless Telecommunications Services
Manufactured Home, Single Section	

INDUSTRIAL DISTRICTS:

LIMITED INDUSTRIAL

This district provides for both large and small scale industrial and office development. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which do not generate high levels of noise, soot, odors or other potential nuisances/pollutants for impacting adjoining properties. It is typically located in areas of the county with infrastructure available, including higher volume roadways, water and sewer. Light industrial districts may border the higher density residential districts only when an effective buffer exists. For example, a natural structural feature such as a sharp break in topography, strips of vegetation or traffic arteries. In no case, would a limited industrial district be located where the result is industrial or commercial traffic penetrating a residential neighborhood.

RATIONALE

This district provides a location for light industrial land uses such as assembly operations, storage and warehousing facilities, offices and other light manufacturing operations.

LIMITED INDUSTRIAL USES

LI Permitted (P) Uses

Automobile Rental	Freezer, Ice Plant
Automobile Parts, Tires, Accessories	Gas Service Station
Boat Works and Sales, with Sales Lot	Hatchery
Bottling Works	Machine Shop
Building and Contractor Supply	Manufacturing
Building and Contractor Supply, with Outdoor Storage	Metal Works, Metal Processing, Fabrication
Bulk Grain Storage	Multimedia Production and Distribution Complex
Cast Concrete Production, Distribution and Storage	Nursery, Greenhouse
Catering Service	Office, Professional, 30,000 Square Feet or Less
Convenience Store with Petroleum Sales	Office, Professional, 30,000 Square Feet or More
Convenience Store without Petroleum Sales	Parking Lot, Parking Garage, Commercial or Private
Contractor or Trade Shop	Printing and Reprographic Facilities
Contractor's Storage Yard	Public Use Facility
Dairy Processing	Race Shop, Race Team Complex
Dry Cleaning, Laundry Plant	Radio and Television Studios
Equipment Sales and Service	Rail Storage Yard
Equipment Sales and Service, with Outdoor Storage	Recreational Facility, Indoor
Fabrication	Recreational Vehicle Sales and Service with Outdoor Storage or Sales Lot
Farm Supply Sales with Outdoor Storage	

Repair Garage, Automobile
 Repair Shop, Farm Machinery
 Repair Shop, Small Engine
 Restaurant, Excluding Drive-Thru
 Sawmill
 Slaughter House, Meat Packing
 Storage Lot, Logistics and Freight
 Taxi Service, Dispatch and Taxi Storage
 Taxidermy Studio, No Outdoor Processing
 Tire Recapping
 Tour Bus Company, Travel Agency with
 On-Site Bus Storage

Towing Service, with Towed Vehicle
 Storage Yard, No Salvage or Parts Sales
 Towing Service, No Towed Vehicle Storage
 Lot, Office Only, Storage of Tow Trucks
 and Car Haulers Permitted On-Site
 Trucking Company, Heavy Equipment
 Dispatch Facility with Storage
 Trucking Equipment, Heavy Equipment,
 Sales and Service with Sales Lot
 Truck Stop, Truck Terminal
 Warehouse, Enclosed Storage
 Welding Shop
 Wireless Telecommunications Services,
 Stealth Antennae, 65 Feet or Less

LI Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit
 Accessory Building
 Auction, Estate or Asset Liquidation,
 Temporary Use
 Communications Tower, 911
 Communications Tower
 Contractor Office, Construction Equipment
 Storage, Temporary Use
 Dumpsters, Commercial Waste Containers,
 Temporary Use
 FEMA Trailers, Natural Disaster or
 Significant Weather Event, Temporary Use
 Government Buildings, Storage Only

Government Buildings, Storage Only,
 Outdoor Only
 Ice Production, Dispensing, Accessory to
 Convenience Store
 Ice Production, Dispensing, Accessory to
 Gas Service Stations
 Landfill, Demolition-Less Than One Acre
 Mobile Personal Storage Unit, Renovation,
 Temporary Use
 Mobile Personal Storage Unit, Vacate or
 Occupy Premise, Temporary Use
 Moving Van, Truck or Trailer Rental
 Moving Van, Truck or Trailer Rental,
 Accessory to Self Service Storage

Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business

Real Estate Office in Construction Trailer or Modular Unit, Commercial /Mixed Use Projects, Temporary Use

Recreational Trail, Greenway or Blueway, Connector

Recyclable Materials Drop Off

Restaurant with Drive-Thru Facility

Scientific Research and Development

Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use

Self-Service Storage Facilities

LI Special Uses (SU)

Airport, Commercial

Airstrip, as Accessory Use

Animal Hospital

Animal Shelter

Coliseum, Stadium

Correctional Facility

Kennel, Commercial

Landfill, Demolition-One Acre or More

Landfill, Sanitary Manufactured Home, Single Section

Shooting Range, Indoor

Sports and Recreation Instruction or Camp

Storage Building Sales, with Display Area

Temporary Dwelling for Large Construction Projects, Temporary Use

Tent or Temporary Structure, Including Cell on Wheels, Temporary Use

Towing Service, Accessory to Automobile Repair

Trail Head, Accessory

Trail Head, Primary Use Site

Warehouse with Outside Storage

Wireless Telecommunications Services, Co-location

Nursery, Daycare Center

Public Service Facility

Race Track, Animal, Automobile or Other

Recreational Facility, Outdoor

Shooting Range with Outdoor Target Practice

Single-Family Detached Residential

Trade and Vocational Schools

Veterinarian

Wireless Telecommunications Services

GENERAL INDUSTRIAL

While this district permits both large and small scale industrial and office development, its primary purpose is to provide a location for large scale development. It is designed to permit a very wide variety of industrial uses which may occur both indoor and outdoor, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In no case, should a general industrial district be located where the result is industrial or commercial traffic penetrating a residential neighborhood.

RATIONALE

This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. Certain land uses will be permitted only upon issuance of a special use permit. General industrial districts are compatible neighbors with the light industrial and general commercial districts. Care should be taken to site this district on major roadways or near other forms of transportation, such as rail lines, airports, etc.

GENERAL INDUSTRIAL USES

GI Permitted (P) Uses

Asphalt or Concrete Plant	Dairy Processing
Boat Works and Sales, with Sales Lot	Dry Cleaning, Laundry Plant
Bottling Works	Equipment Sales and Service
Building and Contractor Supply	Equipment Sales and Service with Outdoor Storage
Building and Contractor Supply with Outdoor Storage	Fabrication
Bulk Grain Storage	Farm Supply Sales with Outdoor Storage
Cast Concrete Production, Distribution and Storage	Foundry, Iron Works, Steel Mill
Chemical Manufacturing	Freezer, Ice Plant
Contractor's storage yard	Gas Service Station
Convenience Store without Petroleum Sales	Hatchery
	Machine Shop

Manufacturing	Sawmill
Metal Works, Metal Processing, Fabrication	Slaughter House, Meat Packing
Moving Van, Truck or Trailer Rental	Storage Lot, Logistics and Freight
Multimedia Production and Distribution Complex	Taxi Service, Dispatch and Taxi Storage
Nursery, Greenhouse	Tire Recapping
Office, Professional, 30,000 Square Feet or Less	Tour Bus Company, Travel Agency with Outdoor Bus Storage
Office, Professional, 30,000 Square Feet or More	Towing Service, with Towed Vehicle Storage Yard, No Salvage or Parts Sales
Parking Lot, Parking Garage, Commercial or Private	Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks and Car Haulers Permitted On-Site
Printing and Reprographic Facilities	Trucking Equipment, Heavy Equipment, Sales and Service with Sales Lot
Public Use Facility	Trucking Company, Heavy Equipment, Dispatch with On-Site Storage
Race Shop, Race Team Complex	Truck Stop, Truck Terminal
Radio and Television Studios	Warehouse, Enclosed
Rail Storage Yard	Warehouse, Volatile Materials
Recreational Vehicle Sales and Service with Outdoor Storage or Sales Lot	Welding Shop
Repair Shop, Farm Machinery	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less
Restaurant, Excluding Drive-Thru	
<u>GI Permitted Based on Standards (PBS) Uses</u>	
Accessory Buildings	Communications Tower, 911
Auction, Estate or Asset Liquidation, Temporary Use	Communications Tower
	Contractor Office, Construction Equipment Storage, Temporary Use

Dumpsters, Commercial Waste Containers,
Temporary Use

Ethanol Fuel Production Plant, Small Plant

Ethanol Fuel Production Plant, Medium Plant

FEMA Trailers, Natural Disaster or Significant
Weather Event, Temporary Use

Government Buildings, Storage Only

Government Buildings, Storage Only,
Outdoor Only

Ice Production, Dispensing, Accessory to
Convenience Store

Ice Production, Dispensing, Accessory to Gas
Service Stations

Landfill, Demolition-Less Than One Acre

Mobile Personal Storage Unit, Renovation,
Temporary Use

Mobile Personal Storage Unit, Vacate or
Occupy Premise, Temporary Use

Promotional Activities Involving the Display
of Goods or Merchandise, Temporary Use

Public Use Facility

GI Special Uses (SU)

Airport, Commercial

Airstrip, as Accessory Use

Coliseum, Stadium

Correctional Facility

Extraction of Earth Products

Real Estate Office in Construction Trailer or
Modular Unit, Commercial/ Mixed Use
Projects, Temporary Use

Recreational Trail, Greenway or Blueway,
Connector

Recyclable Materials Drop Off

Restaurant with Drive-Thru Facility Salvage
Yard

Sports and Recreation Instruction or Camp

Temporary Dwelling for Large Construction
Projects, Temporary Use

Tent or Temporary Structure, Including Cell on
Wheels, Temporary Use

Towing Service, with Salvage

Towing Service, Accessory to Salvage Yard

Trail Head, Accessory

Trail Head, Primary Use Site

Warehouse with Outside Storage

Wireless Telecommunications Services, Co-
location

Landfill, Demolition-One Acre or More

Landfill, Sanitary

Manufactured Home, Single Section

Nursery, Daycare

Public Service Facility

Race Track, Animal, Automobile or Other	Single Family Detached Residential
Recreational Facility, Outdoor	Trade and Vocational Schools
Shooting Range with Outdoor Target Practice	Wireless Telecommunications Services

Section 3-8. TABLE OF PERMITTED USES

The following Table of Permitted Uses lists each of Cabarrus County's zoning districts across the top of the page with uses listed vertically to the side. Uses are grouped together within the following seven categories arranged as follows:

Agricultural Uses

Residential Uses

Accessory Uses

Commercial, Retail and Professional Office Uses

Institutional, Civic and Public Uses

Industrial Uses

Temporary Uses

Transportation Related Uses

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
RESIDENTIAL USES										
Family Care Home	P	P	P	P	P		P			
Group Care Facility					P	P	P			
Manufactured Home, Single Section or Multi-Section	Permitted in Residential Districts, Manufactured Home Overlay District Required – see Chapter 4									
Manufactured Home Park (8-4, 14)	Permitted in Residential Districts, Manufactured Home Park Overlay District Required – see Chapter 4									
NOTE: All manufactured homes subject to installation requirements outlined in Chapter 4										
Multifamily Residential (7-3, 33)					PBS		PBS			
Semi-Attached House			P	P	P					
Single Family Detached Residential	P	P	P	P	P					
Single Family Detached Residential (8-4, 29)								SU	SU	SU
Manufactured Home, Single Section (8-4, 29)								SU	SU	SU
Townhouses (7-3, 62)				PBS	PBS		PBS			

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
AGRICULTURAL USES										
Agriculture, Including Livestock (7-3,2A)	P	P	PBS	PBS						
Agriculture, Female Chickens, Limited Number, Less Than 5 Acres (7-3, 2B)			PBS	PBS						
Agriculture Excluding Livestock	P	P	P	P	P					
Agritourism, Accessory to Agriculture	P	P	P	P	P					
Barn, Greenhouse, as Primary Structure (7-3, 7)	PBS	PBS	PBS	PBS						
Bulk Grain Storage	P								P	P
Dairy Processing	P	P							P	P
Hatchery	P								P	P
Livestock Sales	P	P								
Nursery, Greenhouse	P	P	P	P			P	P	P	P
Scientific Research and Development, Accessory to Agriculture (7-3, 52)	PBS	PBS	PBS	PBS	PBS					

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
ACCESSORY USES										
Accessory Dwelling Unit (7-3,1)	PBS	PBS	PBS	PBS	PBS		PBS	PBS	PBS	
Accessory Building (7-3, 1)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Airstrip (8-4, 3)	SU							SU	SU	SU
Automated Teller Machine (7-3, 6, b)			PBS	PBS	PBS	PBS	PBS	PBS		
Community Garden, as Accessory Use (7-3, 13)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS		
Ethanol Fuel Production, Residential District, Private Use Only (7-3, 20)	PBS	PBS	PBS	PBS						
Home Occupation, General (7-3, 27)	PBS	PBS	PBS	PBS	PBS		PBS			
Home Occupation, Rural (7-3, 28)	PBS	PBS	PBS	PBS						
Ice Production, Dispensing, Accessory to Convenience Store (7-3, 30)	PBS	PBS	PBS	PBS	PBS		PBS	PBS	PBS	PBS
Ice Production, Dispensing, Accessory to Gas Station (7-3, 29)	PBS	PBS	PBS					PBS	PBS	PBS
Kennel, Private (7-3, 31)	PBS	PBS								
Moving Van, Truck or Trailer Rental, Accessory to Self Storage (7-3, 34, 53)							PBS	PBS	PBS	
Swimming Pool, Accessory to Single Family Residential (7-3,1)	PBS	PBS	PBS	PBS	PBS					
Towing Service, Accessory to Automobile Repair (7-3, 60, a-c)	PBS							PBS	PBS	
Towing Service, Accessory to Salvage Yard (7-3, 59, a-c)										PBS
Trail Head, Accessory (7-3, 63)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Wind Energy Facility, Accessory Use, On-Site Use Only (7-3, 66)	PBS	PBS	PBS	PBS						

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
COMMERCIAL, RETAIL AND OFFICE USES										
Adult Business (8-4, 1)								SU		
Amusement, Outdoor (8-4, 4)								SU		
Animal Hospital (8-4, 39)	SU	SU					SU	SU	SU	
Arcade, Game Room							P	P		
Auction House (7-3, 3)	PBS	PBS						P		
Automobile Parts, Tires, Accessories							P	P	P	
Automobile Rental (7-3, 4)							PBS	P	P	
Automobile Sales, New and Used (7-3, 5)							PBS	P		
Bank, Financial Institution, Automated Teller Machine (7-3, 6)			PBS	PBS	PBS	PBS	PBS	PBS		
Banquet Hall						P	P	P		
Barber, Beauty, Tanning, Nail or Skin Care Salon					P	P	P	P		
Bed and Breakfast (7-3, 8)	PBS	PBS	PBS	PBS	PBS		PBS			
Boat Works and Sales, with Sales Lot								P	P	P
Building and Contractor Supply, No Outdoor Storage							P	P	P	P
Building and Contractor Supply with Outdoor Storage									P	P
Car Wash, Detail Service							P	P		
Catering Service (7-3, 9)						PBS	P	P	P	
Contractor or Trade Shops (7-3, 17)	PBS						PBS	P	P	
Contractor's Storage Yard								P	P	P
Convenience Store with Petroleum Sales (7-3, 14)	PBS	PBS	PBS				P	P	P	
Convenience Store without Petroleum Sales (7-3, 15)	PBS	PBS	PBS	PBS	PBS		P	P	P	P
Country Club with Golf Course (7-3, 16)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS		
Crematorium						P	P	P		
Day Camp, Summer Camp, Civic Group Camp Facility (8-4, 10)	SU	SU								
Day Camp, Summer Camp, Civic Group Camp Facility (7-3, 18)							PBS	PBS		
Drive-In Theater								P		
Drug Store					P		P	P		
Dry Cleaning, Laundry Plant								P	P	P
Dry Cleaning Pick Up Station					P		P	P		
Duplex, Commercial Use, Individual Lots (7-3, 19)						PBS	PBS	PBS		
Equipment Sales and Service							P	P	P	P
Equipment Sales with Outdoor Storage Area								P	P	P
Farmer's Market						P	P	P		
Farm Supply Sales, No Outdoor Storage							P	P		
Farm Supply Sales with Outdoor Storage Area								P	P	P
Flea Market, Indoor Vendors Only							P	P		
Funeral Home						P	P	P		
Gas Service Station (7-3,23)	PBS	PBS	PBS					P	P	P
Golf Course, Public or Private (7-3, 24)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS		
Gunsmith							P	P		
Health Club or Fitness Center							P	P		
Hotels, Motels and Inns							P	P		
Kennel, Commercial (8-4, 37)	SU	SU					SU	SU	SU	
Laundromat					P		P	P		
Locksmith							P	P		
Manufactured Home Retail Sales							P	P		
Motorcycle, ATV, Other Motor Vehicle Dealers, New and Used (7-3, 5)							PBS	P		
Movie Theater					P		P	P		
Moving Van, Truck or Trailer Rental (7-3, 34)							PBS	PBS	PBS	P
Nursery, Daycare Center (7-3, 35)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS		
Nursery, Daycare Center (8-4, 16)									SU	SU
Office Professional, 5,000 Square Feet or Less (7-3, 36)					PBS					

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
COMMERCIAL, RETAIL AND OFFICE USES (Continued)										
Office professional, 30,000 Square Feet or Less						P	P	P	P	P
Office professional, 30,000 Square Feet or More								P	P	P
Parking Lot, Parking Garage, Commercial or Private						P	P	P	P	P
Pawn Shop (NCGS Chapter 91A)							P	P		
Permanent Temporary Event Facility (7-3, 37)								PBS		
Pet Shop, Grooming, Enclosed Facility					P		P	P		
Printing and Reprographic Facility						P	P	P	P	P
Race Shop, Race Team Complex (8-4, 19)	SU									
Race Shop, Race Team Complex								P	P	P
Radio and Television Studio								P	P	P
Reception Facilities (8-4, 21)	SU	SU								
Recreational Facility, Indoor (7-3, 39)					PBS	PBS	PBS	P	P	
Recreational Facility, Outdoor (8-4, 22)	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU
Recreational Therapy Facility, Rural Setting (8-4, 23)	SU	SU								
Recreational Vehicle Sales, With Outdoor Storage or Sales Lot								P	P	P
Recyclable Materials Drop Off (7-3, 41)	PBS					PBS	PBS	PBS	PBS	PBS
Repair Garage, Automobile (7-3, 43)	PBS						PBS	P	P	
Repair Shop, Farm Machinery (7-3, 44)	PBS								P	P
Repair Shop, Small Engine (7-3, 45)	PBS						PBS	P	P	
Restaurant, Excluding Drive-thru (7-3, 47)	PBS	PBS	PBS	PBS	PBS		P	P	P	P
Restaurant with Drive-Thru Facility (7-3, 48)							PBS	PBS	PBS	PBS
Restaurant with Drive-Thru Facility (8-4, 27)				SU	SU					
Retail Sales, Neighborhood Market 1,000 Square Feet or Less (7-3, 49)	PBS									
Retail Sales, Shopping Centers, 10,000 Square Feet and Less					P		P	P		
Retail Sales, Shopping Centers, 10,000 - 50,000 Square Feet							P	P		
Retail Sales, Shopping Centers, 50,000 - 100,000 Square Feet								P		
Retail Sales, Shopping Centers, 100,000 Square Feet or More (8-4, 28)								SU		
Reupholstery, Furniture Repair							P	P		
Sawmill (7-3, 51)	PBS	PBS							P	P
Scientific Research and Development (7-3, 53)						PBS	PBS	PBS	PBS	
Self-Service Storage Facilities (7-3, 54)							PBS	PBS	PBS	
Shooting Range, Indoor (7-3, 55)							PBS	PBS	PBS	
Shooting Range, with Outdoor Target Practice (8-4, 30)	SU	SU							SU	SU
Signs, Off-Premise	See Chapter Eleven, Table Six for Regulations									
Signs, On-Premise	See Chapter Eleven, Table Six for Regulations									
Sports and Recreation Instruction or Camp (8-4, 31)	SU	SU								
Sports and Recreation Instruction or Camp (7-3, 56)							PBS	PBS	PBS	PBS
Stables, Commercial (7-3, 58)	P	PBS	PBS							
Storage Building Sales, with Display Area (7-3, 57)							PBS	PBS	PBS	
Swim Club, Tennis Club, Country Club (7-3, 59)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS		
Tattoo Studio							P	P		
Taxidermy Studio, No Outdoor Processing							P	P	P	
Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales (7-3, 61)	PBS							PBS	P	P
Towing Service, with Salvage (7-3, 60)										PBS
Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks, Car Haulers Permitted On-Site							P	P	P	P
Veterinarian (8-4, 37)	SU	SU					SU	SU	SU	
Wellness Retreat, Wellness Spa (8-4, 38)	SU	SU								
Wireless Telecommunications Services (8-4, 36)	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less (8-4, 36)	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunications Services - Co-location (7-3, 67)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
INSTITUTIONAL, CIVIC AND PUBLIC USES										
Animal Shelter (8-4, 37)	SU	SU					SU	SU	SU	
Cemetery (7-3, 10)	PBS	PBS	PBS	PBS	PBS					
Civic Organization Facility (7-3,11)	PBS	PBS	PBS	PBS	PBS	P	P	P		
Coliseum, Stadium (8-4, 5)								SU	SU	SU
College, University (8-4, 6)	SU	SU	SU	SU	SU					
College, University						P	P	P		
Communications Tower, 911 Communications Tower (7-3, 12)	PBS						PBS	PBS	PBS	PBS
Communications Tower, 911 Communications Tower (8-4, 7)		SU	SU	SU	SU	SU				
Convention Center Facility (8-4, 8)						SU		SU		
Correctional Facility (8-4, 9)	SU								SU	SU
Elementary, Middle and High Schools (8-4,11)	SU	SU	SU	SU	SU	SU				
Government, Excluding Correctional Facilities	See Public Service Facility, Public Use Facility or Public Cultural Facility									
Government Buildings, Storage Only (7-3, 25)							PBS	PBS	PBS	PBS
Government Buildings, Storage Only with Outdoor Storage Area (7-3, 26)								PBS	PBS	PBS
Hospital, Ambulatory Surgical Care Facility						P	P	P		
Public Cultural Facility (7-3, 38)	PBS	PBS	PBS	PBS	PBS	P	P	P		
Public Service Facility (8-4, 17)	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU
Public Use Facility (8-4, 18)	SU	SU	SU	SU	SU					
Public Use Facility						P	P	P	P	P
Recreational Trail, Greenway or Blueway, Connector (7-3, 40)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Recreational Trail, Greenway or Blueway as Part of Public Use Facility	See Public Use Facility and Appendix C									
Religious Institution with Total Seating Capacity 351 or More (8-4, 24)	SU	SU	SU	SU	SU	SU				
Religious Institution with Total Seating Capacity 351 or More							P	P		
Religious Institution with Total Seating Capacity 350 or Less (7-3, 42)	PBS	PBS	PBS	PBS	PBS	PBS				
Religious Institution with Total Seating Capacity 350 or Less							P	P		
Religious Institution with School (8-4, 25)	SU	SU	SU	SU	SU	SU				
Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less (7-3, 46)	PBS	PBS	PBS	PBS	PBS	PBS				
Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds (8-4, 26)	SU	SU	SU	SU	SU	SU				
Trade and Vocational Schools (8-4, 33)	SU					SU	SU	SU	SU	SU
Trail Head, Primary Use Site (7-3, 64)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
INDUSTRIAL										
Asphalt or Concrete Plant										P
Bottling Works									P	P
Cast Concrete Production, Distribution, Storage									P	P
Chemical Manufacturing										P
Ethanol Fuel Production, Small Plant (7-3, 21)										PBS
Ethanol Fuel Production, Medium Plant (7-3, 22)										PBS
Extraction of Earth Products, Mining (8-4, 12)										SU
Fabrication									P	P
Foundry, Ironworks and Steel Mills										P
Freezer, Ice Plant								P	P	P
Landfill, Demolition, Less Than One Acre (7-3, 32)	PBS	PBS	PBS	PBS	PBS		PBS	PBS	PBS	PBS
Landfill, Demolition, One Acre or More (8-4, 13)	SU								SU	SU
Landfill, Sanitary (8-4, 13)	SU								SU	SU
Machine Shop								P	P	P
Manufacturing									P	P
Metal Works, Metal Processing, Fabrication									P	P
Multimedia Production and Distribution Complex (8-4, 15)	SU	SU								
Multimedia Production and Distribution Complex								P	P	P
Race Track, Animal, Automobile or Other (8-4, 20)									SU	SU
Salvage Yard (7-3, 50)										PBS
Slaughter House, Meat Packing (8-4, 32)	SU	SU								
Slaughter House, Meat Packing									P	P
Tire Recapping									P	P
Trucking Equipment, Heavy Equipment, Sales and Service with Sales Lot								P	P	P
Public Utilities	See Public Service Facility, (8-4, 17)									
Warehouse, Enclosed Storage								P	P	P
Warehouse with Outside Storage (7-3, 65)									PBS	PBS
Warehouse, Volatile Materials										P
Welding Shop								P	P	P

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
TEMPORARY USES										
See Chapter 7 Section 7-3, #68 for Specific Standards Related to Temporary Uses and Zoning Districts Where Permitted										
Auction, Estate or Asset Liquidation	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Auction, Livestock	PBS	PBS	PBS	PBS						
Contractor Office, Construction Equipment Storage	PBS Accessory to Active Construction Project, Refer to Text									
Dumpsters, Commercial Waste Containers	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
FEMA Trailers, Natural Disaster or Significant Weather Event	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Itinerant Merchants at Existing Business			PBS	PBS	PBS		PBS	PBS		
Mobile Personal Storage Unit, Vacate or Occupy Premise	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Mobile Personal Storage Unit, Renovation	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Promotional Activities Involving the Display of Goods or Merchandise	PBS, Existing Business, Refer to Text									
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial/Mixed Use Projects	PBS, Active Mixed Use/Commercial Use Project Sites, Refer to Text									
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Residential Projects	PBS, Active Residential Projects, Refer to Text									
Real Estate Office in Model Home	PBS, Accessory to Construction of New Residential Project, Refer to Text									
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins						PBS	PBS	PBS	PBS	
Similar and Compatible Uses Not Specified	PBS, As Determined by Administrator									
Temporary Dwelling for Large Construction Projects	PBS, Active Construction Sites, Refer to Text									
Temporary Health Care Structure	PBS	PBS	PBS	PBS	PBS					
Temporary Residence in Mobile Home During Construction of New Home, Same Site	PBS	PBS	PBS	PBS	PBS					
Temporary Signs	See Chapter Eleven, Signage									
Temporary Tent or Temporary Structure, Including Cell on Wheels						PBS	PBS	PBS	PBS	PBS

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "PBS" - Permitted Based on Standards, "SU"-Special Use										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
TRANSPORTATION RELATED										
Airport, Commercial (8-4, 2)									SU	SU
Airstrip (8-4,3)	See Accessory Use									
Rail Storage Yard									P	P
Storage Lot, Logistics and Freight									P	P
Taxi Service, Dispatch and Storage								P	P	P
Tour Bus Company, Travel Agency with On-Site Bus Storage								P	P	P
Trucking Company, Heavy Equipment Company, Dispatch Facility With Storage								P	P	P
Truck Stop, Truck Terminal								p	P	P

Section 4-1 Introduction

Overlay zones and districts are much like what they sound - they are a zoning district of sorts laid on top of the base-zoning district. For example, an area may be zoned General Industrial, one of the basic zoning districts. Generally speaking, all of the rules and regulations of this zone, the General Industrial Zone, apply to any land use within the zone. Because the area also has a major road running through it, it may also be partially within the Thoroughfare Overlay zone (TOZ). This additional zone is "overlaid" upon the top of the underlying General Industrial zone and its rules and regulations must also be observed. Using overlay zones on top of basic zoning districts helps to customize the actual land use. Overlay zones are designated on the official zoning maps of Cabarrus County.

Section 4-2 How to use this Chapter

Overlay zones in Cabarrus County are organized as follows:

PART I. <u>Watershed Overlay Zone (WOZ)</u> - Regulations on property developed in close proximity to water supplies. Required by the State of N.C.	Sections 4-3 to 4-7
PART II. <u>Waterbody Buffer Zone (WBZ)</u> - This overlay protects all land on each side of all perennial streams, intermittent streams, waterbodies and wetlands in the County.	Sections 4-8 to 4-10
PART III. <u>Thoroughfare Overlay Zone (TOZ)</u> -Assures the protection of major roads in the County by reserving potential right-of-ways along these major roads.	Sections 4-11 to 4-18
PART IV. <u>Airport Overlay District (AOD)</u> - Covers regulations for land in close proximity to airports.	Sections 4-19
PART V. <u>Manufactured Home Overlay Districts (MHOD)</u>	Sections 4-20 to 4-28

PART I WATERSHED OVERLAY ZONE

Section 4-3 Application of Zone

The provisions of this district shall apply within the areas designated as a "Public Water Supply Watershed" by the North Carolina Environmental Management Commission. The designated areas are established on the map entitled "Watershed Protection Map of Cabarrus County, North Carolina" which is adopted simultaneously with this section. Any and all amendments to this overlay district shall take effect and be in force at the date of enactment by the Cabarrus County Board of Commissioners.

Section 4-4 Requirements for all lots in the Coddle Creek and Dutch Buffalo Watersheds

WS-II Watershed Areas: Coddle Creek and Dutch Buffalo

All land in the Coddle Creek and Dutch Buffalo Creek watersheds have been classified by the North Carolina Environmental Management Commission as "Watersheds II" drinking waters.

Coddle Creek: WS-II Critical Area

1. All lots within the drainage basin's critical area, that is land within 1/2 mile of the high water mark or the ridge line of the watershed (whichever comes first) for the reservoirs, shall have a minimum of two (2) acres. If an open space development is approved, the density for the site shall remain one dwelling per two (2) acres for development.

Coddle Creek: WS-II Protected Area

2. All lots in the watershed protected area shall have a minimum square footage of one acre, or one dwelling unit per acre, or meet requirements of the *Cabarrus County Development Ordinance*, whichever is more stringent.

Dutch Buffalo Creek: WS-II Critical Area

1. All lots within the drainage basin's critical area, that is land within 1/2 mile of the high water mark or the ridge line of the watershed (whichever comes first) for the reservoirs, shall have a minimum of two (2) acres. If an open space development is approved, the density for the site shall remain one dwelling per two (2) acres for development.

Dutch Buffalo Creek: Watershed II Protected Area

2. All lots in the protected area shall have a minimum square footage of one acre, or one dwelling unit per acre, or meet requirements of the *Cabarrus County Development Ordinance*, whichever is more stringent.

Section 4-5 Additional requirements for property located in a WS-II Critical Area (within 1/2 mile of the high water mark for reservoirs)

1. No commercial or industrial development shall be permitted in the WS-II Critical Area.
2. A 150-foot vegetative buffer shall be maintained from the normal pool level on all property adjoining the reservoir. No permanent structures shall be allowed within this buffer area.
3. Waterbody buffers shall be established as detailed in the Waterbody Buffer Zone section of this Ordinance.
4. All non-single family residential and nonresidential development of lots within the critical area shall have an impermeable area of less than six percent (6%).
5. No industrial or commercial hazardous material shall be used or stored in this 1/2-mile area.
6. Landfills and sites for land application of residuals or petroleum contaminated soils are specifically prohibited.
7. Maximum impervious coverage for individual single family residential lots in a critical area shall be based on the zoning district used for permitting.

For property located in a WS-II watershed protected area, the following requirements shall be met:

1. Maximum impervious coverage for individual single family residential lots in the protected area shall be based on the zoning district used for permitting.
2. Waterbody buffers shall be established as required by the Waterbody Buffer Zone section of this Ordinance.
3. All other residential and non-residential development shall not exceed twelve (12%) percent built-upon area for the site in addition to meeting the applicable minimum lot size, density, and zoning district requirements.

Section 4-6 Requirements for the Coldwater Creek -Lake Concord, Coldwater Creek-Lake Fisher and Tuckertown Reservoir WS-IV Watersheds

All land in the Coldwater Creek-Lake Concord, Coldwater Creek-Lake Fisher, and Tuckertown Reservoir watersheds have been classified by the North Carolina Environmental Management Commission as "Watersheds IV" drinking waters.

Coldwater Creek -Lake Concord: WS-IV Critical Area and WS-IV Watershed Protected Area

Coldwater Creek-Lake Fisher: WS-IV Critical Area and WS-IV Watershed Protected Area

Tuckertown Reservoir: WS-IV Critical Area and WS-IV Watershed Protected Area

The following requirements apply to both the WS-IV Critical Area and the WS-IV Watershed Protected Area of these watersheds:

1. Unless prohibited by the underlying zoning district, densities for single family residential developments are permitted up to two (2) dwelling units per acre.
2. Maximum impervious coverage for individual single family residential lots shall be based on the zoning district used for permitting.
3. All other residential and non-residential development shall not exceed twenty-four (24%) percent built-upon area for the site in addition to meeting the applicable minimum lot size, density, and zoning district requirements.
4. Landfills and sites for land application of residuals or petroleum contaminated soils are specifically prohibited.

Any existing development within the watershed area may be continued, as governed by other sections of the Zoning Ordinance, and is subject to the following provisions:

1. Existing lot, lot of record: Platted but non-developed (vacant) existing lots of record may be used even if undersized, provided that the standards of the Ordinance for the applicable zoning district can be met.
2. Developed lots: Lots that were developed prior to the adoption of the watershed regulations on December 20, 1993 are considered grandfathered lots. Built-upon area, for purposes of complying with the Watershed Overlay Zone standards, shall be determined by using additions to the site occurring after the adoption date of this section of the ordinance. Historical survey data, Cabarrus County Geographic Information Systems data and land records data shall be used to determine the base built-upon area for Watershed Overlay Zone compliance and for permitting purposes. In no case, however, shall the overall built-upon area for a property exceed the impervious or structural coverage allowed for the underlying zoning district.

Section 4-7 Appeals and Variances

Appeal of Zoning Administrator Decision

As with all enforcement and administration, decisions of the Zoning Administrator may be appealed to the Cabarrus County Planning and Zoning Commission acting as a Board of Adjustment. Any appeal shall be reviewed by the Board under the standards used in granting a variance (see Chapter 12).

Variance Requests

The Planning and Zoning Commission, acting as Board of Adjustment, shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Cabarrus County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

Applications for a variance shall be made on the proper form obtainable from the Zoning Administrator and shall include the following information:

1. A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
2. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Planning and Zoning Commission, acting as Board of Adjustment, in considering the application.
3. The Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Zoning Administrator prior to a decision by the Planning and Zoning Commission, acting as Board of Adjustment. Such comments shall become a part of the record of proceedings of the Planning and Zoning Commission, acting as Board of Adjustment.

Before the Planning and Zoning Commission, acting as Board of Adjustment, may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

- a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:
 - i. If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to

- be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
- ii. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - iv. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.
 - v. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- b. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 - c. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

The Planning and Zoning Commission, acting as Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

If the application calls for the granting of a major variance, and if the Planning and Zoning Commission, acting as Board of Adjustment, decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- a. The variance application;

- b. The hearing notices;
- c. The evidence presented;
- d. Motions, offers of proof, objections to evidence, and rulings on them;
- e. Proposed findings and exceptions;
- f. The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

If the Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance and that

- a. the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and
- b. the variance, if granted, will not result in a serious threat to the water supply,

then the Environmental Management Commission (EMC) shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

The Environmental Management Commission shall prepare a Commission decision and send it to the Planning and Zoning Commission, acting as Board of Adjustment. If the EMC approves the variance as proposed, the Planning and Zoning Commission, acting as Board of Adjustment, shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Planning and Zoning Commission, acting as Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

If the EMC concludes from the preliminary record that the variance qualifies as a major variance and that

- a. the property owner can secure a reasonable return from or make a practical use of the property without the variance or
- b. the variance, if granted, will result in a serious threat to the water supply,

then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Planning and Zoning Commission, acting as Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

Appeal of Decision of the Planning and Zoning Commission, acting as Board of Adjustment

Appeals from the Planning and Zoning Commission, acting as Board of Adjustment, must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.

4-7.1 Rules Governing the Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

1. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
2. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to Cabarrus County as evidence that one or more properties along these boundaries do not lie within the watershed area.
3. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
4. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
5. Where other uncertainty exists, the Zoning Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Planning and Zoning Commission, acting as Board of Adjustment.

4-7.2 Definitions related to administration of Watershed Overlay Zone

Agricultural Use- The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP)- A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

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

Critical Area- The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is

defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

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

Existing Development-Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance (December 20, 1993) based on at least one of the following criteria:

- a. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- b. having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- c. having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record)-A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance on December 20, 1993, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Major Variance- A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- a. the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- b. the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
- c. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Minor Variance- A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

Protected Area-The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Variance-A permission to develop or use property granted by the Cabarrus County Planning and Zoning Commission, acting as Board of Adjustment, relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Watershed-The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

4-7.4 Word Interpretation

For the purpose of this Watershed Overlay Zone, certain words shall be interpreted as follows:

- Words in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- The word "structure" shall include the word "building."
- The word "lot" shall include the words, "plot," "parcel," or "tract."
- The word "shall" is always mandatory and not merely directory.
- The word "will" is always mandatory and not merely directory.

PART II WATERBODY BUFFER ZONE

Section 4-8 Intention of Waterbody Buffer Zone

The purpose of the Waterbody Buffer Zone is to provide protected, vegetated strips of land adjacent to streams, rivers, lakes, ponds, impoundments, and wetlands. These buffers are retained in a natural, undisturbed, state, in an effort to avoid erosion problems and to reduce the velocity of overland flow, thus trapping sediment and soil eroded from cropland or land being developed to limit pollutants from entering the waterway.

Section 4-9 Effect upon bona fide farms

While North Carolina law exempts bona fide farms from local zoning regulations, the County strongly encourages the use of best management practices in farming. A waterbody buffer is one of these practices and is therefore consistent with North Carolina Sediment Control Law and thus is a 75% reimbursable North Carolina Agricultural Cost - Share Program. This program is

administered through the Cabarrus Soil and Water District. The following text shall apply to all development or changing of conditions (e.g., timbering, land clearing, etc.) adjacent to waterbodies as defined below.

4.9-1-Impoundments for agricultural purposes

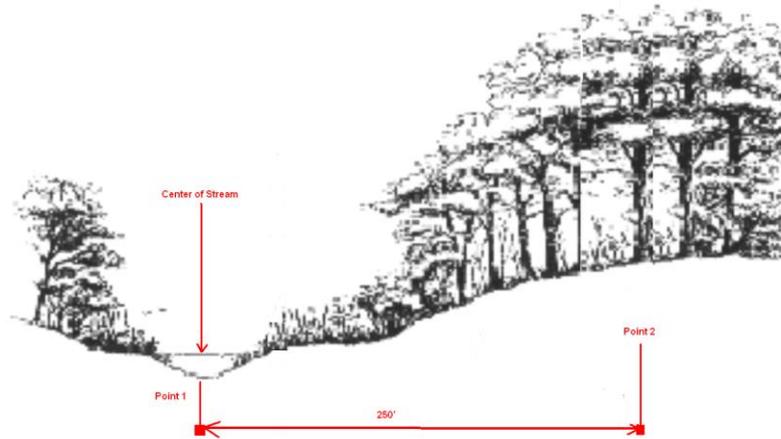
Impoundments used primarily for bona fide agricultural purposes, including animal watering, irrigation, or other agricultural uses shall not be subject to buffering requirements unless the waterbody is part of a natural drainage way (i.e., unless the waterbody is located on a perennial stream);

Section 4-10 Requirements of the Waterbody Buffer Zone

1. A minimum 50-foot buffer shall be established from the stream bank on all sides of perennial streams in addition to any lakes, ponds or impoundments located along, or on, those streams. Perennial streams include all rivers, streams, lakes, ponds or waterbodies shown on the USGS Quadrangle Maps as a solid blue line or identified in the Cabarrus County Geographic Information System.
2. A minimum 25-foot-buffer shall be established along the edge of any identified wetlands.
3. The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.
4. Streams may exist even if they are not mapped on the USGS Quadrangle Maps or NRCS Soil Survey Maps. A qualified professional must identify streams that exist on the site but are not mapped. For purposes of this section, a qualified professional shall mean an individual that has attended wetlands delineation training using application of the 1987 Wetland Delineation Manual by the US Army Corps of Engineers and Identification of Perennial and Intermittent Streams training supported by the North Carolina Division of Water Quality.
5. The determination that a waterbody or stream indicated on a USGS Map or NRCS soil survey map does not exist must be concurred by the NCDENR Division of Water Quality and/or the US Army Corps of Engineers.
6. The Waterbody Buffer Zone shall be determined and clearly delineated on site prior to any development or pre-development activity occurring in order to protect the required buffer from encroachment or damage. No development, including soil disturbing activities or grading, shall occur within the established buffer area.

7. The waterbody buffer shall be maintained as follows and shall be shown on all site plans or subdivision plats related to the project submitted for review, including soil and erosion control plans:

- a. The size of a perennial stream or ~~Class 1~~ waterbody buffer shall be measured from the annual average stream bank, perpendicularly for a distance of 50 feet plus 4 times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The percent of slope for this distance shall serve as the determining factor. However, the maximum distance shall not exceed 120 feet from the edge of the stream. For Lakes, ponds or impoundments, the buffer shall be computed using the high water elevation in place of the stream bank in the calculation.

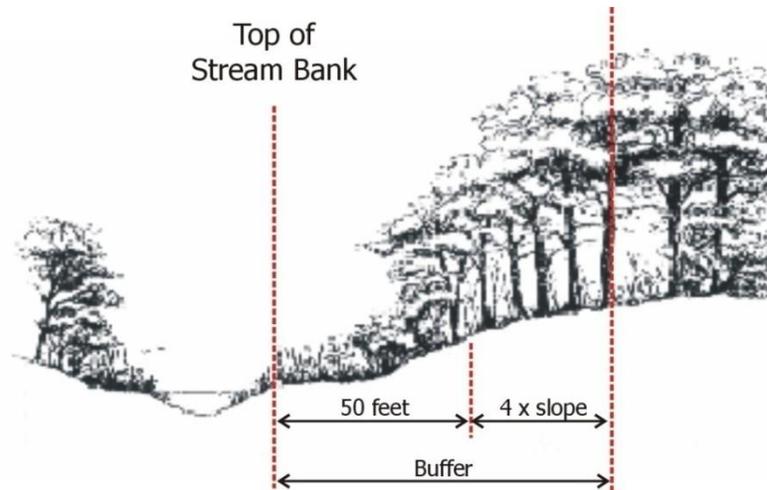


Pre-development elevation of Point 1 in feet = E1

Pre-development elevation of Point 2 in feet = E2

$$S = \frac{E2 - E1 \text{ (feet)}}{250 \text{ feet}} \times 100$$

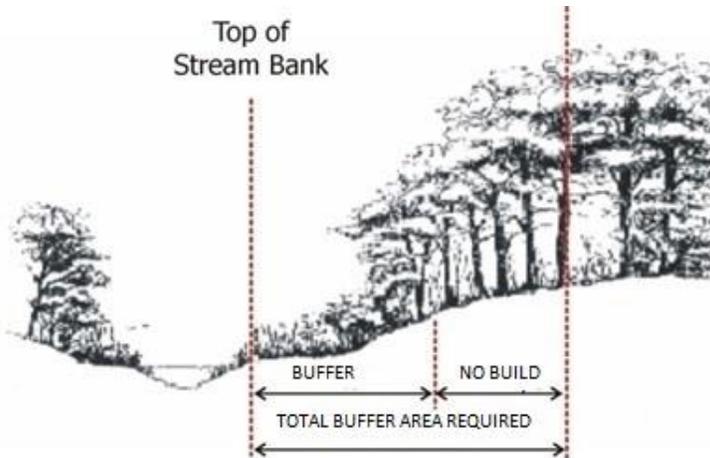
250 feet



$$\text{Width} = [50 + (4 \times S)]$$

Minimum width: 50 feet (areas with flat slopes)

Maximum width: 120 feet (areas with steep slopes)



8. All buffer areas shall remain in a natural, vegetated state. If the buffer area is wooded, it shall remain undisturbed.
9. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities must occur near the buffer zones, they shall conform to all State and Federal regulations. Other unnamed agricultural activities that would result in significant disturbance of the existing soil, increase soil erosion, or

destroy plant and wildlife habitats can only occur with an approved replacement program and shall also be consistent with North Carolina Sediment Control Law and in coordination with the North Carolina Wildlife Resources Commission's District 6 Biologist, and in consultation with the Cabarrus Soil and Water District Representative. Existing agricultural operations, forested or vegetated areas within stream buffer areas shall follow the State's forest practice guidelines which include best management practices (BMPs) as defined by the North Carolina Soil and Water Conservation Commission.

10. Buffer Encroachments:

- a. Sewer Easements: Permitted encroachments in the buffer area include sewer easements, providing the activities strictly adhere to applicable state and local soil and erosion control regulations/guidelines. Perennial vegetation must be established as a necessary step in completing construction of any sewer facilities. Sewer easements should be as close to perpendicular or parallel to the stream channel to minimize the impact on the stream buffer.
- b. Utilities: Overhead and/or underground utilities, roads, streets, bridges, or similar structures should be placed within existing public or private rights-of-way and must cross the buffer area as close to perpendicular as possible.
- c. Driveways and Roads that Pre-date Waterbody Buffer Zone Adoption: Where residential driveways, right-of-ways, private streets or roads used for agricultural purposes on bona fide farms were installed prior to the adoption of this section of the zoning ordinance (July 23, 1990) and encroach into the required buffers, these roads may remain and continue to be used to access the property. These driveways, right-of-ways, private streets or farm roads, however, may only be improved if it is required for emergency vehicle access.
- d. Structures that Pre-date Waterbody Buffer Zone Adoption: Where structures that pre-date the adoption of this section of the zoning ordinance (July 23, 1990) are located in the required buffer areas, these structures may be expanded by up to 50% percent (50%) of the square footage of the structure upon the issuance of a Certificate of Non-conformity Adjustment. To the greatest extent possible, expansions should be directed away from the buffer area. See Chapter 14 for additional information related to the Certificate of Non-conformity Adjustment process.
- e. Fences are permitted within the buffer area, provided that the design does not interfere with the flow of water through the buffer area to the waterbody.

11. Any proposed recreation facilities or greenways must be located a minimum of 60' from the top of the stream bank. This includes any proposed pedestrian, hiking or biking trails. Recreational structures are not permitted in the waterbody buffer.
12. In the event that a buffer is disturbed, all disturbed areas within the buffer zone shall be revegetated with appropriate vegetation immediately.
13. A progress report shall be submitted by the individual, corporation, or company disturbing land in the Waterbody Buffer Zone to the Cabarrus County Planning and Zoning Department within 60 days of approval of the replacement program by the Soil and Water Conservation District staff. Two other reports may be required at 120 and 180 days if the program is not completed. The first two reports shall explain what work has been completed and any results as well as a time schedule for completion of the rest of the program. The final report shall document that the replacement program has been completed. The site shall be regularly inspected by the enforcement branch of the Cabarrus County Planning and Zoning Department and the Cabarrus Soil and Water Conservation District to assure activity and compliance. Any noncompliance shall be treated as a zoning violation and be subject to enforcement as described in Chapter Twelve of this Ordinance.
14. The minimum building setback, also known as the no build buffer area shall be at least 20 feet from the established waterbody buffer. If there is a difference in the zoning ordinance setback and the no build buffer, the greater of the two shall apply. No buildings or structures shall be permitted in the no build buffer area. Minimal land disturbance, including the clearing of underbrush, is allowed in the no build buffer.
15. Where the Waterbody Buffer Zone or no build buffer impacts or is part of a lot, a note shall be placed on the plat or site plan and a restriction shall become part of the deed for the property stating that said property is subject to the Waterbody Buffer Zone.
 - a. Land within a stream buffer shall not be used to meet the minimum area requirements for lots that are one acre or less.
 - b. If a lot is greater than one acre in area, except where lots are greater than one acre in area, the buffer area may be used to meet the minimum lot size requirements, however, at least 50 percent of the lot shall remain outside the stream buffer area.
16. Applicants and property owners are strongly encouraged to consider the dedication of property or easements subject to the Waterbody Buffer Zone to one of the following when appropriate:
 - o Property/Home Owners Association

- Cabarrus Soil and Water Conservation District
- A conservation organization

PART III THOROUGHFARE OVERLAY (TOZ) ZONE

Section 4-11 Intention

The orderly development of land is dependent upon the protection of existing and proposed major roads in the County. It is extremely important because thoroughfares commonly establish a positive image of the quality of life in the County for visitors and residents alike. Preservation of this natural beauty is required to enhance trade, capital investment, tourism and general welfare.

The purpose of the Thoroughfare Overlay Zone (TOZ) is to help assure protection will be included in all land uses developed along several key roadways. Accordingly, these regulations are made with consideration to both the County's land development plan and area plans. They are designed to promote the health and general welfare of the residents of Cabarrus County as well as preserve property values and encourage appropriate land usage. And, finally, these regulations will facilitate the provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter, excessive driveway cuts, and poor site layout.

Section 4-12 Setback requirements

All roads classified as minor thoroughfares, major thoroughfares, boulevards, expressways or freeways, in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan or listed in the Comprehensive Transportation Plan Index, are subject to the Right-of-Way standards as adopted in the referenced documents.

The setback is measured from the edge of the proposed right-of-way. These setbacks will be in addition to the setbacks required in the applicable zone by the Cabarrus County Zoning Ordinance.

Section 4-13 Additional requirements

Arterial roadways US 29, NC 49, NC 73, NC 24-27, and US 601 are subject to the following. In addition, roadways referenced within the following shall also be subject to the additional requirements beginning in Section 4-16.

1. An official roadway corridor map approved by the Cabarrus County Board of Commissioners.
2. A comprehensive street system plan, collector street plan, or thoroughfare plan adopted by the Cabarrus County Board of Commissioners.

3. A North Carolina Department of Transportation (NCDOT) annual construction program or a multi-year transportation improvement plan.
4. The Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan and the Comprehensive Transportation Plan Index.

Section 4-14 Establishment of zone

The Thoroughfare Overlay Zone (TOZ) shall be superimposed along both sides of the above mentioned and proposed roads, which extend into the County's planning and zoning jurisdiction. As an overlay zone, it does not control the permitted or conditional uses therein, but provides additional development requirements and standards, which are applied within the coverage area.

Section 4-15 Site plan requirements

Any of the permitted or conditional land uses allowed in the underlying district(s) shall submit a site plan with the following information:

1. Location and arrangement of automobile parking, access, and circulation patterns.
2. Location and use of existing buildings and accessory structures.
3. Location of existing and proposed signs.
4. Location of all streets, existing or proposed, storm sewer, and drainage structures.
5. Existing and proposed rights-of-way including streets, sidewalks, and utilities.
6. Boundary of the proposed project, adjacent property owners, land use, and zoning.
7. Notation of distance to all major and minor thoroughfares designated in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan and all collector streets within five hundred (500) feet of the property.
8. Existing and proposed topography at five (5) foot intervals.
9. Any additional items required in other sections of this or other ordinances.

After approval of a site plan by the Zoning Administrator, a copy of the approved plan shall be filed within the Office of the Department of Planning, Zoning, and Building Inspection. All land use permits shall be issued only for structures or dwellings that comply with this approved plan.

Section 4-16 Thoroughfare Required Landscape Yard

A fifteen (15) foot landscape yard is required from the right-of-way as identified in Section 4-13.

This fifteen (15) foot landscape yard shall contain a mixture of the following: one tree which will reach a level of six (6) feet within three (3) years every thirty (30) linear feet of frontage, shrubs at a rate of one per every 50 Square Feet of planting area, decorative trees (miniature trees if located under power lines), and grass.

No permanent structures shall be built in the required setback area.

Section 4-17 Additions to existing properties

If additions are planned for the properties located along the above mentioned roadways, then these additions shall meet the designated right-of-way and setback as listed in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan, the Comprehensive Transportation Plan Index, and the County's Zoning Ordinance. Any additions, five (5%) percent or less of the original square footage at the time of adoption of the TOZ, shall be exempt from the TOZ requirements.

Section 4-18 Access points

The term access point(s) shall mean a point of ingress and/or egress, which may be either public or private.

1. New Lots. All new lots, parcels or divisions of land shall be provided access to the thoroughfare by means of a subdivision street or an entrance either maintained or approved by the State of North Carolina or approved by the Cabarrus County Zoning Ordinance or Subdivision Regulations. Subdivision streets accessing the thoroughfare shall be located at least four (400) hundred feet apart. Where no more than two lots are created within the internal lot in a single block lying within the TOZ, a single vehicular access provision shall be made from the thoroughfare.
2. Lots of Record. Any lots of record at the time of the adoption of this Ordinance shall be allowed one access point. However, if lots of records are corner lots then the access point shall be located on the road of minor classification no closer than one hundred twenty-five (125) feet or the greatest possible distance from the intersection with the thoroughfare.
3. Corner Lots. Corner lots fronting on two (2) thoroughfares may have one access point from each thoroughfare. However, the access shall meet the one hundred twenty-five (125) foot distance requirement, or the greatest possible distance.
4. Additional Access Points. An additional access point may be approved, at the discretion of the North Carolina Department of Transportation, for access to Commercial or Industrial property. The approval of this additional access point shall require the construction of both a left turn and deceleration lane to serve that entrance. The area of these lanes used for vehicular storage shall be of standard lane width (12 feet) and adequate in length to store a standard tractor-trailer and two automobiles. In no event shall adjacent access points be closer

than 100 feet to each other, as measured from the nearest curbs or edges of pavement, excluding any area of the access flared to improve vehicle ingress or egress. This requirement may be waived if no other access to the property would be possible.

The additional access point shall be no more than 32 feet in width, and shall be defined by a curb on both ends of the access point. A standard sight triangle (10' by 70') shall be maintained on the portion of curb adjoining the access point. No structure, sign, planting, etc. shall be placed in the sight triangle that would interfere with the tractor-trailer being able to enter or exit the property in one continuous movement.

The area required for these improvements to provide an additional access may not be included in the area required for the Thoroughfare yard (see Section 4-17.)

Part IV Airport Overlay (AOD) District

Section 4-19 Purpose

This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Concord Regional Airport, the property and occupants of land in the vicinity, and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards.

a. Location

The AOD Overlay District shall overlap and overlay the base zoning districts. Said overlay district may be expanded by adding additional land area from time to time.

b. Principal, Conditional, and Accessory Uses

Permitted principal uses, conditional uses and accessory uses shall be those within the underlying zoning district as set forth in Section 3-8, Table of Permitted Uses.

c. Use Restrictions

No use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife, or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

d. Area Regulations

Dimensional requirements such as lot size, height and setbacks shall be governed by the underlying zoning districts. In no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

e. General Development Standards

1. In order to carry out the provisions of these regulations, there are hereby created and established within the Concord Regional Airport certain zones which include all

CABARRUS COUNTY DEVELOPMENT ORDINANCE
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of the land lying within the approach zones, transitional zones, horizontal zones and conical zones, as they apply to the more restrictive height limitation. Such zones are shown on the Official Concord Regional Airport Hazard Zoning Map. An area located in more than one of the following zones shall be subject to the Airport Overlay District.

2. The various zones are hereby established and defined in Column (B) of the following table. No structure or tree shall be erected, altered, allowed to grow or be maintained in any of the zones created by these regulations to a height in excess of the applicable height limit herein established for such zone. Unless otherwise specified, the height shall be measured from mean sea level.

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
PRECISION INSTRUMENT RUNWAY APPROACH ZONE	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its center line being the continuation of the center line of the runway.	Slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line, then at a slope of 40:1 for an additional 40,000 feet.
LOCAL BUFFER APPROACH ZONE	The extent of this zone coincides with the PRECISION INSTRUMENT RUNWAY APPROACH ZONE as described above.	Uses shall not exceed the maximum height specified for the PRECISION INSTRUMENT RUNWAY APPROACH ZONE less ten (10) feet on southern approach only. Uses encroaching into this zone shall be allowed only as special uses, and shall not be constructed, erected, or otherwise established unless and until a special use permit has been issued.

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(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
TRANSITIONAL ZONES	<p>These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway center line and the runway center line extended a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway center line.</p>	<p>Slopes upward and outward seven feet horizontally for each foot vertically beginning at all the sides of and at the same elevation as the primary surface and the approach zones and extending to a height of 150 feet above the airport elevation, or 840 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument run approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface and extending to a horizontal distance of 5,000 feet from the edge of the approach surface measured at 90-degree angles to the extended runway center line.</p>
HORIZONTAL ZONE	<p>The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connection the adjacent arcs by drawing lines tangent to those arcs</p>	<p>One hundred fifty feet about the airport elevation or a height of 840 feet above mean sea level.</p>

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
CONICAL ZONE	The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.	Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or 1,040 feet above mean sea level.

f. Nonconforming Uses

- The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration which was begun prior to the effective date of these regulations, and is diligently prosecuted.
- No zoning permit shall be granted that would allow the expansion of a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.
- Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator after consultation with the Concord Regional Airport Aviation Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Concord.

g. Additional Review Required

For all expanding uses or proposed projects within the Airport Overlay District, City of Concord Development Services and the City of Concord Aviation Director shall be included in the review process to determine compliance with the Airport Overlay District.

PART V MANUFACTURED HOME OVERLAY (MHOD) DISTRICTS

Section 4-20 Purpose

The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate income persons.

A manufactured home is defined as a dwelling unit that:

- Is not constructed in accordance with the standards of the North Carolina Residential Building Code for One- and Two-Family Dwellings;
- Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;
- Exceeds forty feet in length and eight feet in width; and
- Is constructed to the Federal Manufactures Construction Standards and is so labeled. For purposes of this Part, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

Section 4-21 Modular Homes Exempted

Manufactured Housing Constructed to meet the N.C. State Building Code (Modular Homes) shall be treated the same as stick-built housing.

Section 4-22 Establishment

This Section establishes three Manufactured Home Overlay Districts in order to provide flexibility with regard to various manufactured home products: MH-1, MH-2 and MHP.

Section 4-23 Classification of Manufactured Homes and Recreational Vehicles

The following classification system is hereby adopted for purposes of this Section:

MANUFACTURED HOME TYPE I- A single-section manufactured home.

MANUFACTURED HOME TYPE II- A multi-section manufactured home.

RECREATIONAL VEHICLE - A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes.

Section 4-24 MH-1, Manufactured Home Overlay 1

1. Purpose -The purpose of the MH-1, Manufactured Home Overlay District, is to provide for the principal use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building, provided the specific design and/or installation regulations appearing in Section 4-28, are met.

2. Uses Permitted

Use permitted as of right within the MH-1 Overlay District include:

- All uses permitted in the Underlying Zoning District (See Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
- Manufactured Homes - Type I (permanent installations only)
- Manufactured Homes - Type II (permanent installations only)

3. Design Standards - See Section 4-28, Design and Installation Standards for Individual Manufactured Homes.

Section 4-25 MH-2, Manufactured Home Overlay 2

1. Purpose -The purpose of the MH-2, Manufactured Home Overlay District, is to provide for the Principal Use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building, provided the specific design and/or installation regulations appearing in section 4-28 are met.

2. Uses Permitted

Use permitted as of right within the MH-2 Overlay District include:

- All uses permitted in the Underlying Zoning District. (See Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
- Manufactured Homes - Type II (permanent installations only)

3. Design Standards

- See Section 4-28, Design and Installation Standards for Individual Manufactured Homes.

Section 4-26 MHP Manufactured Home Park Overlay

1. Purpose. The purpose of the MHP, Manufactured Home Overlay District is to provide for the Principal Use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building provided the specific design and/or installation regulations appearing in 4-28 of this Ordinance are met.

2. Uses Permitted

Use permitted as of right within the MHP Overlay District include:

- All uses permitted in the Underlying Zoning District (see Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
- Manufactured Home Park (permanent and/or temporary installation of Type I and/or Type II Manufactured Homes)

- Manufactured Homes - Type I (permanent installations only when not located within a Manufactured Home Park)
- Manufactured Homes - Type II (permanent installations only when not located within a Manufactured Home Park)
- Recreational Vehicles (temporary installations only within a Manufactured Home Park not to exceed one hundred eighty (180) days for any one unit), provided that:
 - a) Recreational Vehicles shall not be used or occupied as a permanent Dwelling Unit.
 - b) Recreational Vehicles shall be located on separate spaces and shall be completely screened from view from any access streets by landscaping, berms or natural obstructions.
 - c) Not more than ten percent (10%) of the total number of spaces within the park may be occupied by a recreational vehicle. Spaces shall be designated on the approved Mobile Home Park site plan.

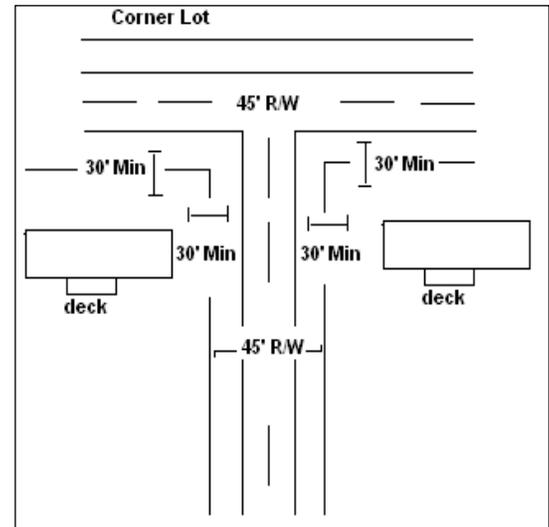
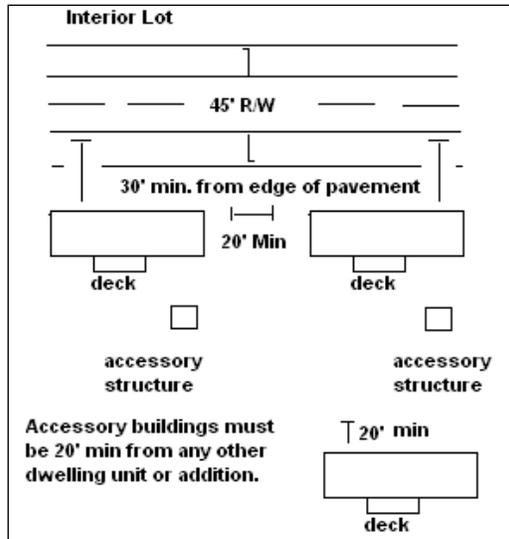
Section 4-27 Design and Installation Standards for Manufactured Home Parks

1. The location of two or more Class I or Class II manufactured homes on a parcel of land shall constitute a Manufactured Home Park and shall be subject to the provisions of this Section.
2. Each application for a manufactured home park shall be accompanied by a master plan. The master plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements that may be considered essential. The master plan shall show how all proposed improvements will meet the design and installation standards of Chapter 4, Part VII.
3. The minimum land area for the entire site shall be 5 acres.
4. Dimensional and density requirements for manufactured homes shall comply with the criteria set forth in Table 1 in Chapter 4, Part VI.
5. All manufactured home spaces shall abut upon a paved internal street not less than 24 feet in paved width exclusive of parking.
6. All manufactured home spaces shall be served by at least a three-foot all-weather surface sidewalk.
7. All common spaces must be served by four-foot wide all-weather surface sidewalks.
8. Each space shall be graded as to prevent erosion and provide adequate storm drainage away from the dwelling unit.

9. Two paved off-street parking spaces shall be provided for each manufactured home space. Each parking space shall be at least 210 square feet in area and have a minimum width of 10 feet. No parking shall be permitted on the street.
10. Each manufactured home park shall have a minimum of eight percent of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.
11. Operators of manufactured home parks must provide adequate solid waste refuse and recycling containers. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home unit and at least 10 feet away from internal residential streets. Recycling containers shall be emptied on a regular basis and shall be the responsibility of the park operator.
12. A manufactured home park must be served by an approved public water service or support an individual well on each lot. Approved public sewer or individual septic systems for each lot shall be required.
13. Adequate illumination shall be provided to ensure the safe movement of pedestrians and vehicles at night. Permanent buildings designed for and used by park residents shall remain illuminated to at least the level of 40-foot candles at all times.
14. A level 2 buffer yard shall be installed around the perimeter of the Manufactured Home Park (see Chapter 9 for planting requirements).
15. The park owner shall be responsible for the placement of the dwelling unit on the designated space within the park. This responsibility assures the placement of the dwelling unit adheres to the development standards listed below, including setbacks from lot lines and street as stated in this ordinance.

A violation of any section of this section and correction thereof shall be the responsibility of the park owner(s).

- a. Interior lots shall have the building setback for principle structures measured thirty feet from the edge of the pavement
- b. Corner lots shall have the building setback for principle structures measured thirty feet for the edge of the pavement of each right-of-way.
- c. Accessory structures shall not be located closer to any right-of-way than the principle structure.
- d. Accessory structures shall be placed twenty feet minimum from any other dwelling unit, additions to any dwelling unit and other accessory structures.



Section 4-28 Design and Installation Standards for Individual Manufactured Homes

All manufactured homes shall comply with the following design and installation standards:

1. Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject. This provision shall not apply to a Manufactured Home Park where the lots are not subdivided into separate tracts of land. (Refer to #15 above for placement standards.)
2. A minimum 3:12 roof pitch is required for all Type I units. Type II units are not required a minimum roof pitch.
3. A continuous curtain wall made from brick or foundation made from brick or split-faced block, unpierced except for ventilation and access, shall be installed under the outer perimeter of the dwelling from its base to the ground so as to be compatible with surrounding residential-uses. A brick curtain wall shall not be required for installations in a Manufactured Home Park or in the AO zoning district, in those cases other compatible skirting materials may be used.
4. The Dwelling shall be attached to a permanent foundation system in compliance with the N.C. State Building Code as may be amended, and the following requirements:

5. All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit. Hitches may remain, but shall be screened from view unless located within a manufactured home park.

6. For homes which are narrower than 17 feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

TABLE 1 (Dimensional Requirements for Manufactured Home Parks)

STANDARD	MANUFACTURED HOME TYPE I (SINGLE-SECTION)	MANUFACTURED HOME, TYPE II (MULTIPLE-SECTION)
Area of Space (square feet)	4,000	5,000
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent accessory structures)	20	20
Rear Yard (in feet between manufactured homes or permanent accessory structures)	20	20

Section 5-1 Intent

The district development standards of this Ordinance establish lot sizes and certain restrictions for residential and nonresidential development. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the County. Development standards are based on the County’s suburban and rural planning tiers. Separate standards are established to regulate development in each residential district. This approach to district development standards and planning tiers has several public benefits:

1. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
2. It promotes quality site layout and energy-efficient development.
3. It promotes affordable and life-cycle housing.
4. It promotes development intensities that match existing and proposed infrastructure investments.

Section 5-2 How to use this Chapter

This Chapter is divided into the following parts:

PART I. RESIDENTIAL DISTRICTS.	This Part sets forth the standards for all types of residential subdivisions in all residential districts.
PART II. NON-RESIDENTIAL DISTRICTS.	This Part sets forth the standards for development in non-residential districts.

PART I. RESIDENTIAL DISTRICTS

Section 5-3 Subdivision types

Development within the residential districts allows three types of subdivision.

A. Conventional Subdivision

Conventional subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property.

B. Open Space Subdivision

Open space subdivisions trade smaller lot sizes (with smaller yards) for additional common open space. An open space subdivision shall be a minimum size to ensure sufficient common open space can be incorporated into the subdivision design.

C. Subdivision Design Type by Planning Tier

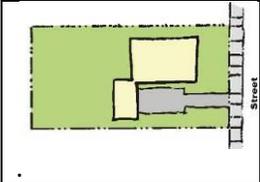
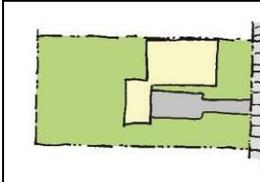
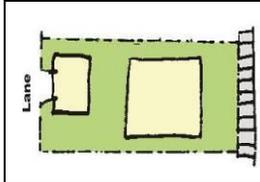
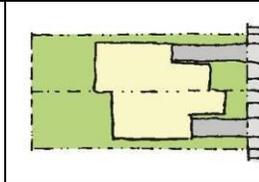
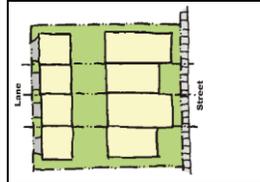
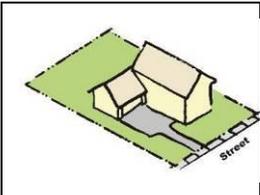
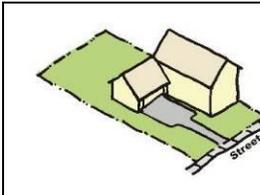
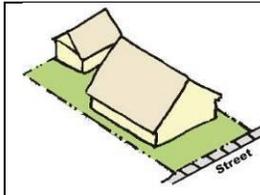
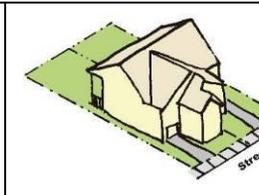
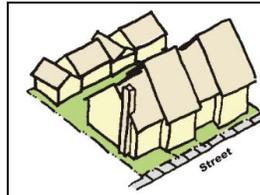
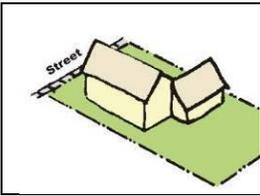
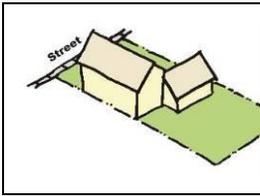
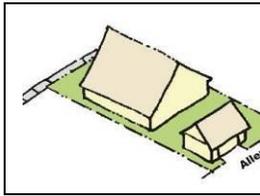
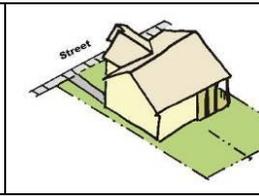
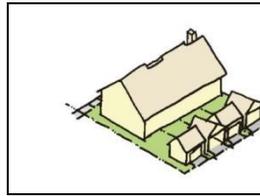
The district standards set forth in this Chapter provide for alternative subdivision types in each planning tier, as follows.

	R U R A L		S U B U R B A N		
	AO	CR	LDR	MDR	HDR
Conventional Subdivision	✓	✓	✓		
Open Space Subdivision	✓	✓	✓	✓	✓

Section 5-4 Housing types

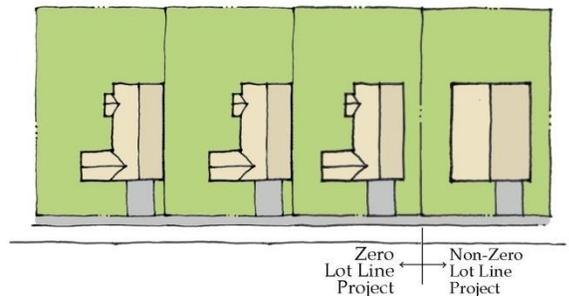
A. Definitions

The following housing types are established to provide a common terminology for housing in the County. All drawings are for illustrative purposes only.

<i>Single Family Detached</i>	<i>Zero Lot Line House</i>	<i>Alley-Loaded House</i>	<i>Semi-Attached House</i>	<i>Townhouse</i>
<i>A dwelling unit located on a single lot with private yards on all four sides</i>	<i>A dwelling unit located on a single lot with private yards on three sides. The house has only a single side yard comprising the equivalent of the two side yards of a single-family detached house.</i>	<i>A dwelling unit located on a single lot with private yards on all four sides. The house is set much closer to the street than a single-family detached house, and alley access is required.</i>	<i>Two attached single-family units located on two lots that share a common wall along the lot line, providing for fee-simple ownership.</i>	<i>Three or more attached units where the units are lined up in a row and share side walls. Access to garages is from the rear.</i>
				
				
				

B. Special standards for a zero lot line house

1. A single side yard shall be provided. This reduction shall not be allowed for the front yard on a corner lot or for the side yard adjacent to lots developed with other housing types.
2. An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the



property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

C. Special standards for an alley-loaded house

1. An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required front yard.

D. Special standards for a townhouse

1. Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures.
2. The maximum number of units allowed in a single building is eight.

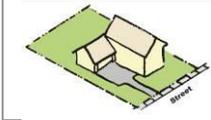
Section 5-5 Conventional subdivision standards

A. Applicability

A conventional subdivision is permitted in the AO, CR, and LDR districts. Applicants shall comply with all other provisions of this ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional standards

Applicants using the conventional subdivision option shall meet the following standards.

	AO <i>Single-Family Detached</i>	CR <i>Single-Family Detached</i>	LDR <i>Single-Family Detached</i>
CONVENTIONAL SUBDIVISION			
Tract			
Density (maximum units/acre)	0.33	0.50	0.50
Public water and sewer	not permitted*	not permitted*	optional
Lot Dimensions (minimum)			
Lot area (acres)	3	2	2
Average lot width (feet)	150	150	150
Principal (minimum feet)			
Front yard (minor collector)	75	75	75
Front yard (local road)	50	50	50
Side yard	20	20	20
Rear yard	30	30	30
Height (maximum feet)	40	40	40
Lot Coverage (maximum)			
Impermeable surface	15%	20%	20%

* Governmental water may be provided to individual lots in these areas for public health reasons.

C. Minor Subdivisions

In the AO, CR, LDR, MDR and HDR Districts, applications meeting the standards for a minor subdivision as defined by the subdivision ordinance may create no more than one conventional minor subdivision out of each parent tract existing as of June 20, 2005 with lots at least one acre in size, provided that each lot meets any minimum area requirements for public health purposes. The property may be further divided. However, any additional divisions shall be deemed major subdivisions and shall be processed as such and subject to all ordinances and policies related to major subdivisions.

Minor subdivision dimensional standards

Subdivisions that are classified as minor subdivisions in the AO, CR, and LDR zoning districts shall be subject to the tract requirements listed for public water and sewer, the minimum average lot width listed in lot dimensions, the setbacks, height and lot coverage standards in Section 5-5, Conventional Subdivision Standards, Section B, Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

Subdivisions in the MDR and HDR zoning districts shall be subject to the tract requirements as listed for governmental water and sewer, the lot dimension minimum average lot width listed in the lot dimensions, the setbacks, height and lot coverage standards established in Section 5-6, Open Space Subdivision Standards, Section D, Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

D. Front yard tree planting required for major subdivision lots

1. One canopy tree shall be provided for each 1,000 square feet of area in the required front yard for each lot. For the purpose of calculating required trees, any fraction shall require an additional tree (always round up). Portions of the required front yard covered by allowed encroachments such as front porches (see section 6-15) shall be deleted from the calculation. The tree shall have a minimum size of 2½-inch caliper. Two ornamental trees may be substituted for one canopy tree in a front yard.
2. One additional front yard tree shall be required for corner lots.
3. Existing healthy trees in the required front yard area over 6 caliper inches shall be retained and credited toward meeting the front yard tree requirement.

Section 5-6 Open space subdivision standards

A. Intent

The intent of an open space subdivision is to provide a development alternative to a conventional subdivision. An open space subdivision involves placing a cluster of home-sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional subdivision to promote environmentally sensitive, more efficient use of the land and provide additional common open space. Other purposes of an open space subdivision include the following:

- To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- To preserve important historic and archaeological sites.
- To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- To promote interconnected greenways and corridors throughout the community.
- To create contiguous greenspace within and adjacent to the development site.
- To protect scenic views.
- To protect prime agricultural land and retain farming as an economic activity.

1. Applicability

An open space subdivision is permitted in the AO, CR, LDR, MDR and HDR districts. Applicants shall comply with all other provisions of this ordinance and all other

applicable laws, except those that are incompatible with the provisions contained herein.

2. Ownership of development site

The development site to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

3. Dimensional standards

Applicants utilizing the open space subdivision option shall meet the following standards.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

AO

Tract

Density (maximum units/acre)
Area (minimum acres)
Open space (minimum)
Public water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
Average lot width (feet)

Principal (minimum feet)

Front yard (minor collector)
Front yard (local road)
Side yard
Rear yard

Height (maximum feet)

Lot Coverage (maximum)

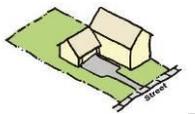
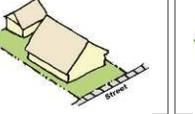
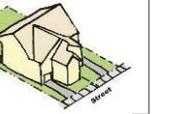
Impervious surface

Single-Family Detached

Zero Lot Line House

Alley-Loaded House

Semi-Attached House

			
0.50	--	--	--
10	--	--	--
40%	--	--	--
not permitted*	--	--	--
**	--	--	--
150	--	--	--
75	--	--	--
50	--	--	--
20	--	--	--
30	--	--	--
40	--	--	--
15%	--	--	--

CR

Tract

Density (maximum units/acre)
Area (minimum acres)
Open Space (minimum)
Public water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
Average lot width (feet)

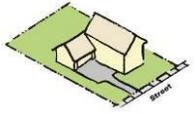
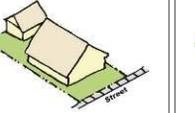
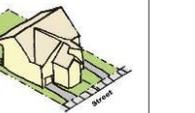
Principal (minimum feet)

Front yard (minor collector)
Front yard (local road)
Side yard
Rear yard

Height (maximum feet)

Lot Coverage (maximum)

Impervious surface

			
1.00	--	--	--
5	--	--	--
40%	--	--	--
not permitted*	--	--	--
**	--	--	--
125	--	--	--
75	--	--	--
50	--	--	--
20	--	--	--
30	--	--	--
40	--	--	--
20%	--	--	--

** Minimum lot size shall be no less than one acre. All lots shall be required to meet Cabarrus Health Alliance requirements for septic system installation prior to approval of any zoning or building permits.

* Governmental water may be provided to individual lots in these areas for public health reasons.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
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OPEN SPACE SUBDIVISION

LDR

Tract

Density (maximum units/acre)
Area (minimum acres)
Open space (minimum)
Governmental water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
Average lot width (feet)

Site Dimensions (minimum feet)

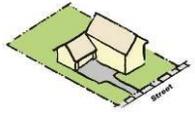
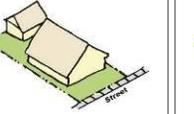
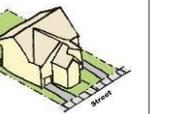
Per building
Per unit
Width

Principal (minimum feet)

Front yard (minor collector)
Front yard (local)
Front yard (corner)
Side yard
Rear yard

Height (maximum feet)

Lot Coverage (maximum)
Impervious surface

	<i>Single-Family Detached</i> 	<i>Zero Lot Line House</i> 	<i>Alley-Loaded House</i> 	<i>Semi-Attached House</i> 
Density (maximum units/acre)	1.5	1.5	1.5	1.5
Area (minimum acres)	5	5	5	5
Open space (minimum)	35% required	35% Required	35% Required	35% Required
Governmental water and sewer				
Lot Dimensions (minimum)				
Lot area (square feet)	15,000	15,000	12,000	--
Average lot width (feet)	75	75	65	--
Site Dimensions (minimum feet)				
Per building	--	--	--	15,000
Per unit	--	--	--	7,500
Width	--	--	--	75
Principal (minimum feet)				
Front yard (minor collector)	75	75		75
Front yard (local)	30	30	10	30
Front yard (corner)	20	20	10	20
Side yard	10	0	10	10
Rear yard	30	30	30	30
Height (maximum feet)	40	40	40	40
Lot Coverage (maximum)	35%	35%	35%	35%
Impervious surface				

CABARRUS COUNTY DEVELOPMENT ORDINANCE
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OPEN SPACE SUBDIVISION

MDR

Tract

Density (maximum units/acre)
 Area (minimum acres)
 Open space (minimum)
 Governmental water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
 Average lot width (feet)

Site Dimensions (minimum feet)

Per building
 Per unit
 Width

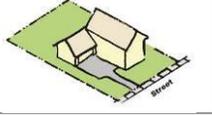
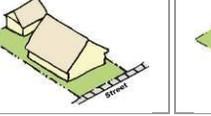
Principal (minimum feet)

Front yard
 Front yard (corner)
 Side yard
 Rear yard

Height (maximum feet)

Lot Coverage (maximum)

Impervious surface

				
Density (maximum units/acre)	2.50	2.50	2.50	2.50
Area (minimum acres)	5	5	5	5
Open space (minimum)	35%	35%	35%	35%
Governmental water and sewer	Required	Required	Required	Required
Lot Dimensions (minimum)				
Lot area (square feet)	8,000	8,000	7,000	--
Average lot width (feet)	60	60	55	--
Site Dimensions (minimum feet)				
Per building	--	--	--	8,000
Per unit	--	--	--	4,000
Width	--	--	--	60
Principal (minimum feet)				
Front yard	25	25	10	25
Front yard (corner)	15	15	10	15
Side yard	5	0	5	5
Rear yard	20	20	20	20
Height (maximum feet)	40	40	40	40
Lot Coverage (maximum)				
Impervious surface	40%	40%	40%	40%

CABARRUS COUNTY DEVELOPMENT ORDINANCE
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OPEN SPACE SUBDIVISION

HDR

Tract

Density (maximum units/acre)
Area (minimum acres)
Open space (minimum)
Governmental water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
Average lot width (feet)

Site Dimensions (minimum feet)

Per building
Per unit
Width

Principal (minimum feet)

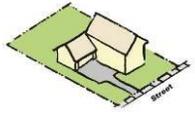
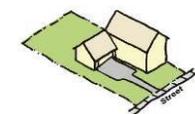
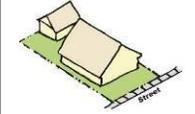
Front yard
Front yard (corner)
Side yard
Rear yard

Height (maximum feet)

Principal
Accessory

Lot Coverage (maximum)

Impervious surface

	<i>Single-Family Detached</i> 	<i>Zero Lot Line House</i> 	<i>Alley-Loaded House</i> 	<i>Semi-Attached House</i> 
Density (maximum units/acre)	4.50	4.50	4.50	4.50
Area (minimum acres)	5	5	5	5
Open space (minimum)	35%	35%	35%	35%
Governmental water and sewer	Required	Required	Required	Required
Lot Dimensions (minimum)				
Lot area (square feet)	4,000	4,000	3,500	--
Average lot width (feet)	40	40	35	--
Site Dimensions (minimum feet)				
Per building	--	--	--	4,000
Per unit	--	--	--	2,000
Width	--	--	--	40
Principal (minimum feet)				
Front yard	15	15	10	15
Front yard (corner)	10	10	10	10
Side yard	5	0	5	5
Rear yard	15	15	15	15
Height (maximum feet)				
Principal	40	40	40	40
Accessory	40	40	40	40
Lot Coverage (maximum)				
Impervious surface	45%	45%	45%	45%

NOTE: Fire or building code may require fire-resistant construction for elements located less than 10 feet apart.

Section 5-7. Residential development standards (all subdivisions)

A. Open space

1. Applicability

The minimum protected open space for each subdivision type by district is set forth in this *Section*. Once this minimum open space requirement has been met, no additional open space shall be required on the site, except where otherwise required by state or federal law.

2. Primary open space

The following are considered primary open space areas and shall be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and is counter to the purposes of this chapter:

- a. The 100-year floodplain;
- b. Stream buffer areas required by the County along each side of all perennial and intermittent streams;
- c. Slopes above 25 percent of at least 10,000 square feet contiguous area;
- d. Jurisdictional wetlands under federal law (Section 404) that meet the definition applied by the Army Corps of Engineers;
- e. Habitat for federally-listed endangered or threatened species;
- f. Archaeological sites, cemeteries and burial grounds;
- g. State-designated Natural Heritage Sites;

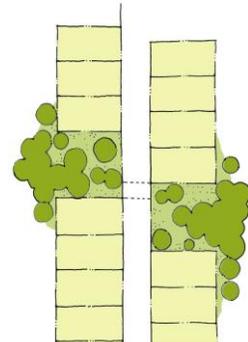
3. Secondary open space

The following are considered secondary open space areas and shall be included or retained within the required open space to the maximum extent feasible.

- a. Important historic sites;
- b. Individual existing healthy trees greater than 12 inches DBH in open space areas or required buffer areas;
- c. Other significant natural features and scenic viewsheds such as ridge lines, hedge rows, field borders, meadows, fields, peaks and rock outcroppings, particularly those that can be seen from public roadways;
- d. Areas that connect the tract to neighboring open space, trails or greenways;
- e. Soils with “Severe” limitations for development due to drainage problems, including but not limited to, Armenia loam (Ar) Altavista sandy loam (AaB), Chewacia sandy loam (Ch), Iredell loam (IdA), Sedgefield sandy loam (SfB) and Wedhadkee (We); and
- f. Landscaped site elements such as arterial street buffers, district boundary buffers, civic greens and landscaped medians.

4. Configuration of open space

- a. The minimum width for any required open space shall be 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, linear parks/medians, when their purpose meets the intent of the open space section.
- b. At least 60 percent of the required open space shall be in a contiguous tract. For the purposes of this section, contiguous shall include any open space bisected by a residential street (including a residential collector), provided that:
 1. A pedestrian crosswalk is constructed to provide access to the open space on both sides of the street; and
 2. The right-of-way area is not included in the calculation of minimum open space required.
- c. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- d. At least 25 percent of the open space shall be activated using trails, active recreation areas or similar improvements that are available and accessible to all residents of the neighborhood. Trails shall be developed in accordance with Appendix C, Trail and Trailhead Design Standards.
- e. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations). No lot within the subdivision shall be further than a ¼ -mile radius from the required open space. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.



5. Permitted uses of open space

Uses of open space may include the following:

- a. Conservation areas for natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Pedestrian or multipurpose trails;
- d. Passive recreation areas, including pocket parks;
- e. Active recreation areas, such as ballfields and playgrounds, provided that impervious area is limited to no more than 10 percent of the total open space (active recreation areas in excess of this impervious area limit shall be located outside of the protected open space);
- f. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50 percent of the overall required open

space for the development and further provided that impervious area is limited to no more than 10 percent of the proposed course area.

- g. Above-ground utility rights-of-way, provided the area does not exceed 50 percent of the required open space;
- h. Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed 50 percent of the required open space;
- i. Landscaped stormwater management facilities;
- j. Easements for drainage, access, and underground utility lines; and
- k. Other conservation-oriented uses compatible with the purposes of these regulations.

6. Prohibited uses of open space

Open space shall not include the following:

- a. Wastewater disposal systems
- b. Streets (except for street crossings as expressly provided above) and parking areas;
- c. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

7. Ownership and management of open space

a. Ownership of open space

No residential lots shall be allowed to extend into the required open space. Open space shall be accepted and owned by one of the following entities:

- 1. Land conservancy or land trust. The responsibility for maintaining the open space and any facilities shall be borne by a land conservancy or land trust.
- 2. Homeowners association. A homeowners association representing residents of the subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities shall be borne by the Homeowner's Association.
- 3. Private landowner. A private landowner may retain ownership of open space, provided that a conservation easement approved by the Cabarrus County Soil and Water Conservation District is recorded. The responsibility for maintaining the open space and any facilities shall be borne by the private landowner.

b. Management plan required

Applicants shall submit an Open Space Management Plan for open space and other common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the Plan be approved by the County; and
4. Provides for enforcement of the Plan.

c. **Maintenance of open space**

1. Passive open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), removal of brush; and weeding and mowing. Natural water courses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.
3. For any parts of the stream that are included in the open space for the development. Streambeds shall be maintained and kept free of debris, logs, timber, junk and other accumulations that would clog or dam the passage of waters in their downstream course or that would create a flooding condition.

d. **Failure to maintain open space**

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The County may file an enforcement action for failure to maintain open space. The costs of such maintenance and the enforcement action may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

8. **Legal instrument for permanent protection**

- a. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed and enforceable by Cabarrus County. The instrument shall be one of the following:
 1. A permanent conservation easement in favor of either:
 - a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The

organization shall be *bona fide* and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or

- b) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
3. An equivalent legal tool that provides permanent protection, if approved by the County.
- b. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the Applicant chooses to place on the use of the open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

B. Stream buffer and floodplain limitations

1. Land within a stream buffer shall not be used to meet the minimum area requirements for lots that are one acre or less.
2. If a lot is greater than one acre in area, the buffer area may be used to meet the minimum lot size requirements, however, at least 50 percent of the lot shall remain outside the stream buffer area. For additional stream buffer requirements see Chapter 4, Waterbody Buffer Zone.
3. When a lot is proposed that is subject to flooding and has regulated floodplain as part of the lot, usable area located outside of the regulated floodplain must be a minimum of 2500 square feet.
4. No new lots located entirely within the floodplain shall be approved.
5. All development on parcels with regulated floodplain are subject to the Cabarrus County Flood Damage Prevention Ordinance. See Chapter 16.

C. Utilities and Stormwater

1. To the maximum extent determined feasible, utilities in open space subdivisions and non-residential development shall be placed underground.
2. Proposed developments in unincorporated Cabarrus County are subject to Phase 2 Post-Construction and Soil and Erosion Control permitting with the North Carolina Department of Energy, Mineral and Land Resources.
3. When existing vegetation is proposed to be used to meet the landscape buffering requirements, stormwater and erosion control measures may not extend into, or

be located in, the landscape buffer area. The buffer area is to remain undisturbed but for the installation of supplemental planting (if needed).

D. Perimeter compatibility

1. Applicability

Perimeter compatibility is required along project boundaries for open space subdivisions to provide a suitable transition between the proposed subdivision and adjacent development.

2. Buffer Required

A landscaped buffer shall be required along all boundaries of an open space subdivision. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual, privately owned lot. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required as follows:

a. Project Boundary Buffer

A project boundary buffer shall be provided along all project boundaries other than arterial streets, and shall be measured perpendicular to the property lines that define the project area.

b. Minimum Project Boundary Buffer Width

1. The minimum width of the project boundary buffer shall be 25 feet where the width of the project's perimeter lots or the acreage of the perimeter lots adjacent to the buffer is equal to or greater than the minimum lot width or the acreage of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
2. When narrower lot widths or smaller acreage lots are proposed in the new project, the minimum buffer width shall be 50 feet.

c. Arterial Street Buffer Required

An arterial street buffer shall be provided along any project boundary that abuts an arterial street. The buffer shall be measured perpendicular to the right-of-way line that defines the project area.

1. The minimum width of the buffer shall be 50 feet.

d. Required Buffer Planting

Required project boundary and arterial street buffers shall incorporate existing natural vegetation to the maximum extent feasible. Where existing vegetation is inadequate to meet the planting standards below, additional plant material shall be required. The planting standard below is intentionally over-planted at maturity, in order to provide an immediate beneficial impact.

 <p>Large Trees</p>	 <p>Small Trees</p>	 <p>Shrubs</p>
<p>3 per 100 linear feet 2" caliper minimum 50% evergreen</p>	<p>6 per 100 linear feet 1" caliper minimum</p>	<p>22 per 100 linear feet 24" height minimum 50% evergreen</p>

e. **Credit for Existing Vegetation**

Credit shall be given for existing vegetation within the required buffer area that meets the planting requirements above. Applicant must provide documentation showing that existing vegetation is consistent with the requirements outlined above when credit for existing vegetation is requested.

f. **Trails within Required Buffers**

Trails may be incorporated into required buffer areas provided a minimum of 15 feet is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of open space for the development.

PART II. NONRESIDENTIAL DISTRICTS.

Section 5-8. Nonresidential development standards.

Dimensional standards.

Nonresidential development shall meet the following standards.

	OI	LC	GC	LI	GI
Lot Dimensions (minimum)					
Lot area (square feet)	10,000	10,000	1 acre	1 acre	1 acre
Lot width (feet)	50	50	120	120	200
Principal (minimum feet)					
Front yard	30	30	30	50	50
Side yard	10	10	10	10	15
Rear yard	20	20	20	20	20
Accessory (minimum feet)					
Front yard	30	30	same as principal	same as principal	same as principal
Side yard	5	5			
Rear yard	10	10			
Height (maximum feet)					
Principal	40	40	60	60	60
Accessory	20	20	30	30	30
Lot Coverage (maximum)					
Impervious surface	75%	75%	75%	75%	75%

Commercial design standards (Appendix B)

Applicability

The Commercial Design Standards are intended to be used for all commercial developments located within the jurisdiction of Cabarrus County.

Purpose

The purpose of these design standards is to establish a general set of principles and specific recommendations to serve as a guide for new development of commercial properties.

Permitted Uses

Permitted uses shall be governed by Chapter 3, Establishment of Zoning Districts.

Section 1-Appendix B Design Standards (See Appendix B)

The Commercial Design Standards listed in Appendix B shall apply to all new commercial and office developments in the O-I, LC, and GC zoning districts (See Chapter 3, Table of Permitted Uses-Commercial Uses).

The design standards of Appendix B shall apply to the following commercial uses listed in Chapter 3, Table of Permitted Uses-Commercial Uses when permitted in the AO, CR, LDR, MDR or HDR zoning districts:

Bank/financial institution/ATM
Convenience stores with or without petroleum sales
Gas stations
Nursery/Daycare
Restaurants with or without drive thrus
Retail sales/shoppers' goods
Retail sales, shopping centers/10,000 SF and less

Design Review Committee

All applications for commercial development approval subject to the standards established in Appendix B shall be approved by the Cabarrus County Planning and Zoning Board, sitting as the Design Review Committee, based upon the design guidelines in effect at the time of review.

When reviewing applications for commercial development permitted in residential zoning districts, the Design Review Committee shall review the project in relation not only to Appendix B but also the following criteria:

- Architectural design of neighboring residential buildings
- Setbacks in relation to existing buildings and residential development
- Compatibility with neighborhood character, context and scale

As part of the formal architectural review process, the Design Review Committee may approve deviations from the standards listed in Appendix B when the Design Review Committee determines one or more of the following are applicable to the proposed project:

- To provide for architectural design compatibility in relation to the existing neighborhood or structures where appropriate
- To provide for adjusted setbacks in relation to existing buildings or residential development where appropriate
- To provide changes in architectural character or site design when the design standards would not be compatible with the context of the surrounding neighborhood
- To provide for changes in scale where appropriate

Appeal of Design Review

An aggrieved party may appeal a decision of the Planning Administrator in writing within 30 days of a decision. The Cabarrus County Board of Adjustment shall hear all appeals.

An aggrieved party may appeal a decision of the Planning and Zoning Board, sitting as the Design Review Committee, in writing within 30 days of a decision. The Cabarrus County Board of Commissioners shall hear all appeals of Design Review Committee (Planning and Zoning Board) decisions.

Enforcement

Any violation of a permit issued under this section shall be enforced through the provisions of the Cabarrus County Zoning Ordinance.

Section 6-1 Introduction

While land use situations vary widely, there are a number of general regulations that typically apply across the board. These general regulations appear in this Chapter as well as regulations for situations when exceptions may be made to them.

Section 6-2 Zoning affects every structure and use.

Zoning affects every structure and land use throughout Cabarrus County. Accordingly, no structure shall be erected, reconstructed, moved or structurally altered, nor shall any structure or land be used except in compliance with both the general and any other applicable regulations of this Ordinance. Unless specific provisions state otherwise, no structure or use shall:

1. Exceed its height or bulk limitation,
2. Accommodate or house a greater number of families,
3. Occupy a greater percentage of lot area, or
4. Have narrower or smaller rear, side or front yard or other open space.

Section 6-3 Buffer area shall not be encroached upon or mutually claimed

Buffer areas required for one structure shall not be encroached upon by another nor shall it be claimed by a second structure as fulfilling its buffer requirement.

Section 6-4 One principal structure per lot

Residential: Only one principal residential dwelling unit may be constructed per-parcel unless specific Ordinance sections provide otherwise.

Commercial/Industrial: Not applicable.

Bona fide farms: Exempt if all structures are agriculturally related.

Section 6-5 Impact of differing uses within the same building on yard requirements

When two or more uses occur simultaneously within the same structure, the required yard dimensions are the maximum required by the district within which the structure is located.

Section 6-6 Resolution of measurements which result in fractions

When a requirement of this Ordinance results in a fraction, the following rules apply:

1. Fractions of one-half and more are counted as a whole.
2. Fractions less than one-half are disregarded.
3. The above two rules are also applied in the computation of numbers of dwelling units per lot.

Section 6-7 Street access required

All structures must be constructed or placed on land that abuts a street that:

1. Is a dedicated and publicly maintained roadway,
2. Has been approved through the Cabarrus County Subdivision Regulations and is subject to a road maintenance agreement.

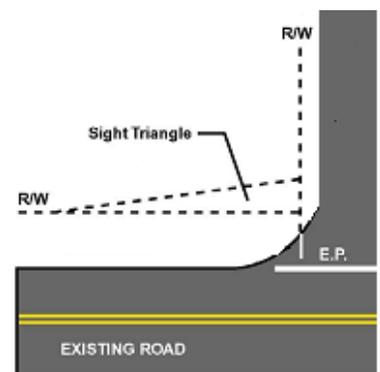
Agricultural uses on a bona fide farm are not subject to this requirement

Additionally, the following configurations may be exempt pending determination by the Zoning Administrator:

- Multifamily units when at least one of the group abuts a street and access is made available to each unit via either a public right-of-way or a private vehicular or pedestrian way.

Sections 6-8 Visibility at intersections

1. Nothing may be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at intersections. The area that must be kept free is known as the sight preservation triangle.
2. The above described area must be kept-clear between a height of two and one half feet (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets.
3. Required sight preservation triangles shall be noted on all site plans and plats. The required site preservation triangle is a 10' x 70' and shall be established at the existing right-of-way or the proposed right-of-way if the street or road is listed in the CTP Index.



Section 6-9 Height limitation on fences in residential districts

Fences and walls are subject to the following limitations:

1. Rear and side yard fences are not to exceed seven (7) feet.
2. Front yard fences are not to exceed five (5) feet.
3. Recreational fences are exempt.

A zoning permit is not required to install a residential fence. However, property lines should be identified prior to installation to prevent encroachments onto adjacent properties and/or into public right-of-ways. Fences installed in the regulated floodway must not impede the flow of water or the natural function of the floodway.

Section 6-10 Fencing Around Swimming Pools

Appendix G of the North Carolina Building Code requires that all outdoor swimming pools be protected by a barrier or fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

Section 6-11 Abandoned and Junk Vehicles

Abandoned and junked motor vehicles constitute a hazard to the health, safety, and general welfare of the citizens of Cabarrus County. Such vehicles can harbor noxious disease, provide shelter and breeding places for vermin, and present physical dangers to the safety of our children as well as the general public. These vehicles also detract from the physical appearance of the community. Therefore, the purpose of this section is to eliminate existing junk and abandoned vehicles and to prevent future storage of these vehicles.

No junked or abandoned vehicles shall be stored on any lot within any residential, commercial, or industrial zoning district

This section does not apply to any motor vehicle that is:

1. Stored in an enclosed building
2. Stored on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the business
3. Is presently being restored to an operable stage (limited to one vehicle per parcel) as long as:
 - a. The vehicle cannot be seen from a public right-of-way
 - b. The vehicle cannot-be seen from adjacent properties

- c. The vehicle is covered with a car cover

Agricultural/Open Space District: This section does not apply to the Agricultural/Open Space Zoning District where the lot of record is 3 acres or greater.

Any violation of this section will be processed as a violation of this Ordinance.

Section 6-12 Antennae and Accessory Use of Solar Panels to be treated as accessory building use for setbacks

Antennae and accessory use of solar panels (collections up to 20 panels) are subject to the same placement requirements as accessory buildings set forth in Chapter 7, Section 7-3 #1, Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential.

Section 6-13 Exceptions and modifications

Front setback requirements for dwellings

Setback requirements for dwellings may be modified when the setbacks of contiguous existing buildings are less than required. These decreased setbacks are determined by computing the average setback on adjacent lots 500 feet on either side of the lot of the proposed dwelling.

The modified setback may be equivalent to the average of the existing structures or 25 feet from the street right-of-way line, whichever is greater. For lots on any roadway planned for widening as shown on the approved North Carolina Department of Transportation Comprehensive Transportation Plan, the setback shall be established from the proposed right-of-way line.

Height limitations for certain types of structures

The following are exempt-from height limitations unless they are located in the vicinity of an airport. See Airport Overlay District, Chapter Four, for clarification.

Church spires, belfries, cupolas, domes, and other architectural embellishments not intended for human habitation

1. Monuments
2. Towers: water, observation, transmission, radio, television and cellular telephone
3. Chimneys
4. Flag poles and masts

5. Silos, grain elevators and conveyors

Height limitation, general

Any principal or accessory structure (not including signage) may exceed the zoning district's height limitation provided there is a proportional increase in the minimum front, side and rear setback requirements. Each foot of height over the maximum allowed height must be matched by an increase of one linear ground foot in each direction for the required front, rear, and side setbacks.

Section 6-14 Setback encroachments

The following features may encroach into a required building setback:

1. Chimneys, overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed 2 feet
2. Bay windows, not to exceed 3 feet
3. Heating and cooling units, not to exceed 3 feet but in no case shall any such units be closer than five feet to any property line
4. Uncovered, unenclosed decks, terraces or patios, but in no case shall any such decks, terraces or patio be closer than 5 feet to any property line
5. Unenclosed fire escapes, not to exceed 6 feet
6. Covered, unenclosed porches in a required front yard, not to exceed 8 feet

Building Code Requirements:

The applicable Building Code may require fire-resistant construction for elements located less than 10 feet apart.

Section 6-15 Setbacks for Lots with Multiple Street Frontages

For undeveloped lots with multiple frontages, the developer has the option to determine which side shall be considered the "front" so long as the structure to be constructed has its front facing the same street.

For the purposes of applying setbacks to an existing developed lot, the front setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered side yards.

Section 6-16 Accessory structures on individual lots

Unless specifically allowed by this ordinance, accessory structures shall not be permitted as primary structures. Additionally, no new lot shall be created having an accessory structure as the primary structure unless said structure is specifically allowed by this ordinance and properly permitted.

Section 6-17 Easement encroachment not permitted

In no case shall an encroachment be permitted into an easement of record area unless the applicant provides sufficient evidence from the easement holder that the encroachment is permitted.

Section 6-18 Effect of county line and municipal ETJ boundary

When an existing lot of record is located near the county line or a municipal ETJ boundary or extends across the county line or into the municipal ETJ boundary, the county line or ETJ boundary shall be recognized as the property line. The same shall apply for existing lots of record being subdivided.

Proposed structures must be located on either side of the county line or the municipal ETJ boundary. Structures that straddle the county line or the municipal ETJ boundary are not permitted.

Section 6-19 More stringent requirement applies

When applicable requirements of this ordinance differ or when applicable state and local requirements differ, the more stringent requirement shall apply.

Section 7-1 Introduction

The purpose of this Chapter is to describe those uses, which may be approved administratively by Planning and Zoning staff, known as "performance based standards" (PBS) uses.

Performance based standards uses are those which can be made compatible within a given zoning district as long as pre-established standards are met which will control for any potential negative effects of the use. PBS uses provide landowners with more flexibility in using their property yet still affords protection to neighboring landowners.

Section 7-2 How to use this chapter

The uses based on performance standards are listed below. At the beginning of each section is a statement showing which zoning districts allow the performance based standards uses. The standards that must be met to permit the use are then listed. THE "PBS" STANDARDS ARE IN ADDITION TO THE REGULAR DEVELOPMENT STANDARDS THAT ALL DEVELOPMENT IS OBLIGATED TO COMPLY WITH UNDER THE TERMS OF THIS ORDINANCE, INCLUDING ZONING SITE PLAN REVIEW WHERE APPLICABLE.

Section 7-3 USES PERMITTED BASED ON STANDARDS (PBS)

1. Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential

Accessory Dwelling Unit

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Limited Commercial, General Commercial and Limited Industrial districts

- a. Residential accessory dwelling units in the AO, CR, LDR, MDR and HDR districts shall not exceed fifty (50) percent of the square footage of the base floor area as listed on the Cabarrus County Tax Card. In residential districts, the accessory dwelling unit shall be sited to the rear of the primary structure or to the side as a secondary option. If sited as part of a commercial or industrial building, the accessory dwelling unit shall be incorporated into the overall building design and shall not exceed twenty five (25) percent of the structure in which it is located.
 - a. Accessory dwelling units shall meet the principal building setbacks listed in Chapter 5 for the zoning district.
 - b. The accessory dwelling unit height shall not exceed the height of the principal structure.

- c. Manufactured homes may not be used as an accessory dwelling unit.
- d. Adequate off-street parking must be provided for any vehicles owned by occupants of the accessory unit. All parking shall be screened from public rights-of-way either by buffer yard or by the mass created by the house/accessory dwelling unit.
- e. Only one accessory dwelling unit per parcel is permitted.

When an accessory dwelling is proposed as part of an accessory building or structure, the same standards apply to the accessory building or structure, along with the limitations on square footage for the accessory dwelling unit. Where this is the case, the property owner must submit a notarized statement (provided by the County) attesting to the use of the accessory building and the allotted square footage for the accessory dwelling unit space.

Accessory Building, Accessory Structure

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

- a. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five (5) feet. Buildings greater than 15 feet in height shall meet the principal building setbacks listed in Chapter 5.
- b. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

Swimming Pool, Accessory to Single Family Residential

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use

- a. The swimming pool must be located inside of the primary setbacks.
- b. Concrete or wood decking surrounding the pool may encroach into the primary setbacks, but shall in no case be located closer than ten (10) feet from the property line.

2-A. Agriculture Including Livestock

Low Density Residential, Medium Density Residential districts

- a. Minimum Lot Size:
 - Low Density Residential - five acres
 - Medium Density Residential - five acres

- b. Any building housing livestock shall be at least 150 feet from both the nearest building with human inhabitants and the nearest property line.

2-B. Agriculture-Female Chickens (limited number)-Less than 5 acres
Low Density Residential, Medium Density Residential districts

All lots that are utilized as single family detached residential will be permitted up to the following number of female chickens:

Number of Female Chickens Permitted:

- <1 acre-5
- 1 acre-10
- 2-5 acres-15

- a. Female chickens are for egg production only;
- b. The chicken house and run must be fully enclosed and the hens kept within it at all times. All chicken houses must be properly maintained in a safe, clean and sanitary condition that poses no health threat to the chickens or citizens and does not create a public nuisance. Runs must be well drained so that there will be no accumulation of moisture.
- c. The chicken house must be used for female chickens only and must be well ventilated. Houses shall be located a minimum of 25 feet from any property line. Run areas must be located a minimum of 25 feet from any property line and 50 feet from any stream.
- d. All feed and other items associated with the keeping of chickens shall be stored properly and protected from rodents;
- e. Waste products generated from the raising of chickens shall be disposed of properly. If on-site composting is performed, compost storage areas shall be located a minimum of 25' from any property line and 50' from any stream. (**See below for additional composting information.) If on-site composting is not used, all chicken related waste must be double bagged before being placed in on-site roll out trash bins.
- f. All structures, fencing, and hens must be located in the rear yard of the dwelling. The range area provided to any chickens must not include the crawl space of any residential structures.
- g. Male chickens (roosters) are prohibited.

**Compost is organic material that can be used as a soil amendment or as a medium to grow plants. It is created by: combining organic wastes (e.g., yard trimmings, food wastes, manures) in proper ratios into piles, rows, or vessels; adding bulking agents (e.g., wood chips) as

necessary to accelerate the breakdown of organic materials; and allowing the finished material to fully stabilize and mature through a curing process. See the United States Environmental Protection Agency site for proper composting techniques.

3. Auction House

Agricultural/Open, Countryside Residential districts

- a. An auction house, which includes any percentage livestock sales, may not be sited within 500' of a residential use, measurement to begin at the outermost facility housing animals. Auction houses not featuring livestock sales will meet the standard setbacks of the zone.
- b. Applicable in the *Countryside Residential zone only*, an auction house must front on either arterials or collector roads (major or minor, in each case).
- c. Signs shall be permitted in accordance with Chapter Eleven, Signage.
- d. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

4. Automobile Rental

Limited Commercial district

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

5. Automobile, Motorcycle Sales, ATV or Other Vehicle Dealers, New & Used

Limited Commercial district

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and

- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
6. Bank, Financial Institution, Automated Teller Machine (ATM), Freestanding Automated Teller Machine (ATM) as Accessory
Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial districts
- a. The use must front on either arterial or collector roads (major or minor, in each case).
 - b. ATMs, Freestanding ATMs as accessory use permitted in LDR, MDR, HDR, OI, LC, and GC districts.
 - The facility's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
 - Shall be located so that internal circulation for primary use is not disturbed.
 - Materials shall be compatible with design and building materials of the primary structure(s) on the site.
7. Barn, Greenhouse, As Primary Structure
Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts
- a. Permitted only when agriculture, as defined in Chapter 2, Rules of Construction and Definitions, is the primary use of the parcel.
 - b. May not be used as a dwelling unit.
 - c. Must meet setbacks of zoning district for primary structure.
8. Bed and Breakfast
Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Limited Commercial districts
- a. In the AO, CR and LDR zoning districts, the lot size shall meet or exceed the conventional subdivision standards. For MDR, LDR and HDR zoning districts, the minimum lot size shall be at least one acre.
 - b. Any area to be used for parking or other guest amenity areas such as gardens, patios or outdoor guest reception areas shall be located a minimum of 100 feet from the property line of any residentially zoned or used property.

- c. Must provide at a minimum one parking space per guest bedroom and one parking space for each employee and the owner(s) or manager(s).
- d. The facility must provide a level three buffer yard as described in Chapter Nine, Landscaping & Buffer Requirements on all sides of the parking lot which abut public rights-of-way.

9. Catering Service

Office/Institutional district

- a. The maximum total square footage shall not exceed 5,000 square feet for all enclosed structures.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

10. Cemetery

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. The cemetery shall be sited so as to be within the primary setbacks required for buildings in the district.
- b. A boundary plat depicting the property to be used for interment shall be recorded with the office of the Register of Deeds and a copy provided to the Planning and Development Department.
- c. A Level Two buffer shall be provided when the adjacent property is residentially zoned or used. See Chapter 9, Landscaping and Buffering.

11. Civic Organization Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,

- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. Parking areas shall be located a minimum of 100 feet from the property line of any property that is residentially used or zoned.

12. Communications Tower, 911 Communications Tower

Agricultural/Open, Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

- a. The tower must be designed to land upon its own property in the event of a fall and shall be certified by a North Carolina registered professional engineer.
- b. Certification is waived if the tower is located on the property such that the radial distance to the nearest structure or property line is equal to the height of the tower plus 50 feet.
- c. The tower shall be enclosed by a security fence not less than 6 feet in height and no taller than 8 feet.
- d. The tower base and any accessory buildings must be screened from public view by a buffer that is a minimum of 4 feet wide immediately adjacent to the perimeter of the compound. Plantings shall effectively screen the compound from adjacent residential properties.

13. Community Garden, Accessory Use

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial districts

- a. The primary use parking area shall serve as the parking area for the Community Garden.
- b. Emergency Service access to the Community Garden site shall be maintained if on street parking is utilized.

14. Convenience Store with Petroleum Sales

Agricultural/Open, Countryside Residential, Low Density Residential districts

- a. The store must be located within 300 feet of the centerline of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover from adjacent residential properties.

- c. The maximum square footage shall not exceed 2,000 square feet for all enclosed structures.
- d. The total number of gasoline pumps shall not exceed two multi-product dispensers. In the event older pumping equipment is used, the total number shall not exceed a number capable of fueling four vehicles simultaneously.
- e. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

15. Convenience Store without Petroleum Sales

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. The store must be located within 300 feet of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
- c. The maximum square footage shall not exceed 2,000 square feet.
- d. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

16. Country Club with Golf Course

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 100 foot minimum setback between any accessory buildings, swimming pool, lighted tennis court or any amenity area and adjacent residentially zoned or used property.
- c. Parking areas shall be located a minimum of 100 feet from any residentially zoned or used property.

- d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

17. Contractor or Trade Shops

Agricultural/Open, Limited Commercial districts

- a. The maximum square footage shall not exceed 10,000 square feet for all enclosed structures in the Limited Commercial district and 5,000 square feet in the Agricultural/Open district.
- b. The maximum outdoor storage area may not exceed 10,000 square feet;
- c. All outside storage areas including dumpster areas must be:
 - o sited behind the rear wall of the building;
 - o within the required setbacks of the zoning district that the use is located in, and outside any required buffer yard;
 - o enclosed with a fence that is at least 6 feet high;
 - o screened from adjacent properties, and from public and private rights-of-way with a Level Two buffer yard;
- d. No storage of large construction vehicles is permitted (large construction vehicles means any vehicle with a gross weight in excess of 10,000 lbs.)
- e. Outside storage areas shall be located at least 50 feet from adjacent property lines.
- f. In the Agricultural/Open district only, uses shall only be permitted on major thoroughfares. In addition, such use may not be located in any watershed protection area.
- g. Uses shall meet all applicable landscaping standards in Chapter 9. When occupying an existing structure, landscaping shall be upgraded to meet requirements of Chapter 9, Landscaping and Buffering.
- h. The minimum property size shall be (3) three acres in the AO zone.

18. Day Camp, Summer Camp, Civic Group Camp Facility

Limited Commercial, General Commercial districts

- a. A complete description of the facility including but not limited to:
 - Hours & days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days

- Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Play areas, sports fields and parking areas must be a minimum of two-hundred feet (200) from any adjacent residentially zoned or used property line.

19. Duplex, Commercial Use on Individual Lots

Office/Institutional, Limited Commercial, General Commercial districts

- a. The lot size shall be at least 150% of the minimum lot area for the zoning district.
- b. Setbacks must meet the principal structure setbacks for zoning district.
- c. Only one duplex shall be permitted per parcel.

20. Ethanol Fuel Production, Residential District, Private Use Only

Agriculture/Open Space, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. The minimum lot size to have such an operation is three (3) acres.
- b. The still and/or storage containers shall be placed:
 - A minimum of sixty (60) feet from any dwelling unit
 - A minimum of one hundred (100) feet from any street right-of-way or property line.
- c. General:
 - The use of ethanol is restricted to use as fuel by the owner or lessee of the property upon which the ethanol is produced.
 - The sale of ethanol fuel is prohibited.
 - The ethanol fuel must be dispensed from either a gravity flow or vacuum flow pump.
 - Only non-cellulose materials (fruits, grains, and vegetables) can be used to produce ethanol.
- d. Fuel production operations must be located inside a secure structure.
- e. Storage:
 - The maximum storage container size is fifty five (55) gallons.
 - The aggregate volume of ethanol fuel stored at any time on the property shall not exceed fifty five (55) gallons.
 - Acceptable storage container materials include aluminum, steel, fluorinated polyethylene, fluorinated polypropylene, Teflon and other similar durable, noncorrosive materials. Copper, brass, lead, tin, and zinc are prohibited.

- Fuel storage containers must be located inside a secure building located on the property for which the permit is issued and shall be clearly labeled.
 - f. Applicant must present approved state and federal permits for the production of ethanol fuel prior to zoning permitting.
 - g. Waste by-product must be stored in 55-gallon sealed barrels. The aggregate volume of waste by-product to be stored at any time on the property is one hundred ten (110) gallons (equivalent to two (2) 55-gallon sealed barrels).
 - h. Locks for storage and fuel production areas and structures shall have at least five (5) tumblers and a casehardened shackle of at least 3/8 inch diameter.
 - i. Compliance with all applicable building codes required.
- 21. Ethanol Fuel Production Plant, Small (Not more than 10,000 proof gallons per calendar year)
General Industrial district
 - a. Applicant must present approved state and federal permits for the production of ethanol fuel prior to zoning permitting.
 - b. Compliance with all applicable building codes required.
- 22. Ethanol Fuel Production Plant, Medium (More than 10,000 but less than 500,000 proof gallons per calendar year)
General Industrial district
 - a. Site shall be a minimum of five (5) acres
 - b. Applicant must present approved state and federal permits for the production of ethanol fuel prior to zoning permitting.
 - c. Compliance with all applicable building codes required.
- 23. Gas Station
Agricultural/Open, Countryside Residential, Low Density Residential districts
 - a. The store must be located within 300 feet of the centerline of an intersection and front on an arterial or collector road.
 - b. The store's lighting shall be shielded to prevent light and glare spillover from adjacent residential properties.
 - c. The maximum square footage shall not exceed 2,000 square feet for all enclosed structures.

- d. The total number of gasoline pumps shall not exceed two multi-product dispensers. In the event older pumping equipment is used, the total number shall not exceed a number capable of fueling four vehicles simultaneously.
- e. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

24. Golf Course, Public or Private

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 100 foot minimum setback between any accessory buildings or parking areas and adjacent residentially zoned or used property.
- c. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.

25. Government Buildings, Storage Only

Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Parking areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- b. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

26. Government Buildings, Storage Only, with Outdoor Storage Area

General Commercial, Light Industrial, General Industrial districts

- a. Outside storage areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- b. Parking areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- c. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

27. Home Occupation, General

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Limited Commercial districts

The following lists those occupations, which may be conducted at home in the AO, CR, LDR, MDR, HDR and LC districts or in townhomes in the MDR, HDR or LC districts. The purpose of the list is to function both as a guide and also to illustrate the spirit and intent of what is a legitimate home occupation. Essentially, the home occupation is conceived of as being reasonably permitted in a residential setting because it does not compromise the residential character of the area. A reasonable home occupation would not generate conspicuous traffic, would not visually call unusual attention to the home nor would it ever generate nonresidential level noise.

Accounting, Bookkeeping	Fine Arts or Craft Lessons
Appraisal	Home Based Food Business (Low-Risk Packaged Foods as defined by NC law only)
Architecture	Interior Decoration (no studio permitted)
Computer Repair/Programming	Mail Order Business or On-line Order Business, order taking only, no stock in trade
Legal Services	Musical Instruction, Voice or Instrument
Real Estate Sales	Office Work
Insurance Sales	On-line sales of hand crafted items
Daycare with Eight Children or Less (See NCGS §110-86)	Pet Grooming (Enclosed)
Drafting Services	Photo Laboratory (no studio work)
Dressmaking, Alteration Services, Tailoring	Planning Services
Embroidery/Screen Printing/Hydro- Graphics	Tutoring
Engineering	One Chair Beauty or Barber Shop
Financial Planning and Investment Services	Similar, Low Impact Endeavor
Fine Arts Studio (creation of individual works only, no mass production)	

- a. The use must be conducted entirely within the interior of the residence, must be clearly incidental and secondary to residential occupancy, and may not change the residential character of the dwelling.
- b. The use of the dwelling for a Home Occupation may not exceed up to 25% of one floor of the principal building.
- c. Residents of the dwelling may be engaged in the home occupation with no more than one nonresident assistant employed.
- d. No activity can take place as a home occupation which involves any outdoor storage.
- e. All parking needs for the operation of the home occupation must be met through an off street parking arrangement, including customer parking.
- f. Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact Building Standards for requirements prior to applying for the Home Occupation Permit.

28. Home Occupation, Rural

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

The following lists those occupations, which may be conducted as a rural home occupation (RHO). The Rural Home Occupation differs from the home occupation in that it is not required to be conducted within the residence proper, but may be conducted in another building accessory to the residence. Slightly more intense uses may occur within the RHO since it is sited within less densely settled areas.

Accounting, Bookkeeping	Drafting Services
Appraisal	Dressmaking, Alteration Services, Tailoring,
Architecture	Embroidery/Screen Printing/Hydro- Graphics
Auto Repair Work - Permitted as PBS in Agriculture/Open only.	Engineering
Building Contractor's Storage Yard Including Electrical, Plumbing, & Mechanical	Financial Planning and Investment Services
Computer Repair/Programming	Fine Arts Studio
Daycare with Eight Children or Less (See NCGS §110-86)	Home Based Food Business (Low-Risk Packaged Foods as defined by NC law only)

Interior Decoration	On-line sales of hand crafted items
Insurance Sales	Photo Laboratory or Studio
Landscape Contractor	Planning Services
Legal Services	Real Estate Sales
Real Estate Sales	Tutoring
Mail Order Business or On-line Order Business	One Chair Beauty or Barber Shop
Musical Instruction, Voice or Instrument	Office Work
	Similar, Low Impact Endeavor

- a. The Rural Home Occupation may be carried out in no more than one building separate from the primary residence.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

NOTE: No outside storage shall be permitted in the MDR zoning district.

- c. All storage must be screened either by fencing or vegetative hedge from any abutting residential use or public rights of way.
- d. The accessory building in which the RHO is conducted may not exceed the following and shall be sited to the side or the rear of the existing residential structure:

Parcel Acreage	Maximum Square Footage for RHO Building	Number of Employees Permitted (Non-Occupant)
Less than one acre	50% of the base of the residence as listed on the Cabarrus County tax card	1
1-5 acres	50% of the base of the residence as listed on the Cabarrus County tax card or 2500 SF, whichever is less	2
5-10 acres	3000 SF	3
10-15 acres	3500 SF	3
15-20	4000 SF	4
Greater than 20 acres	4500 SF	4
Greater than 20 acres and tract qualifies as bona fide farm	5000 SF	5

- e. The rural home occupation will not create any smoke, odors, dust, or noise at a level discernable at any of its lot lines.
- f. Rural Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact the Building Standards Department for requirements prior to applying for the Home Occupation Permit.
- g. All parking needs for the operation of the home occupation must be met through an off street parking arrangement, including customer parking.

When a RHO is proposed as part of an accessory building or structure housing multiple uses, the same standards apply to the accessory building or structure, along with the limitations on square footage for the RHO. Where this is the case, the property owner must submit a notarized statement (provided by the County) attesting to the use of the accessory building and the allotted square footage for the RHO.

28. Ice Production, Dispensing, Accessory to Gas Station

Agriculture/Open, Countryside Residential, Low Density Residential, General Commercial, Light Industrial, General Industrial districts

- a. Manufacturing/dispensing structure shall be located in the primary setbacks for the district.
- b. Structure shall be located on the site so as to not interfere with site circulation or gas pump stacking lanes.

- c. Where installation is part of new construction, structure shall be compatible with color scheme and building materials so as to blend in with other structures, canopies, etc.

29. Ice Production, Dispensing, Accessory to Convenience Store

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Manufacturing/dispensing structure shall be located in the primary setbacks for the district.
- b. Structure shall be located on the site so as to not interfere with site circulation or gas pump stacking lanes.
- c. Where installation is part of new construction, structure shall be compatible with color scheme and building materials so as to blend in with other structures, canopies, etc.

30. kennel, Private

Agricultural/Open, Countryside Residential districts

- a. The minimum distance between the outer edge of any buildings, animal enclosures or fenced areas must be at least 300 feet from the parcel boundary of any residentially zoned or used properties. This includes adjacent parcels and parcels located across street right-of-ways.
- b. The number of animals boarded outside or partially outside of the facility shall not exceed 25 animals. Animals boarded entirely inside shall not be counted as part of this limitation.
- c. The primary use, including all outside boarding areas, shall meet the Level two buffer standards of Chapter 9 of this ordinance.
- d. This use shall be required to be separated from educational institutions and places of worship by a distance of 1,000 feet. This distance shall be measured from the exterior property lines of the facility to the nearest property line of the educational institution or place of worship.
- e. All outdoor lights must be shielded to direct light and glare onto the facility's premises and may be of sufficient intensity to ensure security. Lighting and glare must be deflected, shaded and focused away from any adjoining residential or institutional property.
- f. All storage areas including dumpsters must be
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone; and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- g. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.
- h. All private kennels are directed to the standards set forth in the Cabarrus County Animal Control Ordinance of 1992, incorporated herein by reference.

31. Landfill, Demolition, Less than one acre

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Limited Commercial, General Commercial, Limited Industrial, General Industrial districts.

A twelve month permit, which is renewable, must be obtained from the Zoning Administrator. The demolition landfill is presumed to be accessory to an ongoing construction project and as such, is permitted only for the life of the construction project.

The permit requires the submission of the following information at the time it is applied for:

- a. A survey showing the exact location of the proposed demolition landfill within the entire project must be submitted.
- b. A statement detailing all contents of the landfill
- c. A statement detailing the plans for reclaiming the landfill at the end of its use.
- d. A statement describing plans for future building, if any, on the landfill site.
- e. A boundary survey showing the location of the demolition landfill must be recorded with the Cabarrus County Register of Deeds.
- f. A description of the controls to be employed to assure the refuse stays on the site and that dust, debris, material scraps, etc. do not travel to or impact adjacent properties or right-of-ways in any way.

32. Multi-Family Residential

High Density Residential/Mixed Use, Limited Commercial districts

Multifamily residential developments shall follow the density and dimensional standards listed below:

<i>Multi-Family Density and Dimensional Standards</i>				
Density (maximum units/acre)	4.5		Accessory Setback	
Area (minimum acres)	5		Front yard	
Open space (minimum)	35%		Side yard	
Governmental water and sewer	Required		Rear yard	
Principal Setback (minimum feet)			Height (maximum feet)	
Front yard	15		Principal	40
Side yard	10		Accessory	40
Rear yard	5		Lot Coverage (maximum)	
			Impermeable surface	45%

When located adjacent to property that is developed as single family residential or property that is zoned residentially, a Level Two buffer shall be provided. See Chapter 9, Landscaping and Buffer Requirements.

34. Moving Van, Truck or Trailer Rental

Limited Commercial, General Commercial, Limited Industrial districts

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. Parking areas for rentals shall be located a minimum of 50 feet from any residentially zoned or used property.
- d. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

35. Nursery, Daycare Center

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial districts

- a. A copy of the N.C. State license issued to the facility is required (See NCGS 110, Child Welfare).
- b. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility. Applicant should submit copies with site plan review application.
- c. Adequate access to and from the site to accommodate traffic generated, including any required roadway improvements, shall be shown on the site plan.
- d. Drop off and pick up areas shall be interior to the site, out of the public right-of-way, and designed so as not to interfere with internal circulation and ingress/egress to the site.
- e. The facility must have access to a State maintained road.

36. Office, Professional 5,000 Square Feet or Less

High Density Residential/Mixed Use district

- a. Maximum square footage shall not exceed 5,000 square feet for all enclosed structures
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and

- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening
- c. Parking areas shall be located a minimum of 50 feet from any residentially used or zoned property.

37. Permanent Temporary Event Facility

1. The site must be a minimum of 10 acres.
2. The site must be located off of, and have direct access to, a major or minor thoroughfare.
3. The site must have at least one permanent building that supports typical and customary uses accommodated on the site. Examples include enclosed event space, a catering kitchen, snack bar or pavilion. Permanent restroom facilities shall be incorporated into this building.
4. Minimum parking requirements for ADA parking on the site shall be met and shall include walkways for patrons to access the event site.
 - a. These parking spaces and walkways may be surfaced with asphalt, concrete, brick, pavers, crushed stone, compacted earth or an equivalent material, such as a stabilizer solution that can be mixed with crushed aggregate that is considered acceptable for pedestrian and ADA access. All surfaces should be firm and stable.
 - b. To the greatest extent possible, the site shall comply with the Americans with Disabilities Act as it relates to outdoor developed Areas.
5. If the site will not be used on a weekly basis, the required number of parking spaces, not including the required Handicapped Parking Spaces, may be turf. Perimeter and interior parking lot landscape requirements and parking requirements as outlined in the Commercial Design Standards related to parking areas, shall not apply to turf parking areas.
6. All trash facilities, dumpsters and/or bathroom facilities shall be located at least 100 feet from any property line. This includes any additional dumpsters or temporary bathroom facilities used for events.
7. Signage shall be permitted in accordance with Chapter 11, Table 11-1, Standards for Permanent Signage in the GC district, Combined Development standards.
8. Temporary tents, stages and other temporary structures may be used on the site for events and vendors. Required permits and inspections must be secured from the Cabarrus County Fire Marshal's office and/or Construction Standards.
9. Alcohol sales is prohibited unless otherwise permitted by state law.
10. On site emergency personnel may be required as determined by the Fire Code for Special Events.
11. When the proposed site is located next to residentially zoned or residentially used property, areas used for event seating, event set up, such as stages or vendors, and parking areas shall be located a minimum of 200 feet from the property line.

38. Public Cultural Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. When located adjacent to residentially used or zoned property, a Level One buffer shall be provided. See Chapter 9, Landscaping and Buffer Requirements.

39. Recreational Facility, Indoor

High Density Residential/Mixed Use, Office/Institutional and Limited Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. Parking areas shall be located a minimum of 50 feet from any residentially used or zoned property.

40. Recreational Trail, Greenway or Blueway, Connector

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential, Office/Institutional, Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Shall provide a link between public service facilities, civic buildings, schools, points of interest, neighborhoods and/or city, county and regional trail systems.
- b. See Appendix C for design standards related to trails. (greenway or blueway)
- c. Applicant shall provide information related to connections being made as part of the proposed project and shall demonstrate how connections will advance overall Cabarrus County trail and recreation systems.

41. Recyclable Materials Drop Off

Agricultural/Open, Office/Institutional, Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

- a. Must be designed such that adequate off loading and turn space exist to allow for safe ingress and egress from site.
- b. The drop-off area must meet the primary setbacks of the zone.
- c. When located adjacent to residentially zoned or used property, a Level Two buffer shall be maintained.

42. Religious Institution with Total Seating Capacity 350 or Less

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts

- a. The required setbacks of each zone shall be doubled in residential districts.
- b. The use must front on an arterial or collector road.

43. Repair Garage, Automobile

Agricultural/Open and Limited Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: In the AO district, if the use occurs on a tract of land 5 acres or more and buildings and storage areas are screened by existing vegetation or site topography from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

44. Repair Shop, Farm Machinery

Agricultural/Open district

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

- b. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: If the use occurs on a large tract of land 5 acres or more and buildings and storage areas are screened by existing vegetation or site topography from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

45. Repair Shop, Small Engine

Agricultural/Open and Limited Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: In the AO district, if the use occurs on a tract of land 5 acres or more and buildings and storage areas are screened by existing vegetation or site topography from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

46. Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts

- a. One rest or convalescent home may not locate within 500 feet of another rest-or convalescent home. Distance shall be measured from the property line of the existing home.
- b. Parking areas shall be located a minimum of 50 feet from the property line of any adjacent residentially zoned or used property.

47. Restaurant, Excluding Drive-Thru

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. Use must front on an arterial or collector road if located in a residential zone.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,

- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

In AO, CR and LDR, in the event the restaurant locates adjacent to any residentially zoned or used property, it must be physically sited at least 100 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

48. Restaurant with Drive-Thru Facility

Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. All drive-thru entrances and exits must be at least 250 feet from an intersection.
- b. Adequate stacking shall be provided in drive-thru lanes so that traffic is contained on site and does not interfere with circulation internally or on any adjacent road or street right-of-way.
- c. All outside storage areas including dumpsters must be:
 - sited to the rear of the building,
 - within the setbacks required of the building's underlying zone, and,
 - made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- d. In the event the restaurant locates adjacent to any residentially zoned or used property, it must be physically sited at least 100 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

49. Retail Sales, Neighborhood Market, 1,000 Square Feet or Less

Agricultural/Open district

- a. The store must be located within 500 feet of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
- c. The maximum square footage for the building shall not exceed 1,000 square feet.
- d. All outside storage shall not be permitted with the exception of areas for dumpsters:
 - Dumpsters shall be sited to the rear of the building and made unnoticeable from both adjacent properties and public rights-of-way through the installation of fencing and/or vegetative screening.
- e. In the event the neighborhood market locates adjacent to any residentially zoned or used property, all buildings must be sited at least 100 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

50. Salvage Yard

General Industrial district

- a. Materials may not be vertically stacked so as to be visible to the passing motorist.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 150 feet from the property line.

51. Sawmill

Agriculture/Open and Countryside Residential districts

- a. A minimum of 30 acres is required.
- b. Any and all mechanized sawing equipment must be located a minimum of 500 feet from tract boundary lines.

52. Scientific Research and Development, Accessory to Agriculture

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential and High Density Residential/Mixed Use districts

- a. Research must be related to agricultural activity occurring on site.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. When located adjacent to residentially zoned or used property, any outdoor research or experiment areas shall be located a minimum of 100 feet from the property line.
- d. The facility shall be designed such that it absorbs or dissipates noise to the greatest extent possible. Where facilities are adjacent to residentially zoned or used property; noise shall be reduced to the greatest extent possible at the property line.

53. Scientific Research and Development

Office/Institutional, Limited Commercial, General Commercial and Light Industrial

- a. All outside storage areas including dumpsters must be:

- sited to the rear of the building,
 - within the setbacks required of the building's underlying zone, and
 - made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. When located adjacent to residentially zoned or used property, any outdoor research or experiment areas shall be located a minimum of 100 feet from the property line.
- c. The facility shall be designed such that it absorbs or dissipates noise to the greatest extent possible. Where facilities are adjacent to residentially zoned or used property; noise shall be reduced to the greatest extent possible at the property line.

54. Self-Service Storage Facilities

Limited Commercial, General Commercial and Limited Industrial districts

- a. Interior travel lanes, which serve storage units, are required to have a parking lane with a minimum width of 10 feet for loading/unloading purposes.
- b. One parking space is required for every 100 storage units with a minimum of three spaces required for the facility office.
- c. One-way interior travel lanes must have a minimum width of 15 feet in addition to the 10 foot wide parking lane. All two-way interior travel lanes serving storage units must have two (2) 12-foot wide travel lanes and be provided with a 10 foot wide parking lane.
- d. The height of the storage buildings shall be governed by the maximum height permitted for the zoning district. See Chapter 5 for dimensional requirements.
- e. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- f. Minimum and maximum lot sizes.
- Limited Commercial:
 - Minimum lot size - one acre
 - Maximum lot size - three acres
 - General Commercial:
 - Minimum lot size - one acre
 - Maximum lot size –five acres
 - Limited Industrial:
 - Minimum lot size – one acre
 - Maximum lot size –ten acres
- g. All Self Service Storage Facilities are subject to the buffering and landscaping set forth in Chapter Nine of this Ordinance.

- h. A minimum six foot fence is required about the perimeter of the development. Portions of the fence, which face arterial or residential streets, must be solid or semisolid and pleasingly decorative.
- i. No outside storage is permitted in the Limited Commercial district.
- j. In the Limited Industrial district, up to 20% of the site may be used for outdoor storage. All outdoor storage areas must be made unnoticeable through the installation of fencing or vegetative screening.
- k. When located adjacent to residentially zoned or used property or street right-of-ways, additional screening and/or landscape measures may be required.

55. Shooting Range, Indoor

Limited Commercial, General Commercial and Light Industrial districts

- a. Facility design shall be such that it absorbs or dissipates noise from the firing of weapons and/or any mechanical equipment.
- b. The facility shall be located a minimum of 150 feet from the property line of any residentially used or residentially zoned property.
- c. All applicable local, state and federal permits must be obtained prior to zoning permitting.

56. Sports and Recreation Instruction or Camps

Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - o Hours & days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. Practice areas, fields and parking areas must be a minimum of ~~five~~ two hundred feet ~~(500)~~ 200 from any adjacent residentially used or zoned property line.
- c. Where adjacent to residentially zoned or used property, a level two (2) buffer yard shall be installed.

57. Storage Building Sales, with Display Area

Limited Commercial, General Commercial and Light Industrial districts

- a. Display Area shall not exceed 40,000 square feet.
- b. Buildings shall be arranged so that sight triangles are unobstructed.

58. Stables, Commercial

Countryside Residential and Low Density Residential districts

- a. The proposed site must be at least five (5) acres.
- b. The following setbacks are required in addition to those of the zoning district:
 - o No activity area, including pastures or runs, shall be located closer than 20 feet to any property line.
 - o Any building housing animals shall be located a minimum of 300 feet from any property line.
 - o A vegetative strip at least 100 feet wide shall be maintained between any corrals, manure piles or manure application areas and any surface water or well in order to minimize runoff, prevent erosion and promote nitrogen absorption.
- c. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

59. Swim Club, Tennis Club, Country Club

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial and General Commercial districts

- a. In any residential district, the minimum area shall be one (1) acre.
- b. Clubhouses shall meet the primary setbacks for the zoning district.
- c. There shall be a 200 foot minimum setback between any accessory buildings, swimming pool, lighted tennis court, parking area or any amenity area and adjacent residentially zoned or used property.
- d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

60. Towing Service, with Salvage

General Industrial district

- a. Materials may not be vertically stacked so as to be visible to a passing motorist.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

61. Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales

Agricultural/Open and General Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. The vehicle storage area may not exceed 60,000 square feet.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: In the AO district, in the event that the parcel is 5 acres or more and the storage area is completely screened from adjacent properties or right-of-ways by existing vegetation or site topography, the landscape requirement may be waived.

62. Townhouses

Medium Density Residential, High Density Residential/Mixed Use and Limited Commercial districts

Townhome projects shall follow the dimensional and density standards listed below:

<i>Townhome Density and Dimensional Standards</i>			
Density (maximum units/acre)	4.5		Accessory Setback
Area (minimum acres)	5		Front yard
Open space (minimum)	35%		Side yard
Governmental water and sewer	Required		Rear yard
Principal Setback (minimum feet)			Height (maximum feet)
Front yard	20		Principal
Side yard	10		Accessory
Rear yard	10		Lot Dimensions (minimum)
Lot Coverage (maximum)			Lot area (square feet)
Impermeable surface	45%		Average lot width (feet)

63. Trail Head, Accessory

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial, Light Industrial and General Industrial districts

- a. Shall be located as part of a public use facility, civic building, school, shopping plaza, mixed-use project, Business Park or other location where shared use of space is appropriate and where an access point is located.
- b. See Appendix C for Design Standards related to trail heads and trails. (greenway or blueway)

64. Trail Head, Primary Use Site

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential, Office/Institutional, Limited Commercial, General Commercial, Light Industrial and General Industrial districts

- a. Shall be the primary use of a parcel where an access point to a trail is located.
- b. May include amenity areas such as play areas, picnic areas, restroom facilities, etc.
- c. See Appendix C for design standards related to trail heads and trails. (greenway or blueway)

65. Warehouse with Outside Storage

Limited Industrial and General Industrial districts

- a. Outside stacking of materials should not be visible to the passing motorist traveling any adjacent external road.
- b. Materials must be screened with Level Three buffering. See Chapter 9, Landscaping and Buffering Requirements

66. Wind Energy Facility, Accessory Use, On Site Use Only

Agriculture/Open, Countryside Residential, Low Density Residential and Medium Density Residential districts

- a. The site must be a minimum of 5 acres.
- b. Turbines must be located 2 times the height of the tower structure from any property line or structure, including structures on adjacent properties.
- c. The height of the structure may not exceed 65 feet.
- d. Energy produced must be used on the same parcel.
- e. A decommissioning plan shall be provided that describes the anticipated life of the Facility, estimated decommissioning costs and responsible party for decommissioning the Facility.
- f. A maintenance plan shall be provided describing the maintenance schedule for the structure including the name, address and phone number of responsible party for maintenance.

67. Wireless Telecommunications Services, Co-location

Agriculture/Open Space, Countryside Residential, Low Density Residential, Medium Density Residential districts, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial, Light Industrial and General Industrial districts

- a. See Chapter 8, Section 8-4, 38

68. Temporary Uses

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit is required pursuant to Chapter 12 of this Zoning Ordinance.

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to the standards for any particular Temporary Use specified below.

The allowance of Temporary Uses shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located. The use shall be compatible in intensity, character and appearance with existing land uses in the immediate vicinity of the temporary use. The neighborhood and street network surrounding the temporary use shall not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

- a. The use shall not take place on publicly or privately owned property unless the applicant first obtains written approval from the owner. The original signed letter shall be provided as part of the Temporary Use Permit application and review process.
- b. The location of the Temporary Use shall be such that adverse impacts on surrounding properties will be minimal, particularly regarding any type of traffic generated impact upon traffic circulation in the area.
- c. Adequate off-street parking shall be provided to serve the temporary use. Temporary Uses shall not displace the required off-street parking spaces or loading areas of the principal permitted use(s) on the site. Sales and display areas shall be designed to prevent traffic hazards and nuisances to normal traffic patterns and internal circulation for the site.
- d. Structures and display areas shall comply with primary setback requirements for the zoning district. The items shall be displayed so as to not interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. Display of items or conducting business in a public right-of-way, emergency access lane or fire lane is not permitted.

- e. Unless specifically stated, only one Temporary Use Permit shall be issued for a parcel at any given time.
- f. The period of time between Temporary Use Permits on a parcel shall be thirty (30) days (expiration date and new issue date). This restriction shall not apply to real estate development and construction related temporary uses.
- g. Recreational Vehicles shall not be used as a temporary use or as part of a temporary use.
- h. Overnight camping in RVs, tents or campers is not permitted as part of a temporary use.

TEMPORARY RETAIL SALES RELATED

Seasonal Sale of Agriculture Products (Includes Christmas Trees and Pumpkins)

Seasonal Sales permitted in OI, LC, GC and LI zoning districts only. Limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building or display booth shall be allowed and may cover a maximum of 400 square feet. Display area shall not interfere with emergency ingress/egress or with required parking. The structure must be portable and completely removed when the permit expires.

Itinerant Merchants

The sale of food, beverages, or merchandise from a stand, motor vehicle or from a person may be allowed in the LDR, MDR, HDR, LC and GC zoning districts at existing business sites. Temporary stand, vehicle, display area, etc. shall not interfere with emergency ingress/egress, sight triangles or required parking. The permit shall be limited to a period not to exceed ninety (90) continuous days per calendar year at a given location. The 90 days starts at date of issue and does not exclude days that the vendor is not on site.

Promotional Activities Involving the Display of Goods or Merchandise

Such activities may be conducted at a business for a period of not more than fifteen (15) consecutive days. Merchandise and display area shall not interfere with emergency ingress/egress, sight triangles or required parking. If a private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed four times during any calendar year, for a maximum of 60 days per calendar year. New Recreational Vehicles for sale as part of promotional displays are permitted.

REAL ESTATE, DEVELOPMENT AND CONSTRUCTION RELATED

Contractor Office, Construction Equipment Storage

Accessory to an active Construction Project, permitted in any zoning district. Placement of such temporary use is limited to a period of time determined by an estimated project completion date. The permit may be extended for up to one year if approved by the Administrator. A construction trailer or modular unit may be used as a contractor's office or for the storage of equipment or materials. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted per builder for office or for storage. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of the Certificate of Occupancy being issued for the project.

Real Estate Sales Office in a Construction Trailer or Temporary Modular Unit, Residential Projects

Temporary structures, construction trailers or temporary modular units may be used as real estate sales offices in any active residential construction project for the sale of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales office per builder. Each individual trailer or modular unit shall be located on an individual lot. In no case shall multiple permits be issued for the same Parcel Identification Number (PIN). The permit shall be valid until the project is complete. All temporary structures shall be removed within 30 days of final sale.

Real Estate Office in Model Home

Accessory to construction of a new residential development. Model homes must be located on individual parcels. Limited to a period of time not to exceed one year with the option of an extension of up to one year if approved by the Administrator.

Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial or Mixed Use Projects

Temporary structures, such as construction trailers or temporary modular units, may be used as real estate sales offices in any active commercial or mixed use construction project for the sale or leasing of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales or leasing office per builder. All temporary structures shall be removed within 30 days after final sale.

Temporary Dwelling for Large Construction Projects

During the active construction period (after a building permit has been issued) projects involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) single section manufactured home may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary unit shall be removed from the site within 14 days of issuance of the Certificate of Occupancy for a non-residential structure or the occupancy of the first residential unit if within a residential development.

Temporary Residence in Manufactured Home During Construction of New Home on Same Site

In the event that a new single-family home is being constructed on a parcel where a manufactured home currently exists in the AO, CR, LDR, MDR and HDR zoning districts, the manufactured home may remain for the duration of the building process for the new home. The manufactured home shall be removed within 30 days of the date of the last final inspection, as required by North Carolina Building Codes. In no case shall the new home and manufactured home be occupied at the same time. NOTE: RVs are not considered Manufactured Homes and may not be used as a temporary residence.

OTHER TEMPORARY USES

Auction, Estate or Asset Liquidation

Estate or asset liquidation auctions are permitted in any zoning district for a period not to exceed three (3) days. Patron parking shall be located so as to not interfere with neighborhood traffic and so that emergency access is maintained for the street right-of-way and to the auction site.

Auction, Livestock

Livestock auctions are permitted in the AO, CR, MDR or LDR zoning districts at existing agriculture sites for a period not to exceed three (3) days. Patron parking shall be located so as to not interfere with traffic and so that emergency access is maintained for the street right-of-way and to the auction site. If used, temporary holding pens shall be located a minimum of one hundred and fifty (150) feet from any adjacent residentially used or zoned property.

Temporary Tents or Other Temporary Structures, including Cell on Wheels

Temporary tents or other temporary structures may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days. The tent or temporary structure shall be removed within 48 hours of the end of the event. Note: Intended use of tent or temporary structure may initiate review and approval by the Cabarrus County Emergency Management Office in lieu of standard zoning permit.

FEMA Trailers, Natural Disaster or Significant Weather Event

FEMA Trailers may be used as temporary housing in any residential zoning district following a natural disaster or significant weather event. Should a non-conforming residential use exist at the time of a natural disaster or significant weather event in a district other than residential, a FEMA trailer may be used as temporary housing in that zoning district. FEMA Trailers shall be removed within 90 days of completion of new construction.

Health Care Structure

One family health care structure, as defined in Chapter 2, may be placed on the property of the residence of the primary care giver. The Health Care Structure shall comply with the established accessory structure setbacks for the zoning district. The initial permit shall be good for 24 months and shall be renewed every year thereafter. The applicant must provide evidence of compliance for initial permitting and for subsequent renewals. No signage advertising or promoting the existence of the temporary health care structure is permitted. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance being provided by the primary care giver. The health care structure shall be 300 square feet or less. For lots served by well and septic, prior approval from Cabarrus Heath Alliance required.

Mobile Personal Storage Unit, Vacate or Occupy Premise

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 30 days to allow the current owner or tenant to vacate the premises or to allow a new owner or tenant to occupy the premises. In no case shall this type of unit be permitted or used for permanent storage on a site.

Mobile Personal Storage Unit, Renovation

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 90 days to allow for temporary storage during renovation or remodeling projects. In no case shall this type of unit be permitted or used for permanent storage on a site.

Dumpsters, Commercial Waste Containers

One commercial waste container or dumpster permitted per parcel in any zoning district. The unit may remain on site for a maximum of 90 days to allow for remodeling, construction or debris removal projects. At no time shall debris be permitted to accumulate beyond the container rim. In no case shall this type of unit be permitted or used for permanent waste disposal on a site.

Similar and Compatible Uses Not Specified

If a particular temporary use is not listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a “similar and compatible use”. Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the Administrator.

If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning and Zoning Board of Adjustment in accordance with Chapter 12.

TEMPORARY SIGNS

See Chapter 11, Signage.

Section 8-1 Introduction

The purpose of this Chapter is to set forth those land uses termed "special uses" which are generally land uses with the potential for more far reaching effects than uses based on administrative standards (PBS). They require additional regulations to ensure their compatibility with other permitted development and often, require large land areas. These uses are such that their effects on the surrounding environment cannot be fully determined in advance of their being proposed for a specific area. The review and approval process is intended to mitigate the impacts of the proposed special use as it relates to the surrounding area.

Section 8-2 How to use this chapter

Special uses are set forth below. At the beginning of each section is a statement showing which zoning districts allow the special use. Specific standards that must be met to permit the use are then listed. While all special uses require submittal of a site plan meeting the established general standards of the ordinance (described in Chapter Twelve), some require that additional information be shown on the site plan or that additional information be submitted as part of the application.

Section 8-3 Petitioning for a Special Use

Because of their potential for affecting neighboring landowners, special uses warrant review in a public forum. The Planning and Zoning Commission, acting as Board of Adjustment, hears the request for a special use permit. A simple majority vote by the Commission members present and not excused from voting is required for the issuance of a special use permit. If a special use permit request is denied by the Board of Adjustment, the applicant may appeal the decision to the Superior Court of Cabarrus County, North Carolina.

In general, the process for seeking a special use permit is as follows (Please see Chapter 12 for more details regarding the special use permit process):

Step 1 Prior to filing a Special Use Permit Application, the Applicant is required to attend a pre-application meeting with Planning and Development Staff. At that time, the proposed project will be discussed and required submittal materials will be determined. Examples of items that may be required, in addition to a complete application and site plan, include but are not limited to:

- Traffic Impact Analysis Documents (See Appendix A)
- Intent to Serve Letters
- NCDOT Driveway Permits
- Post-Construction Stormwater Permits
- Soil and Erosion Control Permits

Step 2 The applicant is required to hold a neighborhood meeting with adjacent property owners to explain the proposed project, display the proposed site plan and to answer questions that the neighbors may have related to the proposal. To the greatest extent possible, the

applicant is encouraged to incorporate design elements into the project that mitigate impacts identified as part of the neighborhood meeting process. Minutes from the neighborhood meeting shall be included with the application materials.

Step 3 The Applicant files a complete application with Cabarrus County Planning and Development. This includes filing the required number of copies of the proposed site plan and any other materials required for the application to be considered complete, as determined during the pre-application meeting (See Step 1).

Step 4 The project is distributed to review agents and comments are returned by Staff to the Applicant regarding changes or revisions needed to the proposed plan and/or application materials.

Step 5 When revisions are submitted, approved, and the plan and application materials conform to the applicable ordinances, the revised complete application is presented to the Planning and Zoning Commission, acting as Board of Adjustment, for consideration.

Applications for a Special Use must demonstrate compliance with the general standards of review. Additionally, Special Uses must:

- a. Maintain or enhance the public health, safety and general welfare
- b. Maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not do so);
- c. Assure the adequacy of:
 - Waste water disposal
 - Solid waste management
 - On site drinking water and waste water disposal
 - Governmental water and sewer (if applicable)
 - Police, Fire and-Emergency Medical Services protection
 - School adequacy (if applicable)
 - Transportation systems (in and around the site) and
 - Other public facilities
- d. Comply with the general plans for the physical development of the County as embodied in these regulations

Special conditions arrived at by the Planning and Zoning Commission

When the Commission finds that circumstances relating to a particular use warrant more requirements, in addition to those listed in connection with the use, the Commission may impose reasonable and appropriate safeguards upon the special use permit. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities.

To summarize, special uses are subject to both general and specific requirements, rather than being automatically permitted. The review process of a special use assures that County

government is meeting its responsibility of providing for the general health, safety and welfare of the residents of Cabarrus County.

Section 8-4 Special Uses

1. Adult Business

General Commercial district

- a. Site plan should show all surrounding land uses within 500 feet of the proposed site boundary lines.
- b. All windows, doors, openings, entries, etc. for all adult uses shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible.
- c. No adult use shall be established within three thousand (3,000) feet of the proposed property boundary from the following:
 - o Any residentially zoned or used land
 - o Religious institutions
 - o Schools, parks, playgrounds, libraries or other areas where minors regularly congregate
 - o Another adult business

2. Airport, Commercial

General Commercial, Limited Industrial and General Industrial districts

- a. A site plan depicting the layout of runways, taxiways, approach zones and overrun areas. These plans should also be on aerial photographs showing a five mile radius from the proposed site.
- b. A description of the number and type of aircraft proposed to be stored including the storage areas for aircraft, fuel and motor vehicles, and service areas for aircraft.
- c. A listing of the land uses within the final approach zones of the airport.
- d. Documentation must be submitted showing that the proposed site meets the standards of both the Federal Aviation Administration and the North Carolina Department of Transportation.
- e. Setback, buffer yard, fencing and parking requirements appropriate to the specific nature of the use proposed will be established during the special use permit process and approved by the Board of Adjustment. In no case, however, shall the minimum level buffer between the proposed project and adjacent residentially used or zoned properties be less than a Level One buffer yard.
- f. The number, size, weight and type of aircraft may be limited in the Special Use Permit if required for public safety and welfare.
- g. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.

3. Airstrip, as Accessory

Agricultural/Open, General Commercial, Limited Industrial and General Industrial districts

- a. A site plan showing all surrounding land use and a listing of the land uses within the final approach zones of the airstrip.
- b. A general description of how the airstrip will be used including but not limited to:
 - Frequency of landings/takeoffs
 - Size of aircraft accommodated
 - Length of runway
 - Proposed lighting for the facility
 - Any other relevant information
- c. A copy of certification documentation and/or any other documentation or permits required by the Federal Aviation Administration (FAA) and the State of North Carolina (if applicable).
- d. Airstrips may be enclosed by a security fence up to eight (8) feet in height. This applies in all zoning districts.
- e. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.
 - When located in a residentially zoned district, structures shall have a residential appearance and shall be in keeping with the architectural character of the area.

4. Amusement, Outdoor

General Commercial district

- a. Site must be a minimum of 15 acres
- b. A complete description of the facility including but not limited to:
 - Hours and days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- c. Where the proposed project abuts residentially used or zoned property, a Level Two buffer yard shall be provided.
- d. No parking or amenity area shall be located closer than 100 feet to any residentially zoned or used property.
- e. Other conditions may be placed on the site during the special use process as deemed necessary by the Board of Adjustment in relation to hours of operation, noise, traffic, etc.

5. Coliseums, Stadiums

General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - Types of events, days and hours of operation
 - The projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - Total number of seats
 - Types of accessory uses, if any, envisioned on the site (initially or in the future)
 - Total number of employees, both full-time and part-time
 - Any and all other relevant information that will help describe the facility
- b. The site shall contain at least 20 acres.
- c. All structures, viewing and seating areas shall be set back at least one hundred (100) feet from any street, street right-of-way or property boundary line.
- d. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - Playground
 - Refreshment stands or booths
 - Souvenir stands or booths
- e. All access ways shall be lit so that sidewalks, pedestrian pathways, etc. are clearly visible. The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residentially used or zoned properties.
- f. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the Special Use Permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscaping treatment and berms.

6. Colleges and Universities

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential and High Density Residential/Mixed Use districts

- a. A complete description of the facility including but not limited to:
 - Hours of operation
 - Projected student enrollment years one through five
 - Description of curriculum
 - Degrees, certificates offered
 - Total number of employees, both full-time and part-time
- b. In the event the facility abuts residential property, Level Two buffering is required.
- c. In no case shall any parking area or student amenity area be located less than 100 feet from a residentially zoned or used property.

7. Communications Tower, 911 Communications Tower

Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts

- a. The tower must be designed to land upon its own property in the event of a fall and shall be certified by a North Carolina registered Professional Engineer (PE).
- b. The tower shall be located on the property such that the distance to the nearest structure is equal to the height of the tower plus 50 feet or greater.
- c. Towers shall be enclosed by a security fence not less than six (6) feet and no taller than eight (8) feet in height.
- d. The tower and any accessory buildings must be screened from public view by a buffer that is a minimum of four (4) feet wide and located immediately adjacent to the perimeter of the compound. Plantings shall effectively screen the compound from adjacent residential properties.

8. Convention Center Facility

Office/Institutional and General Commercial districts

- a. A complete description of the facility including but not limited to:
 - Hours and days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of five (5) acres
- c. Amenity and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially used or zoned property line.
- d. Where adjacent to residentially zoned or used property, a Level Two buffer shall be installed.

9. Correctional Facility

Agriculture/Open, Limited Industrial, General Industrial districts

- a. A complete description of the facility including but not limited to:
 - Total number of employees, both full-time and part-time
 - Total number of offenders to be housed
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of ten (10) acres

- c. Any recreation areas or housing unit yard areas shall be located interior to the site where feasible and must be located a minimum of one thousand feet (1,000) from any adjacent residentially used or zoned property line.
- d. Where adjacent to residentially zoned or used property, a Level One Buffer shall be installed.
- e. Outside security measures shall be shown on the site plan, including fences, guard towers, manned entry points, gates, etc.
- f. Any anticipated future additions or phases shall be shown on the site plan. This includes future building expansions, accessory buildings, recreation facilities, parking expansions, classroom areas, etc.

10. Day Camp, Summer Camp, Civic Group Camp Facility

Agriculture/Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of six (6) acres in the AO district and four (4) acres in the CR district
- c. Play areas, sports fields and parking areas must be a minimum of two hundred feet (200) from any adjacent residentially zoned or used property line.
- d. Where adjacent to residentially zoned or used property, a Level One Buffer shall be installed.
- e. Where overnight accommodations are provided, facilities shall be located interior to the site and shall have a residential appearance.

11. Elementary, Middle and High Schools

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office Institutional districts

- a. A complete description of the facility including but not limited to:
 - o Total square footage all buildings
 - o Site plan showing layout of all buildings, playgrounds, parking areas, etc.
 - o Projected student enrollment
 - o Grades taught
 - o Total number of employees, both full-time and part-time
- b. School sites shall have frontage on a minimum of two roads providing at least two access points to the site. Sites having frontage on only one road shall provide a minimum of two access points on that road.

- c. Drop off and pick up areas shall be designed such that internal circulation is not disturbed nor is access on adjacent roads or streets.
- d. Stacking distances for cars and buses shall be incorporated onto the school site through a series of driveways or internal access roads and shall not impact adjacent right-of-ways.
- e. Alternate transportation routes and connectivity shall be incorporated into the site, including sidewalks to adjacent neighborhoods and multi-use paths for bicyclists or walkers.
- f. Locations of temporary trailers or potential expansions shall be incorporated into the master plan for the school and shall be shown on the site plan.

See Cabarrus County School Site Design Guidelines for additional information.

In the event the facility abuts residential property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.

12. Extraction of Earth Products, Mining

General Industrial district

- a. Extent of area to be excavated or mined
- b. Locations, width and elevation of all easements and rights of-way within or adjacent to the extraction site.
- c. Location of all existing or proposed structures on site.
- d. Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map.
- e. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
- f. Existing topography at a contour interval of two (2) feet based on mean sea level datum.
- g. Proposed handling and storage areas for overburden, by-products and excavated materials.
- h. Proposed fencing, screening and gates, parking, service and other areas.
- i. Any areas proposed for ponding.
- j. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site.
- k. An Operations Plan including:
 - o The date operations begin and their expected duration
 - o Proposed hours and days of operations
 - o Estimated type and volume of extraction
 - o Description of method of operation, including the disposition of topsoil, overburden and by-products
 - o Description of equipment to be used in the extraction process
 - o Any phasing of the operation and the relationship among the various phases
- l. A Rehabilitation Plan which shall include:
 - o Accomplishment and planned future use of the rehabilitated land

- A map showing the final topography, after rehabilitation, to the same scale as the site plan. It shall also depict any water areas and methods for preventing stagnation and pollution, landscaping and ground cover proposed to be installed and the amount and type of back fill, if any, to be employed
- A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date to be completed
- The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations
- The name, address and signature of land owners and applicants
- A written legal description of survey of the property, prepared by a North Carolina registered land surveyor or engineer

All operations associated with extraction shall conform to the following performance standards:

- a. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
- b. Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:
 - Between 7:00 am and 7:00 pm 60 DBA
 - Between 7:00 pm and 7:00 am 55 DBA
- c. Vibration levels at the boundaries of the extraction site shall not exceed the following standards:
 - Maximum Peak Particle Velocity:
 - Steady state 1.0 inches/second
 - Impact 2.0 inches/second

NOTE: The maximum particle velocity shall be the product of two times the frequency in cycles per second times the sum of three mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty per minute. Discrete impulses which do not exceed sixty per minute shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be one hundred and twenty-five decibels on the linear scale.

The rehabilitation plan shall be referred to the Cabarrus County Soil and Water Conservation District for review and recommendation. In particular, its review should focus on the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and, the acceptability of the proposals for the handling of lakes, ponds, etc. The District's report is not necessarily binding upon the Commission.

- d. The permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust free material such as soil cement, bituminous concrete or Portland cement concrete from the nearest public road to the

yard area. Also, all permanent roads located within three hundred (300) feet of residentially zoned land shall be treated the same.

- e. Roads other than permanent roads shall be treated with dust inhibitors, as specified in the operations plan, to reduce and minimize dust generation from road surfaces from either wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.
- f. Where the proposed extraction shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
- g. Spoil piles and other accumulations of by-products shall not be created to a height more than forty (40) feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of repose.
- h. The operations plan and rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds simultaneous with extraction.
- i. The facility is required to implement Level One buffering about the perimeter. See Chapter 9, Landscaping and Buffer Requirements.

The Planning and Zoning Commission shall require a performance guarantee, in a form approved by the County Attorney, to ensure that the provisions of the rehabilitation plan are met. The amount of such guarantee shall cover the cost of rehabilitation. The applicant's engineer shall certify to the County the costs of rehabilitation on a per acre basis. If the rehabilitation costs exceed the amounts required by the State, then the difference shall be made up in a bond payable to Cabarrus County that must be posted before commencement of any earth product extraction operations.

13. Landfill, Sanitary or Landfill, Demolition-One Acre or More

Agricultural/Open, Limited Industrial and General Industrial districts

The following additional items shall be included on the site plan:

- a. Extent of area to be filled.
- b. Location, width and elevation of all easements and rights-of-way within or adjacent to extraction site.
- c. Location of all existing or proposed structures on site.
- d. Location of all areas on the site subject to flood hazard or inundation.
- e. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
- f. Existing topography at a contour interval of two feet, based on mean sea level datum.
- g. Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum.
- h. Proposed handling and storage areas for overburden, by-products and fill materials.
- i. Proposed fencing, screening and gates, parking, service and other areas.
- j. Any areas proposed for ponding.

- k. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Site distances on all roads used for access to the site.

An Operations Plan shall be submitted including:

- The date of commencement of operations and their expected duration
- Proposed hours and days of operation
- Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used
- Any phasing of operations and relationship among phases

A Rehabilitation Plan shall be submitted which shall include:

- A statement of planned future use of the site, including detailed methods of accomplishment
 - A map, to the same scale as the site plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed
 - A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion
- l. Copies of all permits required by all applicable regulating North Carolina and federal government agencies shall be submitted.

All operations associated with the fill shall conform to the following performance standards:

1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
2. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
 - Between 7:00 am and 7:00 pm 60 DBA
 - Between 7:00 pm and 7:00 am 55 DBA
3. Vibration levels at the boundaries of the fill site shall not exceed the following standards:
 - Maximum Peak Particle Velocity
 - Steady state 1.0 inches/second
 - Impact 2.0 inches/second

NOTE: The maximum particle velocity shall be the maximum displacement sums of three mutually perpendicular components, recorded simultaneously, and multiplied by the frequency in cycles per second.

For purposes of this Ordinance, steady-state vibrations are defined as vibrations which are continuous or vibrations occurring in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

4. The Rehabilitation Plan shall be referred to the Cabarrus County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
5. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland cement concrete.
6. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
7. Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
8. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

14. Manufactured Home Parks

Permitted in Manufactured Home Park Overlay District only

- a. All submissions for a special use permit for a Mobile Home Park must meet the standards of this section, the requirements of the Manufactured Home Park Overlay in Chapter 4 as well as Sections 4-49, 4-50 and any applicable subdivision regulations where new individual lots are created.
- b. Must meet the Adequate Public Facility Standards within Chapter 4, Section 17 of the Cabarrus County Subdivision Ordinance.

15. Multimedia Production and Distribution Complex

Agricultural/Open, Countryside Residential districts

- a. A complete description of the proposed facility including but not limited to:
 - o Proposed uses envisioned within the complex
 - o Type of development allied with the proposed facility likely to occur
 - o Total number of employees, both full-time and part-time
- b. Setback, buffer yard, fencing and parking requirements appropriate to the specific nature of the use proposed will be established during the special use permit process and approved by the Board of Adjustment. In no case, however, shall the minimum level buffer between the proposed project and adjacent residentially used or zoned properties be less than a Level Two buffer yard.

16. Nursery, Daycare Center

Limited Industrial and General Industrial districts

- a. A copy of the North Carolina State license issued to the facility is required (see NCGS Chapter 110, Child Welfare).
- b. Evidence that the North Carolina Department of Transportation has issued driveway permits for the facility. Applicant shall submit copies with site plan review application.
- c. Adequate access to and from the site, to accommodate traffic generated, including any required roadway improvements.
- d. Drop off and pick up areas shall be interior to the site, out of the public right-of-way, and designed so as to not interfere with internal circulation and ingress/egress to the site.
- e. Outdoor recreation areas must be enclosed with a fence.
- f. There must be direct access to a State maintained road.

17. Public Service Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.
- b. A landscape plan (same scale as site plan) showing existing and proposed trees, shrubs, ground cover and all other landscape material.
- c. An emergency plan showing how possible spills, explosions, etc. would be handled.
- d. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the special use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- e. The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residentially used or zoned properties, if such exist.
- f. When a building is involved and will be located in a residentially zoned district, it shall have a residential appearance or the appearance of other buildings allowed as a matter of right in this district.
- g. In the event the facility abuts residential property, a Level Two buffer must be implemented.
- h. All outside storage areas shall be sited to the rear and require a Level Two buffer. See Chapter 9, Landscaping and Buffer Requirements.

In addition to the items listed above, the following standards shall be required for any proposed solar farm projects:

1. The height of the system shall not exceed 10 feet measured from the highest natural grade below each solar panel to the top of the panel, including at full extension for tracking panels.
2. A map analysis showing a radius of 5 nautical miles from the center of the project area with any airport operations in the area highlighted shall be submitted with the application.
 - a. If a Federal Aviation Administration (FAA) regulated airport falls within the radius, all required documentation and information shall be submitted to the Federal Aviation Administration for review and approval and shall be submitted as part of the application.
3. In addition the FAA review for the project, applicant must demonstrate that any glare created from the project will not adversely impact surrounding properties or vehicles traveling on right of ways, streets or roads near the site by submitting a glare analysis study. The study must be signed and sealed by a licensed North Carolina Engineer (PE).
4. A copy of the executed Decommissioning Plan for the project, in accordance with the County template, shall be submitted as part of the application. This plan shall be recorded in the Register of Deeds office.
5. In the event the facility abuts residential property or a street right of way, a type 1 buffer must be implemented. Existing vegetation located in this buffer area shall be retained.
6. Proposed landscape/vegetative buffering shall provide complete visual screening between the proposed site, adjacent residential properties and any street right of ways.
7. A copy of the Certificate of Need documents issued by the State of North Carolina shall be provided as part of the application.
8. A security fence no less than 6 feet tall shall be installed around the perimeter of the proposed site.
9. A performance bond for 1.25 times the estimated cost of the removal of panels, inverters and any accessory equipment or structures anticipated to be located on the project site at build out shall be filed with the County prior to issuance of a zoning clearance permit. The removal estimate and amount will be certified by a North Carolina licensed engineer. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI) Index. A revised bond shall be provided every 5th year that the solar project is in place.
10. Applicant will provide a maintenance contract for the landscape for the project for 18 months following the final landscape inspection by the zoning division. In cases where existing well established vegetation is proposed to be used to meet buffering requirements, the maintenance contract will apply to newly planted vegetation only.

Any solar facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned and the property owner and other legally responsible party shall be required to decommission the site unless substantial evidence is provided to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility.

Should the property owner or lessee decide to cease producing power for sale or use, or in the event that the system is damaged and will not be repaired or replaced, decommissioning of the site shall occur within 12 months from the time that the facility is deemed to be defunct.

18. Public Use Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential and High Density Residential/Mixed Use Residential

- a. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.
- b. A landscape plan (same scale as site plan) showing existing and proposed trees, shrubs, ground cover and other all other landscape material.
- c. When a building is involved and will be located in a residentially zoned district, it shall have an appearance suitable for a residential district.
- d. In the event the facility abuts residential property, a Level One buffer must be implemented.
- e. All outside storage areas shall be sited to the rear and require a Level One buffer. See Chapter 9, Landscaping and Buffer Requirements.

19. Race Shop, Race Team Complex

Agricultural/Open district

- a. A complete description of the facility including but not limited to:
 - Hours and days of operation
 - Total number of employees, both full-time and part-time
 - Types of accessory uses (see paragraph 2 below) envisioned for the site
 - Any and all other relevant information that will help describe the facility

Minimum lot area is five (5) acres

- b. The race complex shall be the principal use under the special use permit request. Accessory uses may be permitted when necessary for the operation of the complex. Accessory uses include, but are not limited to, the following:
 - Engine rooms
 - Conference facilities
 - Sheet metal shops
 - Storage of souvenirs
 - Storage facilities
 - Housing
 - Airstrip (See 8-4,3)
 - Airplane Hangars
 - Museums

- Pit practice training facilities
- c. The site must front on a public road.
- d. The front and side yard setback areas shall be left in an undisturbed, natural setting.
- e. All manufacturing, testing, office and activities shall be conducted within an enclosed building.
- f. Outside storage is permitted but must be completely screened on all sides by a Level Two buffer as described in Chapter 9. Outside storage is not permitted in the front yard.
- g. All driveways shall be paved.
- h. When the site is adjacent to residentially used or zoned property, outside pit practice training areas shall be located interior to the site to minimize noise to adjacent residential properties.
- i. When the site is adjacent to residentially used or zoned property, a Level Two buffer is required on the common boundary line.

The proposed use must be able to comply with the following:

- A. Objectionable noise shall be muffled or eliminated so as not to become a nuisance to adjacent uses. It shall be the responsibility of the applicant to provide proof that all noise for the operation does not exceed the maximum permitted sound levels listed below. Maximum noise levels are as measured from the lot line. The Commission may require more stringent noise restriction if it finds as a fact that noise should be muffled to a greater extent than those sound levels listed below.

7:00 AM to 7:00 PM	60 dbI
7:00 PM to 7:00 AM	55 dbI

- B. Every use shall be operated as to prevent the emission of smoke, dust, and dirt, etc., from any source whatsoever within the bounds of the air pollution standards set by the North Carolina Department of Natural Resources and Community Development. The Department's standards on air pollution for industrial uses are hereby made a part of this Ordinance by reference.
- C. Every use shall be ~~se~~ operated as to prevent the emission in the air of dust or other solid matter which may cause damage to property, discomfort to persons or animals beyond the lot line of the property on which the use is located.
- D. Every use shall be operated to prevent discharge of any waste dangerous or a nuisance to persons or animals or damaging to plants, crops or any water supply at or beyond the lot lines of the race shop. The Cabarrus Health Alliance must approve all domestic ground absorption waste water disposal and on site drinking water wells.
- E. Every use shall be separated as to prevent the emissions of objectionable or offensive odors in such concentrations readily perceptible at any point at or beyond the race shop's boundary lines.
- F. Every use shall be so operated as to prevent glare of such intensity as to be readily perceptible from a residential use.

- G. Each use shall be developed to prevent traffic congestion and noise generated by vehicles related to its operation.

20. Race Track, Animal, Automobile or Other

Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - Hours and days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of events per year and expected spectator attendance.
 - Types of accessory uses envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. The minimum site acreage shall be twenty (20) acres.
- c. The racetrack and all buildings, viewing areas, and seating areas shall be located no closer than five hundred (500) feet from any street right-of-way or property line.
- d. All access ways shall be adequately lit. Such lighting must be shielded to prevent light and glare spillover to adjacent residentially used or zoned properties.
- e. Objectionable noise shall be muffled or eliminated so as not to become a nuisance to adjacent uses. It shall be the responsibility of the applicant to provide proof that all noise for the operation can meet the requirements and general performance standards for commercial and industrial uses. The Commission may require more stringent noise restriction if it finds as a fact that noise should be muffled to a greater extent than required under Special Use Number 19, Race Complex, specifically section 19-A.
- f. A Level One buffer yard will be provided at the perimeter of the property.
- g. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - Refreshment stands or booths
 - Souvenir stands or booths

21. Reception Facilities

Agricultural Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 1. Types of events
 2. Days and hours of operation
 3. Projected number of users per weekday and weekend days, with the maximum number expected at any one event
 4. Total capacity for the venue
 5. Types of accessory uses, if any, envisioned on the site (includes any accessory structures)
 6. Total number of employees, both full-time and part-time.
 7. Any and all other relevant information that will help describe the facility

- 8. Building elevations for all permanent structures to be used to accommodate receptions and/or events on the site
- b. The minimum size of the proposed site shall be based on the following:

Capacity	Minimum Acreage Required
Up to 100 guests	5
101-200 guests	7.5
201-300 or more guests	10

- c. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction must meet commercial design standards.
- d. All structures, viewing areas, seating and parking areas shall be set back at least two hundred (200) feet from any street or property line.
 - a. When a site contains existing vegetation that will remain undisturbed and creates complete visual separation and serves to abate noise levels, the Board of Adjustment, as part of the special use permit consideration process, may reduce the required setbacks of 200 feet to no less than 100 feet.
 - i. If the applicant proposes to use this provision, the following shall be provided as part of the special use permit application:
 1. Tree survey showing existing vegetation
 2. Landscape plan that provides supplemental plantings as needed to fill gaps that may exist
 - b. When the applicant demonstrates to the Board of Adjustment that the existing vegetation meets the intent of the buffer requirement this area may be used to satisfy the buffer requirement of standard “h” of this section.
- e. Where waterbodies exist on or near the property, additional setbacks may be required. See Chapter 4, Waterbody Buffer Zone.
- f. Outdoor lights must be shielded to direct light and glare only onto the facilities’ premises but may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- g. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the special use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- h. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
- i. The parcel must have frontage on, or have direct access to, a NCDOT maintained road or a privately maintained paved street. Proposed access points on NCDOT roads must be approved by NCDOT. In the event that a privately maintained street is used to gain

entry to the site, the applicant shall provide documentation from the private road owner(s) that access to the site for events is permitted.

- j. The facility must provide two parking spaces for the owner/operator, plus one for every four persons in attendance at events. Service providers (staff, caterers, etc.) should be included in this calculation at a rate of one for each employee or contracted staff member. The parking area shall remain grassed (no impervious coverage). However, handicap accessible parking is required to be an improved/hard, stable surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5 of this Ordinance. No on-street parking is permitted.
- k. Other than as part of the reception events, no meals shall be served to the general public on the site.
- l. The following accessory uses may be permitted as incidental to the facility and limited to the patrons of the principal use:
 - o Amenity areas, gardens, gazebos
 - o Temporary tents shall be allowed for no more than 180 days in a calendar year. Tents may not exceed the square footage of the largest primary structure and must be shown on the site plan. Applicant must procure all necessary permits from the Cabarrus County Fire Marshal's Office for temporary tents.
- m. Signs for Reception Facilities shall meet the requirements of Chapter 11 (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Zoning Ordinance

22. Recreational Facility, Outdoor

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential, Office/Institutional, Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

A complete description of the facility including but not limited to:

- o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- a. The site shall contain a minimum of five acres.
 - b. All structures, viewing and seating areas shall be set back at least one hundred and fifty feet (150) from any street or property line.
 - c. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - o Playground
 - o Refreshment stands or booths, and/or
 - o Souvenir stands or booths.
 - d. In the event the facility abuts residentially used or zoned property, Level ~~Two~~ One buffering must be implemented.

23. Recreational Therapy Facility, Rural Setting

Agricultural Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 1. Types of events, days and hours of operation
 2. Projected number of users per weekday and weekend days, with the maximum number expected at any one event
 3. Client profile: projected client enrollment, years of enrollment, age of clients, etc.
 4. Description of curriculum/treatment methods
 5. Total number of employees, both full-time and part-time (including volunteers)
 6. Evidence that the facility has achieved certification from a nationally recognized organization in each therapeutic field of choice
 7. Site plan showing layout of all buildings, parking areas, landscape, buffers, play areas, barns, riding trails, abutting properties and the land use for these properties, impervious area calculations, water bodies, etc.
 8. Types of accessory structures used or envisioned to be used on the site
 9. Building elevations
 10. Any and all other relevant information that will help describe the facility
- b. The site shall contain at least twenty-five (25) acres
- c. The parcel must have frontage on a major or minor thoroughfare. Proposed access points must be approved by NCDOT.
- d. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction must meet commercial design standards.
- e. All structures, viewing areas, seating areas, etc. shall be set back at least 100 feet from any property line. All animal enclosures must be 150 feet from parcel boundary lines.
- f. All access ways shall be adequately lighted. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises, but may be of sufficient intensity to encourage security and safety. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- g. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the special use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- h. A Level Two Buffer yard is required when the Recreational Therapy use abuts a residential use. However, if residential dwellings are located 200 feet or greater from the property line, buffering shall not be required. See Chapter 9, Landscaping and Buffer Requirements.
- i. The facility must provide, at a minimum, parking spaces to accommodate the staff, clients and visitors. Service providers and vehicles (buses, tractors, trucks and trailers, caterers, therapy providers, etc.) should be included in this calculation. Designated areas for special event parking shall also be included in the parking plan. A maximum of

ten (10) parking spaces, including handicap accessible spaces, shall be an improved surface, the remainder must be grassed (no impervious coverage). Handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3 of this Ordinance. No on-street parking is permitted.

- j. Other than as part of special events or therapy sessions, no meals shall be served to the general public on the site.
- k. The following accessory uses may be permitted as incidental to and limited to the clients of the principal use:
 - o Playground
 - o Bathroom facilities
 - o Aesthetic (gazebo, barn, etc.) features
 - o Barns, animal interaction arenas
 - o Physical therapy course/apparatus
 - o Multi-purpose building or room
- l. Signs for Recreational Therapy Facilities shall meet the requirements of Chapter 11 (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Zoning Ordinance:
- m. The number of animals (livestock) boarded outside or partially outside shall not exceed one animal per acre. Those boarded entirely inside shall not be counted as part of this limitation.
- n. Public address systems shall be permitted outside and within a building when the speakers are at least fifty (50) feet from adjacent property lines. Further, noise at any property line shall not exceed thirty-five (35) decibels.

24. Religious Institution with Total Seating Capacity 351 or More

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts.

A complete description of the facility including but not limited to:

- o Hours and days of operation
 - o Projected number of users per weekday and weekend days
 - o Total number of employees, both full-time and part-time
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- a. In the event the facility abuts residential property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
 - b. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.

25. Religious Institution with School

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential and Office/Institutional districts

A complete description of the facility including but not limited to:

- Total square footage all buildings
 - Total number of employees, both full-time and part-time
 - Site plan showing layout of all buildings, playgrounds, parking areas, etc.
 - Projected student enrollment
 - Grades taught
- a. Sites shall have frontage on a minimum of two roads providing at least two access points to the site. Sites having frontage on only one road shall provide a minimum of two access points on that road.
 - b. Drop off and pick up areas shall be designed such that internal circulation is not disturbed nor is access on adjacent roads or streets.
 - c. Stacking distances for cars and buses shall be incorporated onto the school site through a series of driveways or internal access roads and shall not impact adjacent right-of-ways.
 - d. Alternate transportation routes and connectivity shall be incorporated into the site, including sidewalks to adjacent neighborhoods and multi-use paths for bicyclists or walkers.
 - e. Locations of temporary trailers or potential expansions shall be incorporated into the master plan and shall be shown on the site plan.
 - f. In the event the facility abuts residential property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
 - g. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.

26. Rest Home, Convalescent Home with More Than 10 Beds

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential and Office/Institutional districts

- a. A complete description of the facility including but not limited to:
 - Total square footage all buildings
 - Site plan showing layout of all buildings including housing and parking areas
 - Number of beds projected year one through five
 - Total number of employees, both full-time and part-time
 - Any accessory uses that may be envisioned in conjunction with the home
- b. In the event the facility abuts residential property, Level Two buffering must be implemented.

- c. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.

27. Restaurant with Drive-Thru Facility

Medium Density Residential and High Density/Mixed Use Residential districts

- a. A complete description of the facility including, but not limited to:
 - o Total square footage all buildings
 - o Site plan showing layout of all buildings including pick-up windows, and drive through lanes.
 - o The estimated number of drive-thru customers at all peak serving times with a correlation between numbers served per 30 minute increment (or industry standard) and corresponding amount of stacking space for vehicles.
- b. Sufficient stacking and circulation must be provided on site and shall not interfere with circulation of traffic on adjacent streets or road right-of-ways.
- c. The use must front on an arterial or collector road.
- d. Drive-thru entrances and exits must be at least 250 feet from any intersection
- e. Drive-thrus abutting residential property must:
 - o Provide a Level Two buffer yard along their common boundary line
 - o Position outdoor speakers at least 50 feet from property lines bordering residential development
 - o Position lights so that illumination will not spill over onto residential property

28. Retail Sales, Shopping Centers 100,000 Square Feet or More

General Commercial district

- a. The shopping center must have direct access to either an arterial or major collector road.
- b. When located adjacent to residentially zoned or used property, a Level One buffer yard shall be installed at the common boundary between the parcels.
- c. A complete description of the facility including but not limited to:
 - o Days and hours of operation
 - o Projected number of users per weekday and weekend days
 - o Total number of employees, both full-time and part-time.
 - o Any and all other relevant information that will help describe the facility

29. Single Family Detached Residential and Manufactured Home, Single Section

General Commercial, Light Industrial and General Industrial districts

Single family detached residences and single section manufactured homes are permitted on a hardship basis if the following conditions can be met:

- a. No more than two additional homes may be added to parcels less than ten acres in size. Parcels greater than ten acres may not exceed one dwelling unit/5 acres.
- b. Applicant must prove that some form of hardship has brought about the request.
- c. Preference shall be given to homes that may be relocated when the property is developed for non-residential purposes.
- d. Dwelling unit sites must be screened from adjacent non-residential uses using a Level One buffer yard.

30. Shooting Range, with Outdoor Target Practice

Agriculture/Open, Countryside Residential, Light Industrial and General Industrial district

- a. The minimum lot size shall be 5 acres.
- b. Shooting ranges may not be located accessory to a residence.
- c. No portion of the range or associated Safety Fan shall be closer than 1500 feet to any exterior property line.
- d. No portion of the range or associated Safety Fan shall be closer than 2500 feet to any existing residential dwelling, institutional use or building.
- e. Ingress and egress to the site and to the range area shall be secured and controlled to prevent unregulated entrance to the facility and the target area.
- f. The entire property shall be posted every 100 feet at the property line with signage indicating there is a shooting range located on the property.
- g. Elevations for the range area, from shooter to target, shall be constructed to prevent rounds from being fired over the berm, and shall be shown on the site plan.
- h. The complete layout of each range, including, shooting stations or firing lines, target areas, shot-fall zones, backstops, and berms, shall be shown on the site development plan.
- i. The development plan shall also identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based on evidence and address the design effectiveness of berms, overhead baffles or other safety barriers to contain projectiles to the Safety Fan area.
- j. Shots fired on site, whether on range or in air, shall be contained entirely on the site. Clay pieces associated with in air target practice shall also be contained entirely on the site.
- k. All local, state and federal permits shall be issued prior to zoning permitting.
- l. The owner/operator of the range shall be required to carry liability insurance with a minimum policy limit of \$3,000,000.00 per occurrence. Such insurance shall name Cabarrus County as an additional insured and shall contain a provision that the insurance may not be cancelled or modified except upon 30 days prior written notice to

the County. Such policy shall provide coverage that holds the County and its elected and appointed officials and its employees harmless from and against all claims, demands, losses and expenses of any kind or nature, including the costs of defense and attorney fees, in favor of any person, arising from the ownership, operation or existence of the range.

- m. Ranges shall be designed in accordance with industry standards as described in *The National Rifle Association (NRA) Range Source Book*.
- n. Ranges shall use Best Management Practices for Lead Management. See *EPA Best Management Practices for Lead at Outdoor Shooting Ranges (EPA-902-B-01-001)*.
- o. Must comply with Chapter 46, Section 46-2, Use of Firearms, of the Cabarrus County Code of Ordinances.

31. Sports and Recreation Instruction or Camps

Agriculture/Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - Hours and days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of six (6) acres in the AO district and four (4) acres in the CR district
- c. Practice areas, fields and parking areas must be a minimum of two hundred feet (200) from any adjacent property line.
- d. Where adjacent to residentially zoned or used property, a Level One Buffer yard shall be installed.
- e. Where overnight accommodations are provided, facilities shall be located interior to the site and shall have a residential appearance.

32. Slaughter House, Meat Packing

Agricultural/Open and Countryside Residential districts

Submit a report addressing the following:

- The appropriateness of the site selected.
- The proposed plant operation and how it may affect public health.
- The proposed operation of the plant including total number of employees, both full-time and part-time.
- The method of collection, handling, disposal and storage of all waste and by-products.

- a. No building, structure, storage or animal holding area shall be located within one hundred and fifty (150) feet of any lot line.
- b. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented.
- c. Before beginning operation of any slaughterhouse or meat packing facility, copies of all license or permits required from other governmental agencies shall be submitted to the County Zoning Administrator.

33. Trade and Vocational Schools

Agricultural/Open, Office/Institutional, Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including:
 - o Hours of operation
 - o Total number of employees, both full-time and part-time
 - o Projected student enrollment years one through five
 - o Description of curriculum
 - o Degrees, certificates offered
- b. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.
- c. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented at the common parcel boundary.

34. Wireless Telecommunications Services

All zones

Section I Purpose

The purpose of this Section 36 is to:

- o Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- o Encourage the location of towers in non-residential and less developed areas;
- o Strongly encourage joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- o Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- o Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- o Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- o Consider the public's health and safety in regard to communication towers; and

- Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Section 2 Definitions

The words, terms and phrases shall have the meanings assigned below provided, however, any words, terms or phrases not defined herein shall have the meaning assigned in Chapter 2 of this Ordinance:

ACCESSORY EQUIPMENT STRUCTURE- A building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

ALTERNATIVE TOWER STRUCTURE- Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA – Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

ANTENNA, STEALTH- Wireless telecommunication antenna and related equipment designed to blend into the surrounding environment or integrated into the physical structure to which it is attached.

APPLICATION – A formal request submitted to the county to construct or modify a wireless support structure or a wireless facility.

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

COLLOCATION – The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

COMMUNICATIONS FACILITY – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

COMMUNICATIONS SERVICE PROVIDER –A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

COMMUNICATIONS TOWER- A tower, which supports communication (broadcast, receiving, or relay) equipment, utilized by government or other public and quasi-public users. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission (FCC).

ELIGIBLE FACILITIES REQUEST– A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT – Antennas, transmitters, receivers, cables, wires, transformers, power supplies, electric and communication lines necessary for the provision of television broadcast signals, radio wave signals, wireless data or wireless telecommunication services to a discrete geographic area, and all other apparatuses and appurtenances, including shelters, cabinets, buildings, platforms, and ice bridges used to house or otherwise protect equipment.

EQUIPMENT COMPOUND– An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

FALL ZONE – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

GROUND AREA – The area of real property surrounding the base of towers on which the equipment and appurtenances necessary for the operation and stability of the towers, including guy wires and security fencing, are constructed or installed.

LAND DEVELOPMENT REGULATION– Any ordinance enacted pursuant to this Section 36.

MICRO WIRELESS FACILITY – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

REPEATER-A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

SATELLITE DISH ANTENNA OR SATELLITE DISH- A parabolic antenna designed to receive electromagnetic transmissions from a satellite.

SEARCH RING. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SMALL WIRELESS FACILITY – A wireless facility that meets the following qualifications:

- a. Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.
- b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For the purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

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

- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

TOWER- Any ground-mounted, pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, to which a telecommunications antenna is attached or affixed.

TOWER, LATTICE- Three- or -four-legged steel girded structures typically supporting multiple communications users and services generally ranging from 60 to 200 feet in height.

TOWER, MONOPOLE- Single pole design, approximately three feet in diameter at the base narrowing to approximately one and a half feet at the top, generally ranging from 25 to 150 feet in height.

UTILITY POLE- A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

WATER TOWER- A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS FACILITY – Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following:

- a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- b. Wireline backhaul facilities.
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

WIRELESS PROVIDER – A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER – A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE. – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

WIRELESS TELECOMMUNICATION SERVICES (WTS) - Licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services

(PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services for non-commercial entities in the amateur radio service, public safety radio service, or licenses assigned to non-profit organizations such as the Red Cross, Civil Air Patrol, or military affiliated radio services that are licensed by the Federal Communications Commission.

Section 3 Applicability

The provisions of Section 36 shall apply to any new Wireless Telecommunications Tower, Antenna or substantial modification, except as provided below. The use of land for wireless telecommunication service antenna or tower shall be permitted as set forth in Chapter 3, Section 3.8 subject to the criteria below.

Section 4 General Guidelines and Requirements

- a. PRINCIPAL OR ACCESSORY USE- Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. LOT SIZE- In the event that a tower or antenna is installed and/or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subjected to; including but not limited to setback, lot coverage, and other such requirements.
- c. INVENTORY OF EXISTING SITES- Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of Cabarrus County, the City of Kannapolis, the City of Concord, the Town of Harrisburg, the Town of Mt. Pleasant, the City of Locust or the Town of Midland. Such information shall include specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the County. The Zoning Administrator, and/or his or her designee, may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or with other organizations seeking to locate towers or antennas within the jurisdiction of this Ordinance provided, however that the Zoning Administrator, and/or his or her designee, is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. Notwithstanding, the applicant is not required to provide proprietary, confidential or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies.

Section 5 Aesthetics

- Towers shall either maintain a galvanized steel finish or be painted a neutral color to blend in with the surrounding area and to reduce visual obtrusiveness.
- The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the tower or antenna site.
- If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.
- LIGHTS- No tower or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC or the County. This restriction against lights shall not apply to towers which have been combined with light standards for illumination of ball field, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the Lot or Parcel.
- STATE OR FEDERAL REQUIREMENTS- All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- BUILDING CODES, SAFETY STANDARDS- To ensure the structural integrity of towers and antennas, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.
- FALL ZONE- Towers shall be designed so that in the event of a structural failure, the tower falls on the subject parcel or within the leased area of the subject parcel. No tower or antenna shall be designed and/or sited such that it poses a potential hazard to nearby residences, surrounding properties or improvements. To this end, any tower or antenna, shall be designed to withstand the maximum forces expected from wind and ice when the tower is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. See Table 1 at the end of this section for setback requirements.

- ESSENTIAL SERVICES- Wireless telecommunications towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- SIGNS- Signs on a tower, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of Chapter 11, Signage.

Section 6 Permit Requirements

No wireless telecommunications tower, antennae, or substantial modification shall be erected or established unless and until a Zoning Clearance Permit has been issued pursuant to this Ordinance.

- A Stealth Antenna or Repeater which does not exceed sixty-five (65) feet in height is permitted as of right and does not require a special use permit.
- Repeaters shall either maintain a galvanized steel finish or be painted a neutral color to blend in with the surrounding area and/or structure and to reduce visual obtrusiveness. Where a pole frame is used, the frame shall be similar and compatible with existing light poles and fixtures in the area.
 - a. Where repeaters are proposed to be located in a public or private right-of-way, encroachment agreements shall be submitted as part of the site plan review application package.

In addition to procedures, standards and criteria set forth in this Ordinance, Special Use Permits for towers, antennas, and substantial modifications shall be issued in accordance with the following provisions:

- Towers or antennas sixty-five (65) feet or more from the average ground level shall require a special use permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antennas.
- Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified (signed and sealed) by a professional engineer licensed in the State of North Carolina.
- In addition to any other information required pursuant to this Ordinance, applications for special use permits for towers shall include the following information:
 - a. A site plan consistent with the procedures of this Ordinance which clearly indicates the location, type, and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning (including when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines elevation drawings of the proposed tower and any other structures; and other information deemed by the Administrator to be necessary to assess compliance with this Section.
 - b. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.

- c. The availability of suitable existing towers, other structures, or alternative technology.
- d. The separation distance from other towers pursuant to Table 1 shall be shown on a site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- e. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- f. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- g. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- h. A description of the feasible alternative location(s) of future towers or antennas within the County based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- i. A statement of compliance with the Federal Communications Act 47 U.S.C §332 as amended and the applicable rules promulgated by the Federal Communications Act.

Section 7 Approval Criteria

All non-stealth and stealth towers and mounted antennas are permitted by right or as a special use as listed in Chapter 3, Section 3-8.

Factors Considered in Granting Special Use Permits for Towers

In determining whether to issue a special use permit, the Board of Adjustments shall consider, in addition to any other standards in this Ordinance governing special use permits, the following factors:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residentially zoned district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and vegetation;
- f. Design of the tower, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 8 below.

Section 8 Availability of Suitable Existing Towers, other Structures, or Alternative Technology

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Administrator, or Board of Adjustment (if special use permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers

or structures, can accommodate the applicant's proposed tower or antenna. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any or all of the following:

1. No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 7. The applicant demonstrates that alternative technologies, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, that does not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development cost shall not be presumed to render the technology unsuitable.
- a. SEPARATION- Towers shall be separated a distance, as measured from the base, equal to at least the minimum standards established in Table 2. The separation distances shall be measured by drawing or following a straight line between the base of the preexisting tower and the base location, pursuant to a site plan, of the proposed tower.
 - b. SECURITY FENCING- Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, constructed of block or masonry or wood material, and shall be equipped in such a manner as to deter climbing.
 - c. LANDSCAPING- Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property and from any road right-of-way. The standard buffer shall consist of a landscaped area at least four (4) feet wide outside the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Administrator may waive these requirements in locations where the view of the tower base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or from any road right-of-way

Section 9 Buildings or Other Equipment Storage

Structures used in association with towers or antennas shall comply with the following provisions:

- a. Equipment cabinets and/or other structures shall comply with all applicable building codes.
- b. Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.
- c. Individual equipment cabinets and/or structures shall be no greater than fourteen (14) feet in height or three hundred (300) square feet in gross floor area.

Section 10 Collocation

- a. GOOD FAITH- Applicants shall make a good faith effort to share wireless communication structures, facilities and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation, and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith.
- b. THIRD PARTY TECHNICAL REVIEW- In the event a dispute arises as to whether an Applicant has exercised good faith in accommodating other users, the Administrator may require the applicant to obtain a third party technical study at the Applicant's expense. The Administrator may review any information submitted by the Applicant in determining whether good faith has been exercised.
- c. EXCEPTIONS- No collocation may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.
- d. VIOLATION, PENALTY- Failure to comply with collocation requirements may result in denial of a permit request or revocation of an existing permit.

Section 11 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner of such facility shall remove the antenna or tower within ninety (90) days of receipt of notice from the Board of Adjustment notifying the owner of such abandonment. If there are two or more users of a single tower or antenna, then this provision shall not become effective until all users cease using the tower or antenna for the prescribed period. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

The company that is constructing and leasing the tower shall provide a performance bond for 1.25 times the estimated cost of the removal of the towers, antennas, and any accessory equipment or structures anticipated to be located on the site at build out. The performance bond shall be filed prior to issuance of a zoning clearance permit. This amount will be determined by a removal company and certified by a North Carolina licensed engineer. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI) Index. A revised bond shall be provided every 5th year that a tower is in place.

Section 12 Non-Conforming Uses

- a. NO EXPANSION OF NONCONFORMING USE- Towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter, shall not be deemed to constitute the expansion of a nonconforming use or structure. In addition, a change to a tower that does not constitute a substantial modification must be permitted.
- b. PREEXISTING TOWERS- Towers constructed prior to the adoption of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Chapter.
- c. REBUILDING DAMAGED OR DESTROYED NONCONFORMING TOWERS OR ANTENNAS- Notwithstanding this Section, nonconforming towers or antennas that existed prior to this Ordinance being adopted, or that were properly permitted at the time of construction, and that are damaged or destroyed by weather events or other non-manmade causes are not required to conform to the requirements of this Ordinance provided the type, height, and location if the tower onsite shall be of the same type and intensity as the original facility; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. If no permit is obtained or if such permit expires, the tower or antenna shall be deemed abandoned.

SECTION 13 Duration of Permit

The county may condition a permit on a requirement to construct the facility within a reasonable period of time, which shall be no less than two (2) years.

Table 1 Separation Requirements for On and Offsite Uses
--

Residential Structure, includes but is not limited to: single family detached, single family attached, modular homes, manufactured homes, townhome units, group home facilities, family care homes, multi-family units, accessory dwelling units and any other habitable structures.	The tower compound shall be located a minimum of the tower height plus 50' from any property line or residential structure. In no case shall a tower be located less than 100' from any property line or residential structure.
Vacant residentially zoned land	
Non-residentially zoned lands or non-residential uses	None, only setbacks apply
Separation measured from edge of lease area or compound (fenced in area) to closest property line or structure. NOTE: For purposes of determining required separation, use takes precedence over the zoning designation.	

Table 2 Separation Distances Between Towers		
	Monopole 65 ft. in height or greater	Monopole less than 65 ft. in height
Monopole 65 feet in height or greater	1,500 feet	750 feet
Monopole less than 65 feet in height	750 feet	750 feet
Separation distance measured from the base of the tower. Includes towers located across municipal boundaries and county line.		

35. Veterinarian, Animal Hospital, Animal Shelter, Commercial Kennel, Agricultural/Open, Countryside Residential, Limited Commercial, General Commercial and Limited Industrial districts
- a. Official County Health Alliance approval of water and sewer services provided to the facility must be copied to the office of the Zoning Administrator.
 - b. The minimum distance between the outer edge of any buildings or fenced area must be at least 300 feet from the parcel boundary of any residentially zoned or used properties. In addition, all animal enclosures must meet the same distance/buffer requirements.

- c. The number of animals boarded outside or partially outside in the facility shall not exceed 25 animals. Those boarded entirely inside shall not be counted as part of this limitation.
- d. The primary use, including all outside boarding areas, shall meet the Level Two buffer standards of Chapter 9 of this Ordinance.
- e. This use shall be required to be separated from educational institutions and places of worship by a distance of 1,000 feet. This distance shall be measured from the exterior property lines of the facility to the nearest property line of the educational institution or place of worship.
- f. All outdoor lights must be shielded to direct light and glare onto the facility's premises and may be of sufficient intensity to ensure security.
- g. Lighting and glare must be deflected, shaded and focused away from any adjoining residential or institutional property.
- h. All storage areas including dumpsters must be sited to the rear of the building, within the setbacks required of the building's underlying zone; and, made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- i. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

36. Wellness Retreat, Wellness Spa

Agriculture/Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - Hours and days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of six (6) acres in the AO district and four (4) acres in the CR district
- c. Outdoor exercise areas, meditation areas, gardens, classroom spaces and parking areas must be a minimum of two hundred feet (200) from any adjacent residentially zoned or used property line.
- d. Where adjacent to residentially zoned or used property, a Type One buffer shall be installed.
- e. Where overnight accommodations are provided, facilities shall be located interior to the site and shall have a residential appearance.

PURPOSE

Cabarrus County is a developing and constantly changing area. As a result, much of the existing natural landscape could be destroyed in the development process. Landscaping requirements provide balance against this loss.

Screening between incompatible adjacent land uses

Zoning regulations were once based on a strict separation of land uses. Today, that is no longer the case. Greater freedom in the use of property and privacy for landowners is accomplished by adding a buffer between land uses that includes vegetation, land forms or distance.

Erosion control and water pollution

Trees and plants reduce erosion by binding soil particles with their roots and holding soils together against the effects of wind and water. When development occurs and impervious surfaces are created, the flow of water across exposed soils can greatly increase, causing water pollution. The installation of vegetation can slow runoff by acting as a sponge, resulting in less water pollution and stream bed damage.

Modification of the climate in the immediate vicinity

Landscaping helps improve air quality and moderate temperatures by absorbing pollution, providing shade and offering protection from the wind. In addition, trees, grass, leaves, shrubs, even twigs and branches, can absorb and disperse sound energy, reducing overall noise levels.

Aesthetics

Without the softening effect of trees and shrubs, the built environment appears harsh and uninviting.

Cumulatively, the purpose of these requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, such as trees and native plants.

HOW TO USE THIS CHAPTER

PART I APPLICABILITY OF LANDSCAPE BUFFER YARD STANDARDS AND TERMS
PART II PERIMETER LANDSCAPE BUFFER YARD AREAS
Part III LANDSCAPE REQUIREMENTS FOR PARKING AREAS AND STREET YARDS
PART IV LANDSCAPE PLANS
PART V APPROVED PLANT LIST

PART I APPLICABILITY OF LANDSCAPE BUFFER STANDARDS AND TERMS

SECTION 9-1 APPLICABILITY

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CHAPTER 9-LANDSCAPE AND BUFFERING

Landscaping requirements shall apply to all developing uses and are a condition of development permit approval. Typical landscape buffer area types include:

- Perimeter planting yard areas (landscape buffers that separate differing uses)
- Parking perimeter planting yard areas (landscape buffers around paved parking area)
- Interior parking planting area (landscape located interior/throughout the parking area)
- Street yard planting area (landscape buffer located adjacent to street right of ways)

SECTION 9-2 EXCEPTIONS AND ALTERNATIVE METHODS OF COMPLIANCE

Where physical features preclude strict compliance

It is recognized that, on occasion, complete compliance with the terms of this Chapter may not be practical. Accordingly, a developer may request approval of an alternative landscape plan when any one or combination of the conditions below exist:

- The site involves space limitations or unusually shaped parcels;
- Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- Natural vegetation on the site, if undisturbed during the development process, can meet or exceed the vegetation which is required; and/or,
- Safety considerations are involved.

In order to seek a landscape plan modification due to one or more of the above site conditions, the applicant must submit a justification to the office of the Zoning Administrator. As part of the justification, the applicant must describe:

1. the landscape requirements that will be met with the modifications
2. the landscape requirements that will not be met with the modifications
3. which of the conditions set forth above justify consideration of the proposed alternative plan
4. how the proposed alternative plan meets or exceeds what is required by the Ordinance and how it meets the intent of the Ordinance

Approval of modification

Deviations from the requirements of this Chapter as stated above may be approved or disapproved by the Zoning Administrator. If the proposed deviation or variance from the landscape requirements does not fall into one or more of the categories listed above, the applicant must seek a landscape plan variance from the Board of Adjustment.

SECTION 9-3 LANDSCAPE AND BUFFERING TERMS

There are several important key landscape definitions to understand:

Berm-An earthen mound designed to provide visual interest, screen undesirable views and decrease noise.

Buffer or yard -A buffer or buffer yard is a "transitional space", which consists of horizontal space (land) and vertical elements (plants, berms, fences or walls). Its purpose is to physically separate and visually screen adjacent land uses.

Caliper- A measurement of the diameter of a tree trunk. Caliper measurements are taken six inches above ground for up to four-inch caliper trees. Measurements are taken twelve inches above ground for larger trees.

Deciduous-Plants, shrubs and trees which lose their leaves in the fall.

Developing use-the use being considered for development.

Evergreen-Plants, shrubs and trees which retain foliage throughout the year.

Existing adjacent use- the use of land already in place prior to the development of an adjacent land use.

Landscape Planting yard area or buffer yard area-A ground surface free of concrete, asphalt, stone, gravel, brick or other paving materials which is required or used for landscaping purposes.

Shrub-A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. May be deciduous or evergreen.

Sight Triangle-The area of visibility required at the corner(s) of intersecting streets

Tree- Canopy, shade or large maturing tree- Any tree the height of which exceeds 35 ' at maturity.

Tree- Understory or small maturing tree- Any tree the height of which is less than 35' at maturity.

PART II. PERIMETER LANDSCAPE BUFFER YARDS

SECTION 9-4 PURPOSE

Certain land uses, because of their character and intensity, may create an adverse impact on less intensive and varied adjacent land uses. Accordingly, the following regulations are established to protect and preserve the appearance, character and value of property throughout the County.

9-4.1 PERIMETER LANDSCAPE BUFFER YARD

When perimeter landscape buffer yards are required

A. New uses

Perimeter landscape buffer yards are typically required when land uses develop and share a common property line with different types of uses in the same zoning district or, in some cases, a between properties with differing zoning districts.

Table Four (at the end of this Chapter) establishes three levels of perimeter landscape buffer yards and describes how each should be constructed.

B. Expansion of less than 10 percent of existing structure or parking facility

When an expansion is less than 10 percent of the existing building floor area or existing parking area, upgrades to landscape buffers are not required.

C. Expansion of more than 10 percent to existing structure or parking facility

If an expansion of an existing structure or parking areas is more than 10 percent of the existing building floor area or existing parking area, only the area undergoing expansion must comply with the landscape buffer yard planting area requirements. The buffer should encompass the area along the side and/or rear lot line where construction activity occurs, 90 degrees from the beginning and ending points. If existing parking or accessory buildings prevent developing the newly required buffer areas, the parking or structure need not be removed. The required landscape may be placed elsewhere on the site.

D. New buildings or parking areas added to a developed site

Any new building or parking lot(s) area(s) added to an already developed site are required to meet the landscape buffer yard requirements; the prior development is not.

9-4.2 Responsibility for developing

The developing land use is completely responsible for the creation of the landscape buffer yard.

9.4-3 Exceptions and modifications to perimeter buffer yards:

- a. Landscape Buffer Yard Area Easement: When an abutting parcel contains a natural vegetative strip comparable to the required landscape buffer yard and a landscape easement for the required buffer area is provided on the adjacent parcel, this area may count toward the requirement of the landscape buffer yard.
- b. Serves no purpose: The Zoning Administrator is authorized to waive the required landscape buffer yards if, and only if, installation of the landscape buffer would serve no purpose. It shall be the responsibility of the applicant to demonstrate that the required landscape buffers would serve no purpose. Any deviations from the required landscape buffer yard requirements will be noted during the site plan review process and maintained as a part of the record for the permanent project file.

Part III LANDSCAPING REQUIREMENTS FOR PARKING AREAS AND STREET YARD

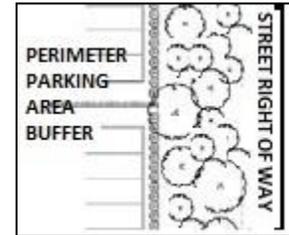
SECTION 9-5 PARKING LOT AREA LANDSCAPE BUFFER REQUIREMENTS

APPLICABILITY:

All parking areas in excess of five spaces are subject to the following standards:

A. Perimeter parking area landscaping

Parking area perimeters which are adjacent either to public rights-of-way or residentially used property must install a landscape buffer yard area around the perimeter of the parking area a minimum of eight feet wide.



Trees and shrubs are required in the perimeter parking lot yard as follows:

1. Trees

Required at the rate of one canopy or shade tree or two understory trees for every twenty linear feet of the required planting yard

2. Shrubs

Shrubs are required in addition to trees and at a rate of three shrubs for every 20 linear feet of planting yard.

B. Parking Area Interior Landscape

Landscaping within the interior of parking areas is important for aesthetics and also functional in that landscaping helps to moderate heat, glare, wind and other climatic effects produced by paved areas.

Interior parking areas are to be landscaped as follows:

Trees

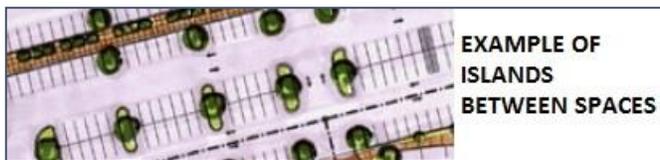
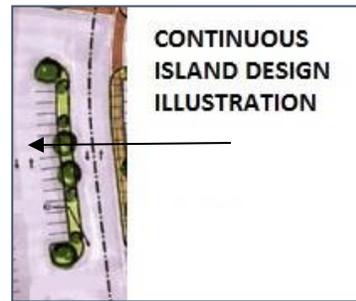
Required at a rate of one per sixteen parking spaces. At least forty percent of required trees must be canopy or shade trees with a minimum caliper of 2 1/2" measured 6" above ground at the time of planting; understory trees must have a minimum caliper of 1 1/2" measured 6". Twenty-five percent of the trees located throughout the parking area must be evergreen.

SECTION 9-6 PLACEMENT OF LANDSCAPING THROUGHOUT THE PARKING AREA

Trees must be placed throughout the parking area to decrease the appearance of a single expanse of pavement and provide shade.

Parking Area Landscape design options include:

- a. A continuous planting island located between every four rows of parking, providing a minimum of nine feet in width with a minimum of 150 SF total of planting area to support each ornamental/understory tree and 300 SF for each canopy/shade tree to be located in the island
- b. Large Planting Islands, providing a minimum of nine feet in width with a minimum of 150 SF total of planting area to support each ornamental/understory tree and 300 SF for each canopy/shade tree located in the island, dispersed throughout the parking area and planted with trees

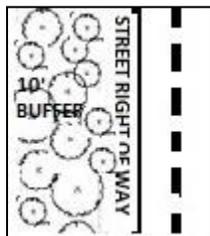


Standard planting Islands located every 12 spaces to avoid long rows of parked cars, a minimum of nine feet wide with adequate planting area to support the type of plantings to be located in the island. See

above for description of minimum standards for island planting areas.

In general, all landscape materials should be placed in a visually pleasing fashion in and around the parking areas. A variety of trees and shrubs should be used to preclude disease and/or blight. Ground cover should be provided in all landscape islands and buffer areas to provide protection from erosion.

SECTION 9-7 STREET YARD LANDSCAPE BUFFER AREA



Street yard landscape buffer area

Each site must develop a landscape planting area with a minimum ten foot width along all areas which front public right of ways, roads and streets. Additional street yard buffering requirements may apply to the site being developed. See Chapter Four, Part III, for Thoroughfare Overlay standards.

Ratio of trees and shrubs

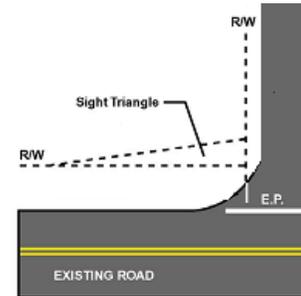
- a. Trees
Required at the rate of one canopy or two understory trees for every thirty linear feet of required planting area.
- b. Shrubs

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Shrubs are required in addition to trees and at a rate of five for every thirty linear feet of required planting area.

SECTION 9-8 VISIBILITY

Nothing in this Chapter shall be construed as permitting any obstruction to view which could constitute a traffic hazard and/or violate the applicable sight triangle requirements.



SECTION 9-9 MAINTENANCE OF REQUIRED LANDSCAPING

1. Responsibility
Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed.
2. Replacement
Plants damaged, diseased or that have died must be replaced by the owner within sixty (60) days of the occurrence of such condition or a maintenance warning notice will be issued by the office of the Zoning Administrator. If seasonal conditions are such that replacement cannot be accomplished immediately, this requirement may be waived by the Zoning Administrator and temporarily delayed.
3. Nonliving material
Nonliving buffer materials, including fencing and decorative walls, are to be maintained, cleaned and repaired by the owner of the property upon which they are located.
4. Violations for non-compliance
All provisions of this Chapter are subject to the enforcement proceedings as cited in Chapter Twelve of this Ordinance.

PART IV LANDSCAPE PLANS

SECTION 9-10 SUBMISSION OF LANDSCAPE PLANS

Landscape plans must be submitted along with site specific development plans and may be superimposed upon the site plan as space permits. Landscape plans are considered to be an integral part of any site plan submittal and will be subject to the same approval process. At a minimum, the plan shall include:

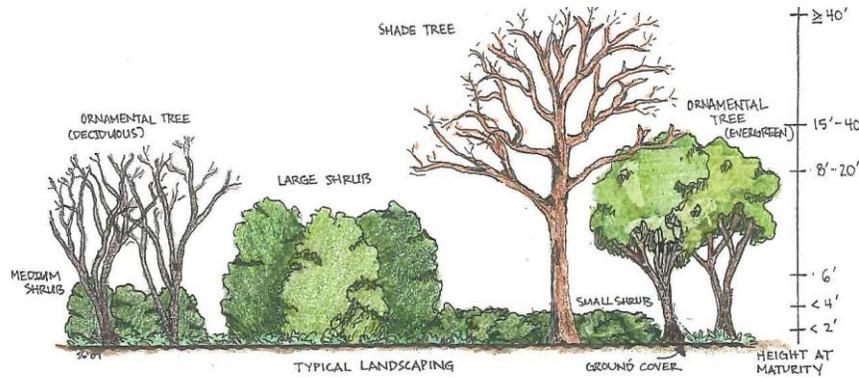
1. Project information including the total acreage of the property, the square footage of the building areas, impervious area, parking and other vehicular use areas.
2. Each project's calculations, including dimensional attributes and resulting amount of planted areas.
3. Location, size and type of planting material, both existing (if any) and proposed.

4. Calculations used to determine the number of plantings required for each type of landscape planting area or buffer yard, in tabular format, including the number of plantings required for each yard, the type of plantings proposed and the location of the plantings.

Landscape plans and proposed lighting plans shall be designed and coordinated to accommodate projected plant growth.

SECTION 9-11 UNAVOIDABLE DELAYS IN THE INSTALLATION OF LANDSCAPING

Installation of landscaping must be completed in accordance with an approved landscape plan. Unusual environmental conditions, such as drought or ice, may occur or the appropriate planting season may not parallel the development of the site. In such cases, a performance guarantee may be used for the project to move forward. Performance guarantees shall be accompanied by a description of the factor(s) hindering installation of landscaping and a written estimate of materials and installation from a licensed landscaping contractor. Such guarantee may be in the form of a letter of credit, a bond, a certified check or cash and shall be in the amount of 125 percent of the total price reflected in the estimate. The amount shall be reviewed and approved by the Zoning Administrator. The performance guarantee will be released after landscaping is installed in accordance with the landscaping plan.



PART V LANDSCAPING STANDARDS

SECTION 9-12 APPROVED PLANT LIST

The following list of plant species includes the trees, shrubs, and groundcovers which are acceptable landscaping material in Cabarrus County. Plant species in bold type are considered drought tolerant plants for North Carolina landscapes.

Canopy trees (large, maturing trees):

<u>Botanical Name</u>	<u>Common Name</u>
Acer floridian	Florida Maple or Southern Sugar Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Amelanchier canadensis	Serviceberry
Betula nigra	River Birch
Carya illinoensis	Pecan
Cunninghamia lanceolata	Common Chinafir
Carya ovata	Shagbark Hickory
Carya glabra	Pignut Hickory
Carya cordiformis	Bitternut Hickory
Cedrus deodara	Deodar Cedar
Celtis occidentalis	Hackberry
Cupressocyparis leylandii	Leyland Cypress
Diospyros virginiana	Persimmon
Fagus grandiflora	American Beech
Fraxinus americana	White Ash
Fraxinus pennsylvanica	Green Ash
Ginkgo biloba	Ginkgo or Maiden Tree
Juniperus virginiana	Eastern Red Cedar
Liquidambar styraciflua	American Sweetgum
Liriodendron tulipifera	Tuliptree (Yellow Poplar)
Magnolia grandiflora	Southern Magnolia
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Gum
Pinus elliotti	Slash Pine
Pinus strobus	White Pine
Pinus echinata	Short Leaf Pine
Pinus nigra	Austrian Pine

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Pinus thunbergi	Japanese Black Pine
Pinus taeda	Loblolly Pine
Pinus virginiana	Virginia Pine
Platanus acerifolia	London Planetree
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus falcate	Southern Red Oak
Quercus laurifolia	Laurel Oak
Quercus nigra	Water Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus borealis	Northern Red Oak
Quercus shumardi	Shumard Oak
Quercus velutina	Black Oak
Quercus virginiana	Live Oak
Sophora japonica	Japanese Pagoda Tree
Taxodium distichum	Bald Cypress
Tilia Cordata	Little Leaf Linden
Ulmus Parvifolia	True Chinese Elm (Lacebark Elm)
Ulmus alata	Winged Elm
Zelkova serrata	Japanese Zelkova

Understory trees/Ornamental Trees (smaller trees):

<u>Botanical Name</u>	<u>Common Name</u>
Acer buergeranum	Trident Maple
Acer campestre	Hedge Maple
Acer palmatum	Japanese Maple
Carpinus betulus	European Hornbeam
Carpinus caroliniana	American Hornbeam (Ironwood)
Cercis canadensis	Redbud or Judas Tree
Chionanthus virginicus	Fringe Tree or Grancy Graybeard
Continus coggygria	Common Smoketree
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Cupressocyparis leylandii	Leyland Cypress
Crataegus phaenopyrum	Washington Hawthorne
Eriobotrya Japonica	Loquat
Eleganus angustifolia	Russian Olive
Halesia Carolina	Carolina Silverbell
Hammamelis mollis	Chinese Witch Hazel
Ilex fosteri	Foster Holly
Ilex opaca	American Holly
Ilex opaca hume	Hume Holly
Ilex x attenuate savannah	Savannah Holly
Ilex decidua	Possumhaw
Ilex latifolia	Lusterleaf Holly
Illex x Nelli R. Stevens	Nellie Stevens Holly
Koelreutaria paniuclata	Golden Rain Tree
Lagerstroemia indica	Crape Myrtle
Maclura promifera	Osage-Orange

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Magnolia soulangiana	Saucer Magnolia
Magnolia stellata	Star Magnolia
Malus species	Flowering Crab
Myrica cerifera	Wax Myrtle
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Photinia x fraseri	Fraser Photinia
Pinvs virginiana	Virginia Pine
Prunus cerasifera pissardii	Purpleleaf Plum
Prunus serrulata kwanzan	Kwanzan Cherry
Prunus subhirtella pendula	Weeping Cherry
Prunus yedoensis	Yoshino Cherry
Prunus caroliniana	Carolina Cherry Laurel
Vitex agnus-castus	Chastetree

Large Shrubs:

<u>Botanical Name</u>	<u>Common Name</u>
Azalea hybrida	Glenn Dale Azalea
Azalea indica	Indian Azalea
Azalea obtusum kaempferi	Kaempferi Azalea
Bambusa multiplex	Hedge Bamboo
Berberis thunbergii	Japanese Barberry
Buddleia davidii	Butterfly Bush
Calycanthus floridus	Sweetshrub
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua Camellia
Chaenomeles speciosa	Flowering Quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged Euonymus
Euonymus japonicus	Evergreen Euonymus
Eleagnus pungens	Elagnus
Hamamllis vernalis	Witch Hazel
Hibiscus syriacus	Shrub Althea (Rose of Sharon)
Ilex attenuate	Foster Holly
Ilex aquifolium	English Holly
Ilex cornuta burfordi	Burford Holly
Ilex cornuta 'rotunda'	Dwarf Horned Holly
Ilex crenata 'convexa'	Convex Japanese Holly
Ilex crenata 'rotundifolis'	Roundleaf Japanese Holly
Ilex "Emily Brunner"	Emily Brunner Holly
Ilex latifolia	Lusterleaf Holly
Ilex pernyi	Perny Holly
Ilex vomitoria	Yaupon Holly
Juniperus chinensis pfitzeriana	Pfitzer Juniper
Juniperus chinensis hetzi	Hetzi Juniper
Laurus nobilis	Laurel
Leucothoe populufolia	Fetterbrush
Ligustrum japonicum	Japanese Privet
Ligustrum lucidum	Waxleaf (Glossy) Privet
Ligustrum sinense	Chinese Privet
Ligustrum vicaryi	Vicary Golden Privet

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Loropetalum Chinese	Lotopetalum
Magnolia stellata	Star Magnolia
Myrica cerifera	Southern Wax Myrtle
Osmanthus fortunei	Fortunes Osmanthus
Osmanthus fragrans	Fragrant Tea Olive
Osmanthus heterophyllus	Holly Osmanthus
Osmanthus heterophyllus rotundifolius	Curly Leaf Tea Olive
Philadelphus coronarius	Sweet Mockorange
Photinia x fraseri	Frazer Photinia (Red Tip)
Pieris floribunda	Mountain Andromeda
Pieris japonica	Japanese Andromeda
Pittosporum tobira	Japanese Pittosporum
Podocarpus macrophyllus var maki	Southern Yew
Prunus laurocerasus	English Laurel
Prunus laurocerasus "Zabel"	"Zabel" Skip Laurel
Prunus laurocerasus angustifolia	Narrow Leafed English Laurel
Pyracantha coccinea	Scarlet Firethorn
Raphiolepis umbellata	Yeddo-Hawthorn
Rhododendron austrinum	Florida Azalea
Rhododendron calendulaceum	Flame Azalea
Rhododendron canescens	Piedmont Azalea
Rhus typhina	Staghorn Sumac
Spirea cantoniensis	Reves spirea
Taxus cuspidate	Japanese Yew
Ternstroemia gymnathera	Cleyera
Viburnum lantana	Wayfaringtree Viburnum
Viburnum opulus	European Cranberrybush Viburnum
Viburnum plicatum var. tomentosum	Doublefile Viburnum
Viburnum rhytidophyllum	Leatherleaf Viburnum
Viburnum tinus	Laurestinus Viburnum

Medium Shrubs:

<u>Botanical Name</u>	<u>Common Name</u>
Abelia x grandiflora	Glossy Abelia
Aucuba japonica	Japanese aucuba
Berberis julianae	Wintergreen Barberry
Buxus microphylla japonica	Japanese Boxwood
Cytissus scoparius	Scotch Broom
Forsythia intermedia	Forsythia
Hydrangea macrophylla	Bigleaf Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Ilex cornuta burfordi nana	Dwarf Burford Holly
Ilex glabra	Inkberry Holly
Kalmia latifolia	Mountain Laurel
Lespedeza thunbergii	Thunberg Lespedeza
Mahonia bealei	Leatherleaf Mahonia
Nandina domestica	Nandina
Rhododendron Ericaceae	Southern Indian Azalea
Spirea prunifolia plena	Bridalwreath Spirea
Spirea vanhouttei	Vanhoutte Spirea
Yucca filamentosa	Adam's Needle Yucca

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Small Shrubs:

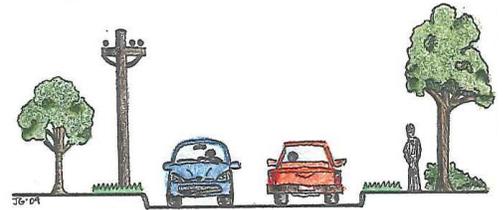
<u>Botanical Name</u>	<u>Common Name</u>
Aucubajaponica	Dwarf Aucuba Rhododendron
Azaleas	
Berberis thunbergii	Japanese Barberry
Deutzia gracilis	Slender Deutzia
Gardenia radicans	Creeping Gardenia
Hydrangea arborescens	Annabelle Smooth Hydrangea
Ilex cornuta 'carissa'	Carissa Holly
Ilex cornuta 'rotunda'	Chinese Holly
Ilex crenata 'compacta'	Compact Holly
Ilex crenata 'green lustre'	Green Luster Holly
Ilex crenata 'helleri'	Heller Japanese Holly
Ilex crenata 'hetzi'	Hetzi Japanese Holly
Ilex vomitoria 'nana'	Dwarf Yaupon Holly
Itea virginica	Virginia Sweetspire
Jasminum floridum	Showy Jasmine
Jasminum nudiflorum	Winter Jasmine
Juniperus davurica 'expansa'	Parsons Juniper
Juniperus horizontalis 'plumosa'	Andorra Juniper
Kerria japonica	Japanese Kerria
Lonicera pileata	Privet Honeysuckle
Nandina domestica 'harbor dwarf'	Gulf Stream Nandina
Pittosporum tobira 'nana'	Dwarf Pittosporum
Pyracantha koidzumii 'santa cruz'	Santa Cruz Pyracantha
Raphiolepis indica	India Hawthorn
Spirea x burmalda	Bumald Spirea
Spirea nipponica 'snowmound'	Snowmound Spirea
Spirea thunbergii	Thunberg Spirea

Ground covers:

<u>Botanical Name</u>	<u>Common Name</u>
Ajugareptans	Carpet Bugle
Euonymus fortunei	Wintercreeper Euonymus
Hadra helix	English Ivy
Hedera canariensis	Algerian Ivy
Hypericum calycum	Aaronsbeard (St. Johnswort)
Juniperus conferta	Blue Pacific Shore Juniper
Juniperus horizontalis	Creeping Juniper
Juniperus scopulorum	Blue Creeper Juniper
Liriope muscarii	Liriope
Liriope spicata	Creeping Lilyturf
Ophiopogon japonicus	Dwarf Lilyturf or Mondo Grass
Phlox subulata	Moss Phlox or Thrift
Pachysandra terminalis	Pachysandra
Vinca major	Large Periwinkle
Vinca minor	Common Periwinkle

Landscape and Utilities

Understory trees should be used where overhead utilities exist. Caution should also be used when designing plantings for installation near or within underground utility rights-of-ways. Consult with utility provider for additional information.



CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 9 - LANDSCAPE

TABLE FIVE: Landscape Buffer Yard Requirements between Proposed Use and the Adjacent Zoning District or Land Use

Developing Use/Proposed Use of Property	Adjacent Zoning District	Adjacent Land Use	Landscape Buffer Yard Level Required	Installation Required
All uses listed in Chapter 3, Table of Permitted Uses, Commercial, Retail and Office Use Category	AO, CR, LDR, MDR, HDR	Any use listed in Chapter 3, Table of Permitted Uses, Residential Uses Category	# 2 (See Table Four)	Upon Development
	OI, GC, LC	Any use listed in Chapter 3, Table of Permitted Uses, Institutional, Civic and Public Use	#3 (See Table Four)	Upon Development
		All uses listed in Chapter 3, Table of Permitted Uses, Commercial, Retail and Office Use Category		
LI, GI	Any use listed in Chapter 3, Table of Permitted Uses, within the Industrial Use Category	NA		
All uses listed in Chapter 3, Table of Permitted Uses, within the Institutional, Civic and Public Use Category	AO, CR, LDR, MDR, HDR	Any use listed in Chapter 3, Table of Permitted Uses, Residential Uses	# 2 (See Table Four)	Upon Development
	OI, GC, LC	Any use listed in Chapter 3, Table of Permitted Uses, Institutional, Civic and Public Use Category	#3 (See Table Four)	Upon Development
		All use listed in Chapter 3, Table of Permitted Uses, Commercial, Retail and Office Use Category		
LI, GI	Any use listed in Chapter 3, Table of Permitted Uses, Industrial Use Category	NA		
All uses listed in Chapter 3, Table of Permitted Uses, within the Industrial Use Category	AO, CR, LDR, MDR, HDR	Any use listed in Chapter 3, Table of Permitted Uses, Residential Uses	# 1 (See Table Four)	Upon Development
	OI	Any uses listed in Chapter 3, Table of Permitted Uses, Institutional, Civic and Public Use Category	# 2 (See Table Four)	
	LC, GC	All uses listed in Chapter 3, Table of Permitted Uses, Commercial, Retail and Office Use Category	#3 (See Table Four)	Upon Development
	LI, GI	All uses listed in Chapter 3, Table of Permitted Uses, Industrial Use Category	NA	

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 9 - LANDSCAPE

TABLE FIVE: Landscape Buffer Yard Requirements between Proposed Use and the Adjacent Zoning District or Land Use (Continued)				
Developing Use/Proposed Use of Property	Adjacent Zoning District	Adjacent Land Use	Landscape Buffer Yard Level Required	Installation Required
All uses listed in Chapter 3, Table of Permitted Uses, within the Transportation Use Category	AO, CR, LDR, MDR, HDR	Any use listed in Chapter 3, Table of Permitted Uses, Residential Uses	# 1 (See Table Four)	Upon Development
	OI,LC,GC	Any use listed in the Chapter 3, Table of Permitted Uses in the Commercial, Office, Retail or Institutional, Civic and Public Use Category	# 2 (See Table Four)	Upon Development
	LI, GI	All uses listed in Chapter 3, Table of Permitted Uses, Industrial Use Category	NA	
		All uses listed in Chapter 3, Table of Permitted Uses, within the Transportation Use Category		
All uses listed in Chapter 3, Table of Permitted Uses, Residential Use Category except for those uses considered single family detached residential for permitting purposes. See Chapter 5 for perimeter buffer requirements for single family subdivisions. See Chapter 4 for perimeter buffer requirements for manufactured home parks.	AO, CR, LDR, MDR, HDR	Any use listed in Chapter 3, Table of Permitted Uses, Residential Uses	# 2 (See Table Four)	Upon Development
	OI, LC, GC, LI, GI	Any use listed in Chapter 3, Table of Permitted Uses, within the Institutional, Civic and Public Use Category	#3 (See Table Four)	Upon Development
All uses listed in Chapter 3, Table of Permitted Uses, Commercial, Retail and Office Use Category				
All uses listed in Chapter 3, Table of Permitted Uses, within the Industrial Use Category				

NOTE: Additional landscape buffer yard requirements for Conditional Uses (Chapter 8) and Uses Permitted Based on Standards (Chapter 7) may be listed under the site specific development standards for the proposed use. Where a site specific development standard is defined in Chapter 7 or Chapter 8, the standard is the development requirement.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 9 - LANDSCAPE

TABLE FOUR: Landscape Perimeter Buffer Yards

How to use the following table: First, determine the acreage of the property that is being developed. Then, look to the vertical column on the left that corresponds to the required buffer yard level. Read across until you have located the acreage column. Buffer yard requirements appear vertically under the acreage column. For example, a parcel over three acres but less than 3.5 acres, requiring a level one buffer yard, would need a yard of at least 58 feet wide with 2 shade or 4 ornamental trees per every 50' linear feet and 15 shrubs per every 50' linear feet.

 	If project acreage is less	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	8.5	9	9.5	10 or more acres
Landscape Buffer Yard Requirement is:																					
Buffer yard # 1																					
Width of yard		43'	46'	49'	52'	55'	58'	61'	64'	67'	70'	73'	76'	79'	82'	85'	88'	91'	94'	97'	100'
2 shade trees or 4 ornamentals for every 50'																					
15 shrubs for every 50'																					
Buffer yard # 2																					
Width of yard		25'	27'	30'	33'	36'	38'	41'	43'	46'	49'	51'	54'	57'	59'	62'	65'	67'	70'	72'	75'
2 shade trees or 4 ornamental for every 50'																					
10 shrubs for every 50'																					
Buffer yard # 3																					
Width of yard		12'	14'	16'	18'	20'	22'	24'	26'	28'	30'	32'	34'	36'	38'	40'	42'	44'	46'	48'	50'
1 shade tree or 2 ornamental for every 50' linear feet																					
8 shrubs for every 50'																					

Applicants are encouraged to retain existing natural vegetative buffers on sites being developed. Existing vegetation located in the required buffer area that meets the standards for plantings as listed in section 9-6.5 may be counted towards the required number of plantings.

Section 10-1 Purpose

The intent of these regulations is twofold:

- to assure the adequacy and safety of parking and loading in all land use situations,
- to assure that parking for multiple vehicles is accomplished on lots that are both aesthetically pleasing and conducive to proper erosion and run-off control practices

Section 10-2 Compliance

The regulations for parking and loading as set forth in this Chapter shall apply when any structure or building is hereafter erected, structurally altered or placed on a lot or if there is a change of use on a lot.

Failure to comply will result in a denial of a zoning compliance permit.

Section 10-3 How to use this Chapter

PART I. OFF-STREET PARKING REQUIREMENTS: General and specific design standards, Table of Parking Space Requirements, Satellite Parking, Miscellaneous Parking Requirements.	Sections 10-4 to 10-11
PART II. OFF-STREET LOADING REQUIREMENTS: Access, Minimum Requirements.	Sections 10-12 to 10-16

PART I OFF-STREET PARKING REQUIREMENTS

Section 10-4 General design standards

Off-street parking shall be developed and arranged so that:

1. Vehicles may exit such areas without backing onto a public street;
2. Sanitation, emergency and other public service vehicles can use them without backing unreasonable distances or making other hazardous turning moves;
3. Vehicles can be moved without the necessity of moving other vehicles (attendant parking situations and single-family dwellings exempt);
4. Vehicles cannot extend beyond the perimeter of a parking area onto adjacent properties or public rights-of-way, nor shall they extend over sidewalks or tend to bump against or damage walls, vegetation, or other structures;
5. Adjacent parking lots connect with each other to eliminate the need to use abutting streets for cross movement; and

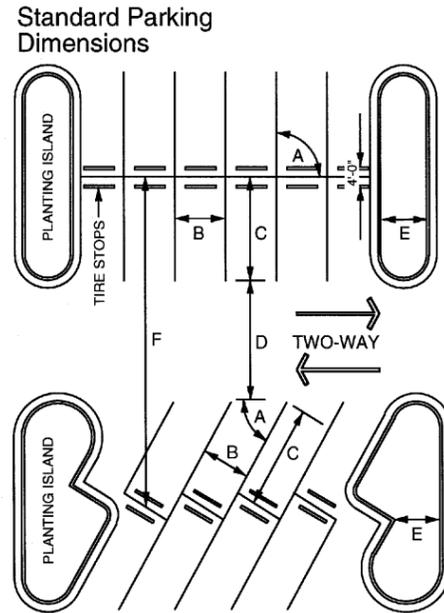
CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 10 PARKING AND LOADING

- 6. Lighting sources are shielded or arranged as to not produce glare on rights-of-way nor be a nuisance to neighboring residential properties.

Section 10-5 Specific design standards for off-street parking

Automobile parking spaces shall adhere to the following design standards. The graphic below and corresponding key illustrate how the dimensional tables should be used for parking area design.

- A. Parking Angle
- B. Stall Width
- C. Stall Depth
- D. Aisle Width
- E. Planting Island Width (minimum)
- F. Parking Bay Width
- G. Bumper Overhang



Standard spaces

A	B	C	D	E	F*	G
45	9.0'	18'	12.0' One Way	9.0	51	2.0'/4.0'
60	9.0'	18'	18.0' One Way	9.0	58	2.0'/4.0'
90	9.0'	18'	24.0' Two Way	9.0'	60	2.0'/4.0'

* Additional width may be required where the aisle serves as a principal vehicular access to on-site uses or structures or serves two-way traffic. All travel ways must meet emergency access standards.

Compact spaces

Automobile parking spaces for compact cars shall adhere to the following:

A	B	C	D*	E	F	G
45	8.0'	16.0'	12' One Way	9.0'	-	1.5/3.0'
60	8.0'	16.0'	18' One Way	9.0'	-	1.5/3.0'
90	8.0'	16.0'	24' Two Way	9.0'	-	1.5/3.0'

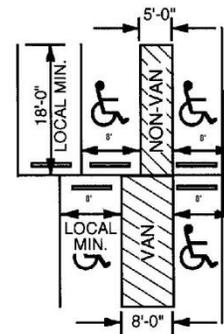
* Additional width may be required where the aisle serves as a principal vehicular access to on-site uses or structures or serves two-way traffic. All travel ways must meet emergency access standards.

1. Handicapped accessible spaces

All parking lots or facilities must provide handicap spaces as a part of the required number of spaces. See the table below for the number of handicap spaces required for the number of regular parking spaces.

Handicapped Parking Dimensions

See North Carolina Accessibility Code



Handicapped parking spaces shall be a minimum of 13 feet by 18 feet for a single non-van space (8 feet in width in addition to a 5 foot access aisle); a minimum of 16 feet by 18 feet for a single van space (8 feet in width in addition to an 8 foot access aisle); or 24 feet by 18 feet for a double van space, or a non-van and van double space (8 feet in width for each space with an 8 foot access aisle between spaces).

Parking spaces for handicapped or disabled persons shall comply with Section 1106 of the North Carolina State Building Code, Parking and Passenger Loading Facilities.

Location

Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

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<u>Number of Spaces</u>	<u>Accessible Required</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or over	2% of total

Interior Access Roads

Where access roads are proposed interior to the site and are not associated with parking areas, a reduction may be allowed or an increase may be required to the 24 feet requirement for two-way traffic by the Fire Marshal. The burden shall be on the applicant to show the Fire Marshal that the Fire Code requirements for life safety and access are being met. The minimum reduction allowed is to 20 feet wide.

Required Setbacks for Off-Street Parking and Loading Areas

No parking shall be located within the required landscape buffer yards. No parking shall be located within ten (10) feet of property line.

Required parking lot landscaping shall be installed in accordance with Chapter 9.

2. Off-street parking surfaces

Parking lots of four spaces or more must be paved with concrete, asphalt, permeable pavers, permeable pavement or permeable asphalt.

Exceptions to paving may be granted by the Administrator for the following site conditions:

Overflow Parking

Overflow parking areas shall be defined as off-street parking areas in excess of the maximum number of spaces permitted by this Ordinance. Overflow parking areas shall not be used more than ten (10) times per calendar year. Overflow parking areas shall use turf or gravel. Applicants seeking to use this exception for site design shall provide information in the form of a signed, notarized letter stating the number of times per year that the overflow parking areas will be used. Number of uses per year shall be noted as part of the zoning permit.

Low Traffic Storage Yards

Low traffic storage yards may use turf or gravel instead of pavement. A low-traffic storage yard is a storage area generating less than 30 ADT (average daily trips) per day. Applicants seeking to use this exception for site design shall provide information from a Traffic Engineer certifying the ADT based on current trip generation rates established by the Institute of Transportation Engineers.

Exemption for Assembly Facilities

Paving of parking areas over four spaces and access ways for assembly uses (sports facilities, fairgrounds, race tracks, parks, special event facilities, etc.) may be waived entirely if evidence is presented to the Administrator that these spaces will not be used on a daily basis. Parking areas for which paving is waived shall maintain a turf or gravel surface. All parking areas for which paving is waived shall meet the minimum requirements of the North Carolina State Building Code for Accessible Parking and for Fire Prevention. All parking lots shall be constructed with proper drainage and stormwater systems.

Applicants must provide requested information for exceptions as part of the site plan review process.

Ratio of compact to standard spaces

Parking areas of more than 100 spaces may have up to twenty (20%) percent of the spaces designed to accommodate compact vehicles. These areas shall be designated with signs for compact vehicles.

Siting of off-street parking

All off-street parking must be located within three hundred (300) feet from the main entrance of the building(s) it serves. An exception to this rule is satellite parking described in Section 10-8.

Section 10-6 Table of required parking spaces by use

Table 10-6 establishes the numbers of parking spaces necessary to safely accommodate vehicles anticipated by use.

Section 10-7 Administrative flexibility as to parking spaces required

Because the preceding table cannot cover every possible situation that may arise, the Zoning Administrator is authorized to determine parking requirements for those situations by using the table and similar uses as a guide.

Modifications to Required Number of Spaces

In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either

upward or downward by up to 10 percent, if one or more of the following circumstances exist:

- Expected automobile ownership or use patterns of employees, tenants, or other users vary from what is typical in the community or typical for the use.
- The parking demand varies throughout the day in relation to parking supply.
- The nature of operational aspects of the use warrants unique parking arrangements.

In no case, however, shall modifications be granted regarding North Carolina State Building Code accessible parking requirements.

Section 10-8 Satellite parking spaces

If the number of parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These spaces are known as "satellite" parking spaces.

1. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance to the principal building housing the use associated with such parking. Satellite parking spaces intended for employee use may be located within any reasonable distance.
2. A developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner, agent or company legally responsible for use of such spaces. The developer must also sign an acknowledgement that the continuing validity of all permits depends upon continuity and provision of the requisite number of parking spaces.

All satellite parking areas and parking spaces shall be designed in accordance with the requirements of this Ordinance.

Section 10-9 Required parking spaces not mutually claimed

While one parking facility may fulfill the parking requirements for differing entities, the required space assigned to one use may not be claimed by another.

Section 10-10 Shared parking facilities

Developments proposing to use shared parking areas may do so, provided that the Applicant clearly demonstrates the following to the Zoning Administrator:

1. Number of parking spaces that will be assigned to each proposed use,
2. Expected hours of operation related to each use to show that shared parking is appropriate,

3. Expected traffic generation rate for each use and number of spaces required by the ordinance, and
4. That the proposed number of spaces is appropriate to support all of the proposed uses on the site.

Section 10-11 Miscellaneous parking requirements

1. No storage of vehicles in required parking spaces
Required vehicle parking must be actively used by the permitted zoning use for which the parking is provided. Storage of vehicles in required parking spaces is not permitted.
2. Restriction on large vehicle parking in Low Density Residential (LDR), Medium Density Residential (MDR) and High Density/Mixed Use Residential (HDR) Zoning Districts
 - a. The parking of vehicles customarily operated as part of a commercial or industrial use or with more than two axles, including but not limited to tractor trailers, cargo trucks, box trucks or other heavy equipment is prohibited.

This restriction shall not apply to vehicles associated with non-residential uses that are Permitted, Permitted Based on Standards, or issued as Conditional Use in these districts.

- b. Farm equipment and motorhomes are exempt from these restrictions when parked on the owner's property in the Low Density Residential (LDR), Medium Density Residential (MDR) and High Density/Mixed Residential (HDR) Zoning districts. To the greatest extent possible, these types of vehicles should be stored so as to minimize the visual impact to adjacent properties and from adjacent right-of-ways.

PART II OFF-STREET LOADING REQUIREMENTS

Every industrial and commercial structure shall provide space for off-street loading.

Section 10-12 Off-street loading space in addition to off-street parking space
Requirements for off-street loading spaces are separate from off-street parking. Space designated for compliance with one cannot be claimed for the other and vice versa.

Section 10-13 Off-street loading space defined

An off-street loading space must be a minimum of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet.

Section 10-14 Access to off-street loading space

All loading spaces shall be designed so as to be used by means of one continuous maneuver. Backing motions into streets or rights-of-ways is prohibited.

Section 10-15 Minimum off-street loading requirements

Each use shall provide at least one (1) space for each loading/unloading access point.

Section 10-16 Administrative flexibility as to loading requirements.

The Zoning Administrator shall make a determination in the case of uses not listed in the schedule above, of the minimum required off-street loading spaces. In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attached to the proposed use and studies of the loading requirements of such uses in other jurisdictions.

PARKING REQUIREMENTS TABLE 10-6

	Minimum Spaces Required	Maximum Spaces Allowed
RESIDENTIAL USES		
Family Care Home, Group Care Facility	1 per staff member per shift plus visitor parking, must be accommodated in existing driveway	*
Manufactured Home, Single Section or Multi-Section	2 per parcel	*
Manufactured Home Park	2 per designated manufactured home space	*
Multifamily Residential	1.5 per unit	2.5 per unit
Semi-Attached House	2 per parcel/unit	*
Single Family Detached Residential	2 per parcel	*
Townhouses	2 per unit	2.5 per unit
AGRICULTURAL USES		
Livestock Sales	1 per staff member plus visitor spaces to accommodate expected number of customers	*
Nursery, Greenhouse	1 per staff member plus visitor spaces to accommodate expected number of customers	*
ACCESSORY USES		
Accessory Dwelling Unit	Parking must be accommodated in existing driveway location	*
Home Occupation, General	Parking must be accommodated in existing driveway location	*
Home Occupation, Rural	Parking must be accommodated in existing driveway location on site	*

PARKING REQUIREMENTS TABLE 10-6

	Minimum Spaces Required	Maximum Spaces Allowed
COMMERCIAL, RETAIL AND OFFICE USES		
All general commercial, retail and office uses as listed in Chapter 3 (if not specified below)	1 per 300 SF of GFA plus 1 per employee per shift	1 per 150 SF of GFA plus 1 per employee per shift
Amusement and Recreation Facility Outdoor	1 per employee plus 1 space for every 1000 SF of outdoor amusement area	1 per employee plus 1 space for every 300 SF of outdoor amusement area
Automobile Rental	1 per employee plus 1 space for every 500 SF of GFA plus 1 designated space per rental	*
Automobile and Boat Sales	1 designated space for each car or boat for sale, 1 space per employee plus 1 space for every 1,000 SF of GFA	*
Banquet Hall	1 per 300 SF of GFA for rental areas plus 1 space per employee per shift	1 per 100 SF of GFA for rental areas plus 1 space per employee per shift
Bed and Breakfast	1 space for each room available for rent	2 spaces for each room available for rent
Day Camp, Summer Camp, Civic Group Camp, Sports or Recreation Camp	1 space per employee per shift plus 1 space for every 2000 SF of outdoor recreation area	1 space per employee per shift plus 1 space for every 500 SF of outdoor recreation area
Drive-In Theater	1 space per viewing space included in project design	*
Equipment Sales	1 designated space for each piece of equipment for sale, 1 space per employee per shift plus 1 space for every 1,000 SF of GFA	1 designated space for each piece of equipment for sale, 1 space per employee per shift plus 1 space for every 500 SF of GFA
Flea Market, Indoor Vendors Only	1 space for each available rental space plus 1 space for every 500 SF GFA	1 space for each available rental space plus 1 space for every 125 SF GFA
Golf Course, Public or Private	4 per hole	6 per hole
Hotels, Motels, Inns	1 space per room, 1 space per employee per shift, plus 1 space for every 300 SF of meeting or conference space	2 spaces per room, 1 space per employee per shift, 1 space for every 100 SF of meeting or conference space
Kennel, Commercial	1 space per employee and 1 space per 1,000 SF of GFA	*
Manufactured Home Retail Sales	1 designated space for each home for sale, 1 space per employee per shift plus 1 space for every 1,000 SF of office GFA	1 designated space for each home for sale, 1 space per employee per shift plus 1 space for every 500 SF of office GFA
Motorcycle Sales, New and Used	1 space per employee and 1 space per 500 SF of GFA	1 space per employee and 1 space per 250 SF of GFA

PARKING REQUIREMENTS TABLE 10-6

	Minimum Spaces Required	Maximum Spaces Allowed
Movie Theater	1 space per 4 seats and 1 space for each employee per shift	1 space per 2 seats and 1 space for each employee per shift
Moving Van, Truck or Trailer Rental	1 space per employee plus 1 space for every 500 SF of GFA plus 1 designated space per rental vehicle	*
Nursery, Daycare Center	1 per employee plus 1 per 500 SF of GFA	1 per employee plus 1 per 200 SF of GFA
Office Professional	1 per 1,000 SF of GFA for the building	1 per 200 SF of GFA for the building
Parking Lot, Parking Garage, Commercial or Private	1 space per employee, 1 space per available rental space	*
Race Shop, Race Team Complex	1 space per employee per shift, 1 space for each large vehicle to be parked on site, 1 space per 300 SF of GFA of merchandise sales or fan viewing areas	1 space per employee per shift, 1 space for each large vehicle to be parked on site, 1 space per 150 of GFA of merchandise sales or fan viewing areas
Recreational Vehicle Sales, With Outdoor Storage or Sales Lot	1 designated space for each vehicle for sale, 1 space per employee per shift plus 1 space for every 1,000 SF of office GFA	1 designated space for each vehicle for sale, 1 space per employee per shift plus 1 space for every 500 SF of office GFA
Recyclable Materials Drop Off	2 per drop off location or bin	5 per drop off location or bin
Restaurant, Excluding Drive-thru	1 per every 3 seats	1 per 50 SF of GFA
Restaurant with Drive-Thru Facility	1 per every 3 seats plus stacking room to accommodate drive-thru traffic	1 per 50 SF of GFA plus stacking room to accommodate drive-thru traffic
Self-Service Storage Facilities	1 per employee plus 1 parking space for every 20 units	*
Stables, Commercial	.5 per animal boarded at facility	1.5 per animal boarded at facility

PARKING REQUIREMENTS TABLE 10-6

	Minimum Spaces Required	Maximum Spaces Allowed
INSTITUTIONAL, CIVIC AND PUBLIC USES		
All institutional, civic and public uses listed in Chapter 3 unless otherwise specifically listed	1 per 300 SF GFA	1 per 100 SF GFA
Coliseum, Stadium	1 per 6 seats or 1 per 50 SF of GFA	1 per 4 seats or 1 per 30 of GFA
College, University, Vocational or Trade School	1 per classroom, plus one space for each administrative employee plus additional parking as needed for recreation or on-site facility use	2 per classroom plus one space for each administrative employee, plus additional parking as needed for recreation or on-site facility use
Communications Tower, 911 Communications Tower, Wireless Telecommunications Tower	1 space located interior to site for service	*
Convention Centers	1 per 300 SF of GFA of meeting space plus 1 space per employee per shift	1 per 100 SF meeting space of GFA plus 1 space per employee per shift
Correctional Facility	1 per employee per shift, 1 visitor space for each designated visitation shift at max capacity	*
Elementary or Middle School	1 per classroom plus one space for each administrative employee, plus additional parking as needed for recreation or on-site facility use	2 per classroom plus one space for each administrative employee, plus additional parking as needed for recreation or on-site facility use
High School	1 per classroom, plus one space for each administrative employee plus one space for each student driver pass issued for the year plus additional parking as needed for recreation or on-site facility use	1.5 per classroom, plus one space for each administrative employee plus one space for each student driver pass issued for the year plus additional parking as needed for recreation or on-site facility use
Government, Excluding Correctional Facilities	1 per employee per shift plus 1 per 300 SF of GFA	1 per employee per shift plus 1 per 100 SF of GFA
Hospital, Ambulatory Surgical Care Facility	1 per employee per shift plus 1 per 300 SF of GFA or service area max capacity	1 per employee per shift plus 1 per 100 SF of GFA or service area max capacity
Public Service Facility	1 per employee plus any expected visitor parking	1 per employee plus any expected visitor parking
Public Use Facility	1 per 4 seats	1 per seat
Religious Institution	1 per 8 seats	1 per 4 seats
Rest Home, Convalescent Home	1 per employee per shift, plus 1 per 1000 SF of GFA of resident living space	1 per employee per shift, plus 1 per 500 SF of GFA of resident living space

PARKING REQUIREMENTS TABLE 10-6

	Minimum Spaces Required	Maximum Spaces Allowed
INDUSTRIAL		
All uses listed as industrial unless otherwise listed below	1 per employee at peak shift plus 1 for every company vehicle stored on site	1.5 per employee at peak shift plus 1 for every company vehicle stored on site
Race Track, Animal, Automobile or Other	1 space for every 6 seats	1 space for every 2 seats
Trucking Equipment, Heavy Equipment, Sales and Service with Sales Lot	1 designated space for each piece of equipment for sale, 1 space per employee per shift plus 1 space for every 1,000 SF of GFA	*
TRANSPORTATION RELATED		
Airport, Commercial	1 per employee, plus spaces required to accommodate projected peak parking demands	*
Tour Bus Company, Travel Agency with On Site Bus Storage	1 designated space for each vehicle to be stored on site, 1 per employee per shift	*
Rail Storage Yard	1 per employee at peak shift, one for each company vehicle to be stored on site	*
Taxi Service, Dispatch and Storage	1 designated space for each taxi to be stored on site, 1 space per employee per shift	*
Trucking Company, Heavy Equipment Company, Dispatch Facility With Storage	1 designated space for each vehicle or piece of equipment to be stored on site, 1 per employee per shift plus 1 space for every 1,000 SF of office GFA	*
Truck Stop, Truck Terminal	1 space per employee per shift plus 1 per every 1,000 SF of GFA	1 space per employee per shift plus 1 per every 250 SF of GFA

11-1 PURPOSE

This sign ordinance is adopted under the zoning authority of the County in furtherance of the more general purposes set forth in this Ordinance.

The purpose of these sign regulations are:

- To encourage the effective use of signs as a means of communication in the County while preserving the rights of free speech under the First Amendment to the United States Constitution;
- To maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;
- To improve pedestrian and traffic safety;
- To minimize the possible adverse effect of signs on nearby public and private property; and
- To enable the fair and consistent enforcement of these sign restrictions.

11-2 APPLICABILITY

A sign may be constructed, erected, placed, established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

- To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of this Ordinance;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
- To prohibit all signs not expressly permitted by this Ordinance; and
- To provide for the enforcement of the provisions of this Ordinance.

11-3 ALTERATION OF SIGN FACE

The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require a permit and conformity to all the dimensional requirements of this Ordinance.

11-4 SIGNS ON PUBLIC PROPERTY FORFEITED

Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this Ordinance, shall be forfeited to the public and is subject to confiscation. In addition to other remedies hereunder, the Administrator shall have

the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

11-5 DEFINITIONS

The terms used in this Section shall have the meaning assigned herein. Any term not defined herein shall have the meaning assigned in Appendix A to this Ordinance.

A-Frame Sign - A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

Animation - The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

Balloon - A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

Banner - A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame.

Building Front - The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

Business or Building Identification Sign - A pedestrian oriented sign attached to a building

Canopy - A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as an awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies.

Canopy Sign - A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.

Changeable Copy Sign - A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

Combined Development - Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and

which share parking, driveways and other common facilities.

Electronic Message Board - A sign which displays messages, in alternating light cycles.

Facade - The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Facsimile Sign - An oversized, three-dimensional object, such as a chicken bucket, coffee cup, automobile (or automobile part), or human figure

Fence Sign - A sign mounted on, attached to, or constructed as part of a fence or similar structure.

Festoon Lighting - A string of outdoor lights suspended between two or more points.

Flag - Any fabric, banner or bunting containing distinctive colors, patterns, or symbols

Gasoline Pump Signs - Signs attached to gasoline and motor vehicle fuel pumps, which display material incidental to the operation of the pumps

Grade - The uppermost surface directly below the sign or immediately adjacent to the support.

Ground Sign - A free-standing sign with its base or its supports mounted directly to the ground.

Historic Building - Any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.

Holiday Decorations - Displays erected on a seasonal basis.

Illumination, Indirect - Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

Illumination, Internal - Illumination provided from a source located inside or within the face of the sign.

Individual Establishment or Business - A single establishment or business occupying one or more buildings designed to function as a single enterprise which does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

Inflatable Signs - A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

Mansard - A steeply pitched roof, pitched at such an angle as to resemble a building wall.

Monument Sign – A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

Panel - The primary surface of a sign that carries the identifying/advertising message.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable Sign - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles and located or parked in such a manner as to attract attention.

Projecting Sign - A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

Pylon (or Pole) Sign – A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

Roof Sign – Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

Sign - Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object.

Spinner - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

Streamer - A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.

T-Frame Sign - A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

Temporary Sign – An advertising sign not intended to be displayed on a permanent basis.

Valance - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

Vehicle Sign – See Portable Sign.

Wall Sign - A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered wall signs.

Window Sign - A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information can be read.

11-6 SIGN PERMITTING

A. Signage Plan Required

For any lot on which the owner proposes to erect one or more signs requiring a permit the owner shall submit a Signage Plan containing the following information. For a combined development or other multi-tenant development, a master signage plan shall be provided.

- An accurate plot plan of the lot or parcel showing the proposed location of the sign(s) as well as the location of building, parking lots, driveways, sight triangles and landscaped areas.
- Each proposed individual sign type shall be depicted on the plan and shall include the following:
 - Computation of the proposed face of the sign or signs
 - The height of the proposed sign or signs
 - The number of proposed signs on the lot(s) or parcel(s) and the location
 - The number of proposed signs to be placed on buildings and the location
 - Rendering for each individual sign showing the proposed design, sign face area and the height of the sign

The Administrator shall review the application in accordance with the criteria established in this Ordinance. The Administrator shall solicit review comments in accordance with general review procedures.

11-7 SIGN AREA AND HEIGHT COMPUTATION

The following principles shall control the computation of sign area and sign height:

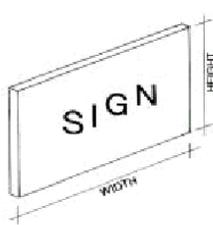
Computation of Area of Single-faced Signs

The area of a sign face shall be computed by means of the smallest square or rectangle that will

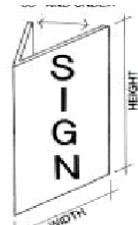
encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

Computation of Area of Multi-faced Signs

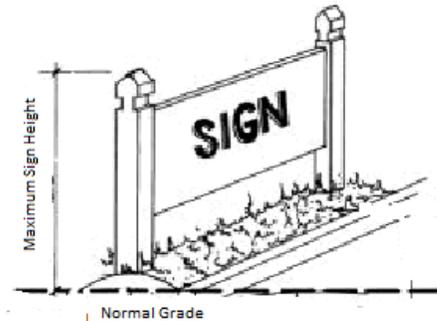
The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.



Single-faced sign



Double-faced sign



Maximum Sign Height

Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be either of (1) existing grade prior to construction or (2) newly established grade after construction.

11-8 DESIGN, CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed, and sign maintenance shall occur, in accordance with the following standards:

- All signs shall be constructed and maintained to retain sound structural condition, and shall comply with all applicable provision of the State Building Code, all applicable electrical codes, and this Ordinance, at all times.
- All signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- Where A-frame and T-frame signs are permitted, these signs must be professionally fabricated from plastic, metal, wood, melamine, and/or chalkboard and shall be maintained to retain sound structural condition.

11-9 PERMIT EXPIRATIONS

Sign Permits shall be good for up to six months. If the permit expires, the original cost of the permit shall be charged as the renewal fee.

11-10 PROHIBITED SIGNS

The following signs are prohibited within the unincorporated areas of the County:

- Signs which approximate official highway signs, warning signs or regulatory devices
- Signs displaying blinking, flashing or intermittent lights, animation, and moving parts
- Portable signs (excluding A-frame and T-Frame signs as allowed in Table 11-1 with approved sign permit)
- “Wrap-around” signs or other continuous wall signs that extend around building corners or radii.
- Off-Premise signs
- Facsimile Signs
- Signs placed within any required sight triangle
- Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers
- Roof signs
- Pavement markings for purposes other than traffic control
- Signs placed within or extending into the right-of-way of state maintained streets and roads, except those signs in compliance with NCGS §136-32
- Signs that contain language and/or pictures obscene to the general public in accordance with NCGS §14-190.1
- Signs that advertise an activity or business no longer conducted on the property on which the sign is located
- Indirect illumination, such as floodlights, erected in such a manner as to cause glare that impairs driver vision on streets or roadways, pilot vision approaching or departing Concord Regional Airport runways, or that causes a nuisance to adjoining property

- Signs that obstruct fire escapes, windows, doors or other openings used as means of egress or as required legal ventilation
- Signs containing or consisting of pennants, feather pennants, feather flags, ribbons, streamers, festoon lighting, balloons, inflatables or spinners
- Signs that do not conform to the provisions of these regulations.

11-12 SIGNS THAT DO NOT REQUIRE A PERMIT

Applicability

No permit is required for the following signs provided they comply with the conditions set forth. Signs permissible in this section shall not be considered in determining the total sign area, however, if a sign exceeds the size or in any other way does not comply with these limitations, it shall be considered as a prohibited sign and/or shall be subject to all other provisions in this Chapter.

- **Occupant/Street Number Signs and E911 Identification Numbers**
Non-illuminated signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant. All such signs are required to be placed in such a manner as to be visible from the street.
- **Window Signs**
Signs placed or painted on the interior or exterior of glass windows or doors provided that such signs cover no more than 25 percent of the glass area of the entire storefront. Window signs that cover more than 25 percent of the glass shall be considered as wall signs and shall meet requirements for wall signs within the appropriate zoning district.

11-13 PERMANENT SIGNS THAT REQUIRE A PERMIT

Applicability

The Section shall govern regulations for signs permanently installed on a site and which are required to obtain a sign permit in accordance with § 11.14-§ 11.19 of this Ordinance.

11-14 WALL SIGNS

The maximum permitted sign area, location, characteristics, and number of Wall Signs shall be determined in accordance with Tables 11.1-1 through 11.1-2.

The following additional regulations shall apply to on premise wall mounted signs:

- **Additional Wall Sign or Canopy Sign Permitted on Corner or Double Frontage Lots**
Lots with more than one street frontage shall be allowed to erect one additional wall or canopy sign on the secondary street frontage, provided that the secondary frontage is at

least 100 feet in width at the street right-of-way. The maximum allowable size for a sign on one wall is not transferable to other permitted signage.

- **Additional Wall Sign or Canopy Sign Permitted to Face Side or Rear Parking Lot**
Lots with parking to the side or rear of a building shall be allowed to erect one additional wall or canopy sign facing the parking lot, provided that at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot.
- **Location Requirements for Wall Signs**
No wall sign may extend more than one foot from the exterior of the wall and no portion of a sign shall extend above the wall on which it is mounted.
- **Changeable Copy Area and Electronic Message Board Area**
Changeable copy (reader board) area and electronic message board area are permitted provided that the changeable copy or electronic message board area does not exceed 50 percent of the total area of the sign face. See Table 11-1.2 for districts where changeable copy and electronic message boards are permitted.

11-15 CANOPY/AWNING SIGNS

The maximum permitted sign area, location, characteristics, and number of Canopy/Awning signs shall be determined in accordance with Table 11.1.

The following additional regulations shall apply to canopy/awning signs:

Valance and Copy Size for Canopy/Awning Signs

The valance, or apron, for any canopy shall in no case exceed 12 inches in height.

Illumination for Canopy/Awning Signs

Canopy/awning signs that may be illuminated shall have no bare bulbs present on or around the sign face.

Clearance Requirements for Canopy/ Awning Signs and Suspended Canopy Signs

All canopy/awning signs attached to the underside of a canopy/awning shall maintain the minimum clearance above the ground level of any sidewalk or vehicular access area as specified in the most recent edition of the North Carolina State Building Code.

11-16 GROUND SIGNS

The maximum permitted sign area, location, characteristics, and number of On-Premise Ground-Mounted Signs shall be determined in accordance with Table 11-1.

Base Landscaping for Ground-Mounted Signs

All ground-mounted signs located within parking or vehicular use areas, and not in identified planting yard areas, shall stand in a bed of landscaping at least 30 square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs.

Distance Requirements from Existing Ground Signs

No proposed ground-mounted sign shall be placed within 50 feet of an existing ground-mounted sign.

Ground-Mounted Signs for Combined Developments

All uses within a combined development (includes more than one establishment or business on a common parcel) shall share the permitted ground-mounted signage that is permitted in accordance with Table 11-1. These regulations shall not apply to outparcels of the development, as outparcels are separate parcels of land.

Changeable Copy Area and Electronic Message Board Area

Changeable copy (reader board) area and electronic message board area are permitted provided that the changeable copy or electronic message board area does not exceed 50 percent of the total area of the sign face area. See Table 11-1.2 for districts where changeable copy and electronic message boards are permitted.

Drive-Thru Menu Signs

Drive-Thru menu signs shall be limited to a maximum size of 64 square feet. Where dual drive-thru lanes are proposed, one additional sign limited to a maximum size of 64 square feet may be permitted for the second service lane.

Additional Ground Signs

Lots with more than one street frontage shall be allowed to erect one ground sign per frontage, provided that each frontage is at least 100 feet in width at the street right-of-way. No two ground signs shall be placed on the same street frontage.

11-17 PROJECTING OR SUSPENDED SIGNS

The maximum permitted sign area, location, characteristics, and number of Projecting or Suspended Signs shall be determined in accordance with Table 11-1.

The following additional regulations shall apply to projecting or suspended signs:

A projecting or suspended sign shall not extend more than five (5) feet into the public right-of-way. In no case shall this category of sign be permitted to encroach over a motorized vehicle travel way such a public or private street, alley, or driveway. If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining, and maintaining in force, liability insurance in an amount of not less than \$500,000 per occurrence per sign.

11-18 PERMITTED ON SITE A-FRAME AND T-FRAME SIGNS

All on site A-frame or T-frame signs must meet the following requirements:

- The sign must be professionally fabricated from plastic, metal, wood, melamine, and/or chalkboard.
- The sign may only be displayed during the businesses specified business hours.
 - Business hours must be provided as part of the sign permit application and will be incorporated into the permit as the allowed hours for this type of signage to be displayed.

11-19 TEMPORARY SIGNS THAT REQUIRE A PERMIT

Temporary Construction Sign

One sign permitted per site not exceeding 32 square feet in area per face. Such signs shall not be erected prior to preliminary plat approval when the development is subject to Cabarrus County Subdivision Regulations. When the project is not under such regulation, the letting of contracts will be the point in time at which such signs may be posted. Signs shall be located outside of the right-of-way and any applicable sight triangle(s). The sign shall be removed within 14 days of the issuance of a Certificate of Occupancy for commercial projects or the final sale for residential projects.

Banner Sign Attached to Building

One banner sign permitted per individual business establishment not to exceed 16 square feet. Sign shall not be illuminated and shall be mounted flush against the building wall. The permit may be issued for a maximum of 30 days and may be issued up to six (6) times per calendar year. Sign shall be removed on the expiration date of the permit.

Bona Fide Farm, Seasonal Harvest

One banner sign or one ground sign permitted per farm, not to exceed 16 square feet.

- Banner sign shall not be illuminated and shall be mounted flush against the building wall.
- Ground sign shall not be illuminated and shall not exceed 4 feet in height. Must be located outside of the right-of-way and sight triangle.
- Must be removed once the seasonal product is no longer available from the bona fide farm.

TABLE 11-1

Standards for Permanent Signage in OI, LC, GC, LI and GI Zoning Districts				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
<u>Ground Signs*</u>				
Individual Commercial Uses listed in Section 3-8, Table of Permitted Uses, Commercial, Retail and Office Uses	1 per street frontage	32 square feet	6 feet	Outside of street right-of-way and sight triangle
Individual Industrial and Transportation Related Uses listed in Section 3-8, Table of Permitted Uses, Industrial, Transportation Related	1 per street frontage	32 square feet	6 feet	Outside of street right-of-way and sight triangle
Individual Institutional Uses as listed in Section 3-8, Table of Permitted Uses, Institutional, Civic and Public Uses	1 per street frontage	32 square feet	6 feet	Outside of street right-of-way and sight triangle
Combined Development	1 per street frontage	32 square feet plus 8 square feet per additional tenant up to a maximum of 64 square feet	10 feet	Outside of street right-of-way and sight triangle
Business Park Entrance Sign	1 per entrance	32 square feet	6 feet	Outside of street right-of-way and sight triangle
* Ground signs may be Monument style only. Pole and Pylon style signs are prohibited.				

TABLE 11-1 (CONTINUED)

Standards for Permanent Signage in OI, LC, GC, LI and GI Zoning Districts				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
<u>Wall Signs</u>				
Individual Commercial, Industrial, Transportation or Institutional Use as listed in Table 3-8 Commercial, Retail and Office Uses, Institutional, Civic and Public Uses, Industrial, Transportation Related and Combined Developments	1 per street frontage	For buildings with no more than 100 linear feet of frontage (wall which serves as the building's "front") the following shall apply: 1.0 square foot per linear foot of the building the wall sign is to be attached to up to 50 square feet maximum sign area	Not to extend above the vertical wall	n/a
		For buildings with more than 100 linear feet frontage the following shall apply: 1.0 square foot per 2 linear feet of the building the wall sign is to be attached to up to 100 square feet maximum sign area.		
<u>Canopy/Awning Signs</u>				
Individual Commercial, Industrial, Transportation or Institutional Use as listed in Table 3-8 Commercial, Retail and Office Uses, Institutional, Civic and Public Uses, Industrial, Transportation Related and Combined Developments	May be substituted for allowed wall sign	12 square feet	n/a	n/a

TABLE 11-1 (CONTINUED)

Standards for Permanent Signage in OI, LC, GC, LI and GI Zoning Districts				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
<u>Projecting/Suspended Signs</u>				
Individual Commercial, Industrial, Transportation or Institutional Use as listed in Table 3-8 Commercial, Retail and Office Uses, Institutional, Civic and Public Uses, Industrial, Transportation Related and Combined Developments	One per building entrance	For first floor units: Suspended sign - 4 square feet Projecting sign - 6 square feet	n/a	No portion of a projecting or suspended sign shall extend more than 5 feet from building wall. Must be located adjacent to an entrance. See 11-15.
<u>A-Frame or T-Frame Sign (Sidewalk Sign)</u>				
Individual Commercial or Institutional Use as listed in Table 3-8 Table of Permitted Uses, Commercial, Retail and Office and Institutional, Civic and Public	One A-Frame or T-Frame per individual use entrance	6 square feet	3 feet	Must be located at entrance to individual use. Must be removed after documented hours.

TABLE 11-1 (CONTINUED)

Standards for Permanent Signage in the AO, CR, LDR, MDR, HDR Zoning Districts				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
<u>Ground Signs*</u>				
Residential Projects as listed in Section 3-8, Table of Permitted Uses (Manufactured Home Park, Townhouse, Multifamily, Single Family Detached Subdivision)	2 per entrance	16 square feet	6 feet	Outside of street right-of-way and sight triangle
Home Occupation	1 per parcel where home occupation permit has been issued	4 square feet	2 feet	Outside of street right-of-way and sight triangle
Residential Care Facilities as listed in Section 3-8, Table of Permitted Uses (Family care Home, Group Care Facility)	1 per premises	16 square feet	4 feet	Outside of street right-of-way and sight triangle
Institutional Uses as listed in Section 3-8, Table of Permitted Uses, Institutional, Civic and Public Uses	1 per street frontage	16 square feet	4 feet	Outside of street right-of-way and sight triangle
All other uses permitted in the AO, CR, LDR, MDR and HDR districts	1 per street frontage	16 square feet	4 feet	Outside of street right-of-way and sight triangle

* Ground signs may be Monument style only. Pole and Pylon style signs are prohibited.

TABLE 11-1 (CONTINUED)

Standards for Permanent Signage in the AO, CR, LDR, MDR, HDR Zoning Districts				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
<u>Wall Signs</u>				
Residential Projects as listed in Section 3-8, Table of Permitted Uses (Manufactured Home Park, Townhouse, Multifamily, Single Family Detached Subdivision)	Not Permitted	n/a	n/a	n/a
Residential Care Facilities as listed in Section 3-8, Table of Permitted Uses (Family care Home, Group Care Facility)	1 per premises (if substituted for the ground sign)	5 sf	n/a	n/a
Institutional Uses as listed in Section 3-8, Table of Permitted Uses, Institutional, Civic and Public Uses	1 per structure	16 sf	n/a	n/a
All other uses permitted in the AO, CR, LDR, MDR and HDR districts	1 per structure	16 sf	n/a	n/a

Table 11-1.2 Standards for Sign Characteristics

	AO, CR, LDR, MDR, HDR	OI	LC	GC	LI	GI
Animated	-	-	--	--	-	-
Changeable Copy	P	P	P	P	-	-
Electronic Reader Board	-	P	P	P	-	-
Illumination, Internal	-	P	P	P	P	P
Illumination, Indirect	P	P	P	P	P	P
Illumination, Indirect, Exposed Bulbs or neon	-	-	-	-	-	-

PART 1 Development Approvals, Zoning Administrator, Permits and Compliance

Section 12-1. Development Approvals Required

To the extent consistent with the scope of regulatory authority granted by this Ordinance, no person shall commence or proceed with development without first securing any required development approvals from the local government with jurisdiction over the site of the development.

Section 12-2. Zoning Administrator

A Zoning Administrator and his or her staff are designated by the Cabarrus County Board of Commissioners (“BOC”) to administer and enforce the provisions of this Ordinance. Among the responsibilities of the Zoning Administrator is the issuance or denial of zoning compliance permits.

Section 12-3. Zoning Compliance Permit

A Zoning Compliance Permit must be obtained from the Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure.

Additionally, no nonconforming structure or use can similarly be changed or extended without a Zoning Compliance Permit or Certificate of Non-Conformity Adjustment being issued.

Section 12-4. Cabarrus Health Alliance Approval Prior to Zoning and Building Permitting

If a site does not have access to municipal sewer and/or water, then the site will need to be evaluated to determine if a septic system and/or well can be approved using 15A NCAC 18A .1900 NC Rules. If approved, documentation will be provided in the form of an issued Authorization to Construct (ATC) permit.

If a site has an existing septic and/or well that is either in use or has previously been in use, then an evaluation will be made of the proposal and the current existing system to determine approval using the 15A NCAC 18A .1900 NC Rules. If approved, documentation will be provided in the form of an approval letter.

If approval in either circumstance cannot be given, a letter of denial will be issued and the stated reasons why in reference to 15A NCAC 18A .1900.

No permits or certificates shall be issued except in compliance with the provisions of this Ordinance.

Section 12-5. Duration of Development Approval and Zoning Compliance Permit

Unless a different period is specified in this Ordinance or other specific applicable law, or a different period is provided by a quasi-judicial development approval, a development agreement, or a local ordinance, a zoning compliance permit issued pursuant to this Ordinance shall expire one year after the date of issuance if the work authorized by the development approval has not been substantially commenced.

Unless provided otherwise by this Ordinance or other applicable law, if after commencement the work or activity is discontinued for a period of 12 months, the development approval shall immediately expire. The time periods set out in this section shall be tolled during the pendency of any appeal. No work or activity authorized by any development approval that has expired shall thereafter be performed until a new development approval has been secured.

Section 12-6. Penalties

Failure to obtain a zoning compliance permit prior to site development or construction is a violation of this Ordinance and punishable as set forth in this Ordinance.

Section 12-7. Construction and use as provided in application, plans and as described in zoning compliance permit

Zoning compliance permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in approved plans and applications and no other use, arrangement, or construction. Any use, arrangement or construction at variance with that authorized shall be deemed in violation of this Ordinance.

Section 12-8. Applying for the Zoning Compliance Permit

Applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. Records of all such applications will be kept on file as prescribed by state statute.

Section 12-9. Site development plans

The developer of industrial, commercial, residential, office or institutional property, including mobile home parks, with the exception of single-family detached units, must file a site development plan (site plan) with the Zoning Administrator. This plan must be approved prior to the issuance of a zoning compliance permit.

Site plans are of two types, either major or minor.

Section 12-10. Site development plan requirements

12-10.1 Major Site Development Plans

Major site development plan general requirements:

Site plans shall be prepared on maximum size sheets of 24" x 36". Plans shall be prepared at a graphic scale of no less than 1" = 100' and folded to 9" x 12". Each sheet shall include a north arrow and graphic scale.

Title Block, Location Map, Survey Map, Existing Features Plan, Development Plan and Landscape Plan.

The following is a list of the minimum contents to be included in a set of submitted site plans. The items listed below may be submitted on one sheet or a series of sheets:

- A. **Title Block:** Must be included on each sheet submitted:
 - 1. Project name
 - 2. Name, address, and telephone number of the owner and/or applicant
 - 3. Name, address and contact information for the Design Professional responsible for preparing the drawings
 - 4. Date of original plan
 - 5. Revision Dates (if applicable)

- B. **Location Map:** May be drawn on the same sheet as the survey and features map at a scale of 1" = 2000', indicating the location of the site, and showing:
 - 1. The location and ownership of adjacent lots or tracts of land;
 - 2. The intersection of at least two (2) public streets nearest the property and the names of all public ways, opened or unopened, clearly indicated;
 - 3. North arrow;

- C. **Survey Map:** May be combined with features map, but must show bearing and distances of the boundaries of the site plus all land within twenty-five (25) feet of the site prepared by a registered engineer or surveyor licensed to practice in North Carolina. Shall not be of a scale smaller than 1" =100'
 - 1. Name, address and contact information for the Design Professional responsible for preparing the map
 - 2. Date survey was made
 - 3. Scale, date and north arrow
 - 4. Dimensions of the parcel and total area (square feet) of proposed site
 - 5. Deed Book and Page Number for subject property

- D. **Existing Features Map:** Shall show all existing features of the site plus all land within twenty-five (25) feet of the site at a scale of not smaller than 1" = 100' showing:
1. Rights-of-way and easements, utilities on/over/under the site (including storm drains and catch basins, if applicable), railroads, culverts, drainage channels, flood channels, parks, cemeteries, bridges and irrigation ditches;
 2. All existing structures including walls, fences, and other manmade features of the site;
 3. Topography shown at not greater than five (5) foot contour intervals;
 4. Streams, floodway boundaries, delineation of the 100 year flood plain elevation (FEMA map used and date), ponds, lakes, wooded areas, applicable stream buffers and other natural features, including those within 100 feet of the subject property;
 5. Existing driveways, drives, walk-ways and curb-cuts;
 6. Proposed roadway improvements, if any, serving the site should be provided, including the proposed typical for the road;
 7. Any other necessary information requested by the Zoning Administrator for site plan review and approval;
 8. Parcel Identification Number(s) for site
 9. Ownership, use and zoning designation of all adjacent lots and/or tracts of land
- E. **Site Development Plan of the site at a scale of no smaller than 1" = 100' (at the same scale as the existing features map) showing:**
1. Proposed use(s);
 2. Location of required building setback lines;
 3. Proposed finished grade at no greater than five (5) contour intervals;
 4. Natural features to be left undisturbed and/or landscaped areas or buffers to be created.
 5. Proposed drainage;
 6. Proposed location of utilities;
 7. Proposed location of public streets and private drives, including rights-of-way and pavement widths, curb-cuts, pedestrian ways and other paths, proposed parking and loading areas;
 8. Location of existing structures, fences, walls, signs, plantings, exterior lighting, and solid waste disposal facilities;
 9. Number of proposed dwelling units or commercial units by type, size, and proposed ownership;
 10. Proposed location of all structure(s), fences, walls, signs and exterior lighting of the structure(s);
 - a. Existing and proposed sign(s) and location(s),
 - b. Color renderings of buildings elevations showing dimensions (non-residential or multi-family development).
 11. Location of off-street parking areas and loading areas along with proposed paving material (include parking and loading calculations);
 12. Total acreage and square footage of site
 13. Existing and proposed:

- a. Acreage and square footage of building coverage,
 - b. Acreage and square footage in common open space,
 - c. Acreage and square footage in roads, and
 - d. Acreage and square footage of other paved/graveled areas,
 - e. Acreage and square footage of all impervious surfaces
 - f. Acreage suitable for active recreational use shall be shown, indicating proposed use thereof. Common open space as computed shall not include streets, drives, parking or loading areas;
14. Height of buildings;
 15. Proposed drainage and erosion control measures;
 - a. Erosion control measures cannot encroach into required landscaped areas
 16. Delineation of special flood hazard and/or wetlands;
 17. Location(s) of Overlay Zones (if applicable);
 18. Location(s) of solid waste containers, including proposed design provisions for required screening;
 19. Required NCDOT site triangles
 20. Other information deemed necessary by the Zoning Administrator for site plan review and approval;
- F. **Landscape Plans:** Commercial site plans must include a landscape plan. If space allows, the landscape may be shown on the site plan but must be submitted as a separate plan sheet. At a minimum, the landscape plan shall include:
1. Proposed landscape areas and required buffer areas with dimensions;
 2. Planting area calculations in tabular form listing botanical/common names, number and size of plantings for each area;
 3. All undisturbed natural features;
 4. The total square footage of the property, the square footage of the buildings, parking and other vehicular use/parking areas;
 5. Location, name, and size of any existing trees or shrubs to be incorporated or retained as part of the landscape plan.
- G. **Flood Prevention Plan:** Projects located in or near the flood plain are required to file a Flood Prevention Plan and may also be required to obtain a Floodplain Development Permit. The plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. The plan must be drawn at a scale of no smaller than 1" = 100' showing the following data:
1. Location of floodplain (floodway, 100 and 500 year)
 2. Location of all proposed buildings and parking areas in relation to the floodplain
 3. Distance of any proposed buildings and parking areas from the delineated floodplain
 4. Location of any areas of disturbance and any proposed limits of disturbance
 5. Base flood elevation for existing and proposed structures
 6. Elevation Certificate, if applicable
 7. Flood proofing Certificate, if applicable

See Chapter 16 for additional information related to Flood Damage Prevention and Floodplain Development Permitting

H. Other Information and Documents:

1. Driveway permit from NCDOT for new driveway connections or modifications to existing access points
2. Army Corp of Engineers Approval for wetlands or stream crossings
3. Copy of recorded deed if project located on a newly created parcel
4. Erosion Control Approval Certificate
5. Phase II Post Construction Stormwater Permitting Approval Certificate
6. Architectural Review Plans, if applicable
7. Any other necessary information requested by the Zoning Administrator for site plan review and approval
8. Case number and documentation showing conditions of approval for items approved by Planning and Zoning Commission
9. Case number and documentation showing that conditions of approval have been met for projects that have received approval and have Granting Orders in place with the Board of Adjustment.

12-10.2 Minor site development plans

Site improvements or building additions to existing developments may submit the following in lieu of a major site development plan:

1. If the site has a previously reviewed and approved site plan, the changes or additions to that plan may be submitted with the Title block and the site plan properly updated.
 - a. If there have been any changes to local or state regulations related to the previously approved site plans and development, the burden is on the applicant to show that the current standards of review are being met for the site
2. If no previously reviewed and approved site plan exists, a major site plan as described in the previous section must be submitted

Section 12-11. General standards for site development

All development, other than single-family and agriculture, shall conform to the following standards:

- A. **Land ownership.** All land within multi-unit developments shall be in single, or joint ownership, or in whatever form the petitioner shall have the right to acquire ownership

under a valid option, and this information shall be included in the submission.

Satisfactory arrangements shall be made for the ownership of land in common space.

- B. **Pedestrian ways.** Sidewalks or pathway systems shall be provided from parking areas to the main building entrance. Surface materials, width, and alignment shall be shown. All proposed pedestrian areas must meet design standards for accessibility.
- C. **Land coverage.** Land covered by impermeable surfaces shall not exceed the required percentage of the total site area. (See Chapter Five for impermeable surface maximums)

All provisions of this Ordinance which apply to the site under review for development shall be included on or with the site plan.

Section 12-12. Review and approval procedure

Complete applications and plans are needed before the site plan will be accepted for review. If the submitted site plan meets all of the requirements of this Ordinance, it shall be approved by the Zoning Administrator. In the event that a site plan is denied, the specific reasons for the denial shall be transmitted to the applicant within one week of that action.

An approved or conditionally approved site plan shall be retained in the Planning and Zoning Department in accordance with state statutes. A zoning compliance permit may only be secured after receiving an approved site plan. If the developer is not prepared to begin the project immediately, he or she may petition the Commission to vest development rights for a period of not more than two (2) years. If a zoning compliance permit has not been issued within two years of the Board's approval, the approved plans shall be null and void.

Before a Certificate of Compliance is granted, all requirements of the approved site plan and zoning compliance permit that has been issued shall be completed.

Section 12-13. Traffic Impact Analysis

Transportation impacts, and how to mitigate them, are an important consideration for the community when development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

A. Applicability

- 1. A traffic impact analysis (TIA) shall be required for any conditional use rezoning, conditional use permit, preliminary plat, site plan or zoning compliance permit application or request estimated to produce 2,000 vehicles per day or greater and/or 100 total trips both entering and exiting the site during either the AM or PM

- peak hours during an average weekday based on a five day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual.
2. A TIA shall be required for residential development estimated to produce 2,000 vehicles per day or greater and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual.
 3. A TIA shall be required for any nonresidential or mixed use development estimated to produce 3,000 vehicles per day or greater and/or 150 total trips both entering and exiting the site during either the AM or PM peak hours during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual.
 4. A TIA may also be required for proposed access within 1,000 feet of an interchange, in the vicinity of a high accident location, on a major arterial roadway, when involvement with an existing or proposed median crossover is necessary, when the project includes highway improvements that are in the Transportation Improvement Program, when involvement with an active roadway construction project is necessary or at the discretion of the NCDOT District Engineer.
 5. A TIA or Technical Memorandum may also be required based on special circumstances associated with the proposed development, even if the number of gross trips falls below the above stated thresholds. This includes when:
 - a. Traffic is being generated from a non-residential development that could potentially impact adjacent residential neighborhoods.
 - b. Traffic operation issues for current and/or future years on nearby roads is expected to be worsened by traffic generated from the new development.
 - c. Traffic near the site is experiencing significant or unacceptable delays.
 - d. The proposed land use differs from the proposed land use classification in the Land Use Plan.
 - e. The existing street or access system is not anticipated to accommodate the expected traffic generation.
 - f. The proposed development includes a drive-through facility, or other uses, such as schools, that require significant on site circulation that may have off-site impacts to adjoining roads and/or intersections.
 - g. The amount, behavior or assignment of traffic is different from a previously approved TIA for the same property.

The need for a TIA may be waived when Cabarrus County and NCDOT agree a TIA is not needed. In the event a waiver is requested, the applicant must provide evidence to show that a waiver is appropriate. Waiver requests shall be handled on a case-by-case basis.

B. Calculating Trip Generation The trip generation of a proposed development is the sum of the number of inbound and outbound vehicle trips that are expected for the proposed land use. For purposes of determining the requirement to submit a TIA, no adjustments such as modal split, pass-by trips or internal capture rates will be allowed to the site traffic calculation. A TIA will vary in range and complexity depending on the type and size of the proposed development. When mutually agreed upon by the NCDOT, the applicant, and Cabarrus County staff, the basic requirements for the TIA may be modified.

C. Traffic Impact Study

1. When required by this section or NCDOT, a TIA shall be used to review the potential impacts of proposed or revised developments on the State Highway System. The TIA covers safety, capacity, and access issues. When required and completed, a TIA shall be used by Cabarrus County and NCDOT to determine the required improvements to the State Highway System within the vicinity of the development to mitigate undesirable impacts of the project.
2. The NCDOT District Engineer, working together with Cabarrus County, will determine the basic parameters of the TIA during a pre-submittal conference. The scoping document will be mutually agreed upon by NCDOT, the applicant, and the County.
3. The TIA shall be prepared under the direct charge of, and sealed by a licensed North Carolina Professional Engineer with expertise in traffic engineering. All work shall be in accordance with NCDOT approved methods and input parameters and shall be of sufficient scope and detail to allow the County and NCDOT to evaluate the impact of the development with regards to roadway capacity and operational and safety improvements that may be needed.
4. The format and contents of the required TIA shall be established in conjunction with NCDOT and the County (see Appendix A).

D. TIA Findings

When the County and the applicant concur that the technical analysis is complete, the report shall be forwarded to the Commission. A development improvement agreement detailing the applicant's responsibilities for implementing any mitigation measures shall be prepared. If the County or NCDOT finds that the proposed development will not meet applicable service level standards, staff shall recommend one or more of the following actions:

- a. Reduce the size, scale, scope or density of the development to reduce traffic generation;

- b. Divide the project into phases and authorize only one phase at a time until traffic capacity is adequate for the next phase of development;
- c. Dedicate right-of-way for street improvements;
- d. Construct new streets;
- e. Expand the capacity of existing streets;
- f. Redesign ingress and egress to the project to reduce traffic conflicts;
- g. Alter the use and type of development to reduce peak hour traffic;
- h. Reduce background (existing) traffic;
- i. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
- j. Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation;
- k. Require cross-connectivity or shared access points be used; or
- l. Recommend denial of the application for development for which the TIA is submitted.

E. Expiration of TIA.

A TIA shall be valid for a period of one year from the date of the approval of the preliminary plat for the project or the date of site plan approval for the project, whichever occurs first.

Pursuant to NCDOT policy, access connections and building construction must start within one year after the approval date of any driveway permits issued as part of the development process.

Section 12-14. Approvals required for new lots in subdivisions:

For major subdivisions, no zoning compliance permit can be issued in a subdivision (see Cabarrus County Subdivision Regulations) prior to the issuance of a Certificate of Approval by the Cabarrus County Planning and Zoning Commission and recordation by the Register of Deeds. For minor subdivisions, administrative approval and recordation by the Register of Deeds is required.

Newly created lot configurations, property identification numbers (PINs), street center lines and addresses must be shown in the Cabarrus County Geographic Information System (GIS) prior to any zoning compliance permit being issued.

Section 12-15. Certificate of Compliance

Certificates of Compliance are issued by the Zoning Administrator after the following conditions have been met:

- a. The Cabarrus Health Alliance or the appropriate governmental entity has inspected and approved the installation of both waste water and fresh water supply systems; and
- b. The Zoning Administrator and/or his or her designee has performed a final inspection and determined that the provisions of this Ordinance have been met and that the project complies with all applicable development standards.

Where deemed appropriate, the Zoning Administrator may request "As-Built" plans as part of the conditions of Certificate of Compliance approval.

Temporary Certificates of Compliance may be issued in accordance with Chapter 9, Section 9-13 Unavoidable Delays in the Installation of Landscape for up to one hundred twenty (120) days.

Part II The Cabarrus County Planning and Zoning Commission and Board of Adjustment

Section 12-16. Establishment of the Planning and Zoning Commission

In order to exercise the powers authorized in G.S. 160D-301, Planning Boards, the Cabarrus County Planning and Zoning Commission is hereby established. The Commission shall be comprised of nine (9) members appointed by the Cabarrus County Board of Commissioners. Members must be residents of Cabarrus County.

The Cabarrus County Board of Commissioners shall also appoint three (3) alternate members to serve on the Planning and Zoning Commission in the absence, for any cause, of any regular member. Such alternate members shall exercise all the powers and duties of a regular member when serving in his or her absence.

Terms of appointment for regular members and for alternates shall be for three years. Term expiration dates shall be staggered so that all of the member terms do not expire at the same time.

Members appointed to the Cabarrus County Planning and Zoning Commission shall also serve as members of the Cabarrus County Board of Adjustment.

Section 12-17. Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the following duties:

When acting as a planning board, to:

1. Make decisions on planning and zoning items presented to the board for consideration.
2. Initiate proposed amendments to this ordinance and make recommendations to the Board of Commissioners.

3. Prepare studies and plans related to controlling and creating orderly growth and development of the County.
4. Develop and recommend to the Board of Commissioners plans, goals, and objectives as well as policies, ordinances and administrative procedures or other means for carrying out the studies and plans referenced above.
5. Perform any other duties assigned by the Board of Commissioners or as authorized in G.S. 160D-301.

When acting as the Board of Adjustment, to:

1. Hear and decide variance applications.
2. Hear and decide special use permit applications
3. Hear and decide appeals when it is alleged there is an error in any ordinance, requirement, decisions, interpretation, grant, or refusal made by the Zoning Administrator and/or his or her designee.
4. Hear and decide a change from one nonconforming use to another. The Board of Adjustment shall permit a change in use only if the new use is equally compatible or more compatible with the area and the permitted uses in the district in which it is located as the existing nonconforming use. Application for a change of nonconforming use shall follow the standards established in Chapter Twelve.
5. Perform any other duties assigned by the Board of Commissioners provided in this Ordinance or required by G.S. 160D-302.

All quasi-judicial matters before the Board of Adjustment shall be handled in accordance with G.S. 160D-406.

Section 12-18. Planning and Zoning Commission Administration

1. The Commission shall adopt rules of procedures and regulations for the conduct of its affairs.
2. The Commission shall elect a chair and vice-chair in accordance with its rules of procedure. The Zoning Administrator shall appoint a Clerk to the Commission.
3. All meetings of the Commission shall be open to the public.
4. The Commission shall keep a record of its meetings, including the vote of each member on every question, a complete summary of the evidence submitted, documents submitted-and all official actions.
5. When required by this Ordinance, the Commission shall give notice of matters coming before it by causing a public notice to be placed in a newspaper of general circulation in the County and/or by placing the notice on the Cabarrus County web site (SL2003-81).
6. The person acting as Chair of the Commission or Clerk to the Commission is authorized to administer oaths to any witnesses in any matter coming before the Commission.

7. Applications for special use approvals, applications for variances, change of nonconforming use, and appeals of decisions of the Zoning Administrator shall be filed with the Zoning Administrator as agent for the Board. All applications and appeals shall be submitted on forms provided by the Zoning Administrator.
8. It shall be the responsibility of the Zoning Administrator to notify the applicant or appellant of the disposition which the Commission made of this matter.
9. It shall be the responsibility of the Zoning Administrator to issue permits in accord with Commission action on an appeal or application, if a permit is authorized by the Commission action.
10. The Zoning Administrator shall see to the faithful execution of all Commission actions, including the enforcement of all conditions which may have been attached to the granting of a variance or approval of a special use and as outlined in the Granting Order for such cases.

Section 12-19. Quorum and vote required

1. A quorum, necessary to conduct any business of the Commission, shall consist of five members.
2. The concurring vote of at least 80 percent of the members of the Commission shall be necessary in order to approve any request for a variance from this Ordinance. For the purposes of this subsection, vacant positions on the Commission and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Commission" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.
3. A 75 percent vote of the members of the board present and not excused from voting shall be considered the final action for zoning amendment applications if no appeal is filed with the Board of Commissioners.(SL1993-247)
4. A simple majority vote of those present and not excused from voting shall be necessary to conduct routine business of the Commission and to act on all other applications upon which it is required to consider under this Ordinance:
 - a. To approve or deny applications for special use permits
 - b. To make a recommendation on amendments to the Zoning Ordinance
 - c. To make a recommendation on adoption or amendments Long Range Planning Documents or Studies
 - d. To reverse any order, requirement, decision or determination of the Zoning Administrator
 - e. To approve a change in a nonconforming use
 - f. All other business

Section 12-20. Variances

A variance may only be allowed by the Board of Adjustment in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all the following findings:

1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial, material, and competent evidence being entered in the record of the proceeding.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance.

Section 12-21. Special Use Permits

The Cabarrus County Board of Adjustment, shall hear and decide special use permits in accordance with the principles, conditions, safeguards, and procedures specified in this Ordinance.

1. The Board of Adjustment shall consider requests for special use permits in accordance with this Ordinance and with the rules established for quasi-judicial procedures.
2. Before any application for a special use shall be approved, the Board of Adjustment shall make written findings certifying compliance with the specific standards governing each individual special use and the General Standards contained in Chapter Eight as well as all other applicable development standards in this Ordinance. The Board of Adjustment shall make appropriate findings on each standard, supported by substantial, material, and competent evidence in its record.
3. The Board of Adjustment may impose reasonable and appropriate conditions and safeguards upon these permits related to the installation and operation of any special use to ensure that the public health, safety and general welfare are protected. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities.
4. Violation of such conditions of approval shall be considered a violation of this Ordinance and processed accordingly

Section 12-22. Appeals of Administrative Decisions

An appeal from an order, requirement, decision or determination of the Zoning Administrator shall be decided by the Planning and Zoning Commission, Acting as Board of Adjustment, based upon findings of fact.

In exercising this power, the Board of Adjustment shall act in a prudent manner so that the purposes of the Ordinance shall be served. The Zoning Administrator must be present for the hearing.

The effect of the decision shall not be to vary the terms of the Ordinance nor to add to the list of permitted uses in the districts.

Pursuant to G.S. 160D-405 (d), the owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Section 12-23. Appeal stays further proceedings

An appeal to the Board of Adjustment Commission from a decision or determination of the Zoning Administrator stays all proceedings and additional accrual of applicable fines in furtherance of the decision or determination appealed from, except as provided in the next section.

Section 12-24. Exceptions to stay of action

An appeal to the Commission of a determination or decision of the Zoning Administrator shall not stay further proceedings in furtherance of the decision or determination appealed from, if the Zoning Administrator certifies either:

- A. That in the opinion of the Zoning Administrator a stay would cause imminent peril to life and/or property.
- B. That the situation appealed from is transitory in nature.

In each instance, the Zoning Administrator shall place in the affidavit, facts to support the conclusion. An expedited hearing before the Commission shall be arranged, if requested by the appealing party.

Section 12-25. Appeals of Commission actions

Every decision of the Commission, when serving in its capacity as a Board of Adjustment, shall be subject to review at the instance of any aggrieved party by the Superior Court through proceedings in the nature of certiorari pursuant to G.S. 160D-1402 (a writ of Superior Court to call for the records of a public body acting in a quasi-judicial capacity). The appeal to Superior Court must be in writing and filed within thirty (30) days of the filing of the decision. The notice of appeal must clearly state the basis for the appeal.

Section 12-26. Duties of the Board of County Commissioners

Because of the quasi-judicial nature of the actions of the Commission when acting as Board of Adjustment, state law does not permit appeals of actions of the Board of Adjustment to the Board of Commissioners. The role of the Board of Commissioners is legislative in nature and confined to the adoption, amendment, and/or rescission of this Ordinance.

Section 12-27. Property Determinations

12-27.1 Notice of Determinations.

The Zoning Administrator, Planning Director and his or her designee shall provide written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

12-27.2 Appeal of Notice of Determination

It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, provided the sign remains on the property for at least 10 days. The sign shall contain the words "Zoning Decision" or "Subdivision Decision" or similar language for other determinations in letters at least 6 inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any such posting and notice shall be the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting and any notices sent by mail shall be provided to the staff member responsible for the determination.

Section 12-28. Changes to Approvals

After a development approval or zoning compliance permit has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained from the proper approval authority.

Section 12-29. Inspections

Planning and Zoning Staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with the terms of the approval as well as applicable State and local laws. In exercising this power, Staff is authorized to enter any premises within county jurisdiction at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

Part III Enforcement

Section 12-30. Violations

12-30.1. Notice of Violation

When staff determines work or activity has been undertaken in violation of this Ordinance or in violation of the terms of a development approval, a written notice of violation may be issued.

The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may also be posted on the property.

A Notice of Violation may be appealed to the Board of Adjustment.

12-30.2 Stop Work Order

Whenever any work or activity subject to regulation pursuant to this Ordinance is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, Staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefore, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first class mail.

A stop work order may be appealed to the Board of Adjustment.

No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

Violation of a stop work order shall constitute a Class 1 misdemeanor.

Section 12-31. Remedies and Penalties

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building, structure or land is used or developed in violation of this Ordinance, Cabarrus County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to

prevent occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

The following time frames for correction and civil penalties are established for violations of this Ordinance:

Type of Citation	Penalty	Time to Correct Violation
Warning Citation	N/A	30 days
First Citation	\$450.00	15 days
Second Citation	\$550.00	15 days
Third and subsequent citations	\$750.00	15 days
Repeat offense	\$750.00	15 days

These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this Ordinance. Should Cabarrus County be required to file suit to enforce any provision of this Ordinance, it shall be entitled to recover its attorney's fees and costs from those persons who have violated the Ordinance.

Any person adjudged in violation of this ordinance shall be guilty of a Class 1 misdemeanor.

12-31.1 Repeat Offense

When a notice of violation is corrected and the case is closed, if the same violation occurs on the subject property within 18 months of the closing of the case, it shall be considered a repeat offense and fined as such.

Section 12-32. Revocation of Development Approvals

In addition to initiation of enforcement actions, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local

government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a Staff member may be appealed to the Board of Adjustment. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Ordinance, the provisions regarding stays as outlined previously shall be applicable.

Section 13-1 Introduction

This Chapter sets forth the procedure by which both the ordinance text and the zoning maps may be changed. It also explains the concept of Conditional District rezoning, a form of rezoning which changes a zoning classification from one to another but limits the number of uses in the newly proposed zone and requires that a site specific development plan be filed with the application. This is in contrast to a conventional rezoning, which changes from one general zoning classification to another and includes all of the uses permitted in the district, as long as the proper permits can be issued.

Section 13-2 How to use this Chapter

Definitions	Section 13-3
Part I - Amendments to Ordinance Text and Zoning Maps	Section 13-4
Part II - Conditional District (CD) Option	Section 13-8
Part III - Procedures for Zoning Changes	Section 13-10
Part IV - Board or Commission Approved Site Plan, Minor Change Versus Modification to Plan	Section 13-12
Part V - Amending Conditional District Site Specific Development Plans, Violations, and Reapplying.	Section 13-13
Part VI - Vesting of Development Rights	Section 13-16
PART VII – Continuing Review and Revocation	Section 13-18

Section 13-3 Definitions

General Zoning District-Any of the basic zoning districts created by Chapter Three of this Ordinance.

Site Specific Development Plan- A site specific development plan showing the design, layout and configuration of the site, including existing and proposed conditions. See Chapter 12, Major Site Development Plans. This plan is used when affixing Conditional District zoning status to a property.

Conditional District (CD District)-Considered a “floating” zoning district. This district is created only at the request of the property owner and is built upon one of the general zoning districts described above and developed as set forth in the approved site specific development plan.

Text- Refers to those written rules, requirements, etc. known commonly as the Cabarrus County Development Ordinance.

Zoning Maps- Refers to the official zoning maps bearing the zoning district categories parcel by parcel throughout the County. Maintained in the office of the Zoning Administrator, Zoning Division, Cabarrus County Planning and Development Department.

PART I AMENDING THE ORDINANCE TEXT AND ZONING MAPS

Section 13-4 Amending the Ordinance text and Zoning Maps

Amendments may be made to:

- correct an error in text or Zoning Maps,
- change the regulations of the text,
- extend the boundary of an existing zoning district because of changed or changing conditions in a particular area, or
- rezone property from one zoning category to another (General or Conditional District)

Section 13-5 Initiation of amendments

Amendments may be initiated as follows:

1. To the text:

- By the Cabarrus County Board of Commissioners
- By the Cabarrus County Planning and Zoning Commission
- By Staff

2. To the zoning maps

- By the Cabarrus County Board of Commissioners
- By the Cabarrus County Planning and Zoning Commission and Staff
- By any property owner, citizen, or agent thereof

Section 13-6 Petition for rezoning by non-owner

When a petition to rezone a property is initiated by someone other than the property owner or his agent, the Board of Commissioners, the Planning and Zoning Commission or Planning Staff, the petition cannot be accepted without a notarized statement from the owner(s) of the property in question agreeing to the proposed rezoning request.

Section 13-7 Options for rezoning property in Cabarrus County

Property in Cabarrus County may be considered for rezoning to a different zoning classification by requesting:

1. A Conventional Rezoning Request which proposes rezoning to a general zoning district
2. A Conditional District Rezoning Request which proposes a unique, and in many cases more restrictive, zoning district that includes a list of permitted uses for the site being considered and a site specific development plan

Option 1: Conventional Rezoning Request (rezoning from one general zoning district to another general zoning district)

A petitioner may ask that his/her property be rezoned to any of the general zoning districts set forth in Chapter Three of this Ordinance.

To initiate the process, the petitioner must file a complete Rezoning Application with the Cabarrus County Planning and Development Department, and submit the appropriate fees as established by the County Board of Commissioners.

Option 2: Rezoning to the Conditional District

A petitioner may ask that his/her property be rezoned to a Conditional District built upon the existing general zoning districts set forth by this Ordinance. To initiate the process, the petitioner must file a complete Conditional District Rezoning Application with the Cabarrus County Planning and Development Department and submit the appropriate fees, along with the applicable submittal materials, including a site specific development plan.

PART II THE CONDITIONAL DISTRICT

Section 13-8 Using the Conditional District rezoning option

Because of the refinement of this option, the Planning and Zoning Staff strongly encourages its use. Conditional District rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses. This option is most beneficial when rezoning land to establish a use or uses that require the issuance of a special use permit.

Section 13-9 Creating the Conditional District

Choosing the Conditional District

Keeping the proposed use or uses in mind, the Petitioner may choose the desired district from any of the general zoning districts (where the proposed use is permitted either outright or as a special use) as set forth within this Ordinance. Upon selection, the requested zoning district will be known by the name of the general zoning district with the suffix CD added to identify its

Conditional District status. For example, Limited Commercial may be selected and the suffix CD added, to create "Limited Commercial-CD".

Land use within the Conditional District

The Petitioner will describe the exact land use proposed for the Conditional District and will provide a complete list of proposed uses for the site. Such use(s) may be selected from any of the uses, whether permitted by right or as a special use, allowed in the general zoning district upon which the Conditional District is based.

Site Specific Development Plan

Along with the application for Conditional District status, the Petitioner shall provide a major site specific development plan as described in Chapter 12.

Relationship of the Proposed Zoning Change to Cabarrus County Land Use Plans and Studies

Petitioner will provide a narrative of how the proposed zone change will conform, complement or otherwise impact long range plans for the development of land in the County as well as any other special studies.

PART III PROCEDURES FOR ZONING CHANGES

Section 13-10 Filing procedures

Because the options for rezoning have more similarities than differences, one procedure for filing is set forth below with applicable differences noted.

Step 1 Pre-application Meeting

The Petitioner is required to schedule and attend a pre-application meeting with staff before filing any rezoning petition. At this meeting, staff will discuss the proposed rezoning with the Petitioner along with information related to the rezoning process, water and sewer availability, applicable land use plans, established deadlines for submittal and the format used for the Planning and Zoning Commission meetings. Design Professionals working on the project with the Petitioner should also attend this meeting as staff will go into detail about the submittal requirements and materials needed for the application to be considered complete.

Step 2 Neighborhood Meeting

The applicant is required to hold a neighborhood meeting with adjacent property owners to explain the proposed project, display the proposed site plan (if applicable) and to answer questions that the neighbors may have related to the proposal. The applicant is encouraged to incorporate design elements into the project that mitigate impacts and concerns identified during neighborhood meeting process. Minutes from the neighborhood meeting shall be included with the application materials.

Step 3 Filing the Application

The Petitioner must file a complete application for the applicable type of rezoning request with the Planning and Development Department along with the appropriate fees. Applicable materials required for a complete submittal will be determined at the pre-application meeting. Incomplete applications will not be accepted and will not be scheduled for consideration by the Planning and Zoning Commission.

Conventional Rezoning

When the complete application is received by Planning Staff, Staff and appropriate agents will review the application. Staff will also begin preparation of the staff report for the Planning and Zoning Commission meeting. Staff will schedule a meeting date and notify adjacent property owners of the meeting and that a public hearing will be conducted at the meeting. A sign advertising the meeting and hearing will also be placed on the property being considered for the change in zoning.

Conditional District Rezoning

If the proposed rezoning is for a Conditional District Rezoning, once the complete application is received, Staff and appropriate agencies will review the application, the proposed site plan and the list of uses. Review comments will be forwarded to the Petitioner. The Petitioner will need to address the comments in writing, revise the site plan accordingly and submit the corrections to the Planning Division.

Once advised that the site plan is in compliance with the ordinance and ready to be presented to the Planning and Zoning Commission, the Petitioner will work with staff to submit the appropriate number of copies of the applicable documents and site plans for the Planning and Zoning Commission meeting.

When the copies of the plan are received, Staff will begin to prepare a staff report, schedule a meeting date and notify adjacent property owners of the meeting and that a public hearing will be conducted regarding the proposal. A sign advertising the public hearing will also be placed on the property being considered for the Conditional District rezoning.

Step 4 The Planning and Zoning Commission

The Planning and Zoning Commission considers all applications to amend the zoning maps or text of this Ordinance at its regularly scheduled meetings.

Complete applications shall be filed with the Planning and Development Department by the submission deadline without exception so that staff evaluations can be accomplished in accordance with established deadlines and applicable state statutes for providing required notice.

Step 5 Planning and Zoning Commission Decision or Recommendations to Board of Commissioners

Conventional rezoning decisions and Conditional District rezoning decisions are considered legislative actions and a public hearing will be held as part of consideration of the proposed change.

As part of the Conditional District process, conditions may be proposed by the applicant, the county or other review agencies. These conditions shall be incorporated into the rezoning regulations and permitting requirements.

The Planning and Zoning Commission decision shall be considered the final action if the vote to approve or deny a rezoning request is of at least three-fourths of the Planning and Zoning Commission members present and not excused from voting and if no appeal of the decision is filed. This action is also referred to as an "expedited" vote.

A brief statement addressing plan consistency and reasonableness shall be provided for each rezoning petition.

Items to be considered when crafting these statements, among other factors include:

- the size, physical conditions, and other attributes of the area proposed to be rezoned
- the benefits and detriments to the landowners, the neighbors, and the surrounding community
- the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment
- why the action taken is in the public interest
- any changed conditions warranting the amendment

A brief statement addressing consistency and reasonableness shall also be provided for proposed text amendments

Action by the Planning and Zoning Commission on text amendments are recommendations and shall be forwarded to the Board of Commissioners for final consideration.

Step 6 Board of Commissioner's Public Hearing (if needed)

If an approval or denial of a rezoning request is by a vote of less than three-fourths of the members of the Planning and Zoning Commission or if an appeal is filed, then the County Board of Commissioners shall make the final decision on the rezoning petition.

Any person aggrieved by the action of the Planning and Zoning Commission shall have the right to appeal the decision to the Board of Commissioners by giving notice in writing to the Planning

and Zoning Commission Clerk or Zoning Administrator within fifteen (15) days of the action of the Planning and Zoning Commission.

- In the case of an appeal, the Board of County Commissioners shall hear the application *de novo* (anew).

The Board of Commissioners shall hold a public hearing for all proposed text amendments.

Section 13-11 Noticing of Proposed Zoning Amendments

Electronic Publication

Prior to the official public hearing, notification shall comply with Cabarrus County Ordinance Number 2004-17 (see Session Law 2003-81). In general, notice will be given by electronic means at least ten (10) days before the date fixed for the public hearing. Alternatively, newspaper advertisements published in accordance with G.S. 160D-601 may be substituted for the electronic publication.

Mailed Notice

The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail to the last address listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

Optional Notice for Large-Scale Zoning Map Amendments

The first-class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions for mailed notice listed above.

Posted Notice

When a zoning map amendment is proposed, a notice of the hearing shall be posted on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on

each individual parcel is not required but sufficient notices shall be posted to provide reasonable notice to interested persons.

Timing of Public Hearing by County Commissioners

If the Planning and Zoning Commission action is appealed as described in Step 6 above, then the party pursuing the action before the Board of Commissioners shall pay the advertising fee and the action shall be re-advertised.

Within forty-five (45) days of a recommendation by the Planning and Zoning Commission on an application to amend text or the zoning maps, or, within the lapse of forty-five (45) days with no recommendation, a public hearing may be scheduled with the Board of Commissioners to be held at its next available meeting. Notification of the hearing shall follow the requirements above.

When evaluating a proposed amendment, both the Planning and Zoning Commission and the Board of Commissioners will consider the following:

1. the amendment application itself and the information presented within;
2. the testimony presented at the public hearing;
3. consistency with County wide planning objectives and how these would be affected by the proposed change; and,
4. in the case of map changes to a general zoning district, the compatibility of all uses allowed within the proposed zoning classification with uses permitted on other property in the vicinity. When rezoning to a more intensive zoning district, the availability of governmental water and sewer to serve the property shall be considered as well as the ability to provide other required public services.

Nothing in this section should be deemed to prohibit the County from using any other applicable criteria in determining whether or not to approve a zoning map amendment.

Board of Commissioners Action on Amendments

At the conclusion of the public hearing on a proposed amendment, the Commissioners may proceed to vote on same, refer it to either the Planning and Zoning Commission or Staff for further study, or take any other action consistent with its usual rules of procedure. Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances.

Action Subsequent to the Commission Action

The Zoning Administrator shall, within seven (7) days, cause notice of the disposition of the application to be sent by mail to the applicant and a copy of the decision to be filed in the office of the Zoning Administrator. The Zoning Administrator, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Commission's action.

Effect of Zoning Map Amendment

A vote to rezone property will result in the appropriate change being made to the zoning maps. In the event of a Conditional District rezoning, the final site specific development plan is itself a condition of the rezoning. Accordingly, the site specific development plan must be filed in the Planning and Zoning Office and will be enforced as part of the Cabarrus County Ordinance. The site specific development plan will also be filed in the Cabarrus County Register of Deeds Office as a restriction (runs with the land) upon the subject property. It will be binding in perpetuity on the property upon which it is issued unless another rezoning request is brought forth and approved.

Where substantial construction has not begun within two (2) years of a Conditional District rezoning approval, the property in question may be changed to another designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

Issuance of Permit

Prior to the commencement of any development or land disturbing activity on property that has been rezoned, the petitioner must secure a Zoning Compliance Permit.

PART IV BOARD OR COMMISSION APPROVED SITE PLAN, MINOR CHANGES VERSUS MODIFICATION TO PLAN

Section 13-12 Minor changes or modifications, action by Zoning Administrator or approving Board or Commission

The Zoning Administrator is authorized to approve minor changes to an approved site development plan, as long as the proposed changes are in harmony with action of the approving Board or Commission, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board or Commission and shall be handled as a new application.

The Zoning Administrator shall use the following standards in determining whether a proposed action is a minor change or a modification:

1. A change in building location of 20 feet or less that does not impact any other site design elements shall be considered a minor change. Any change in building location of more than 20 feet or that changes the overall lot design or configuration is considered a major modification and must be considered by the approving body.
2. A decrease in the number of parking spaces that is less than 10% of the overall proposed parking spaces shall be considered a minor change. In no case shall the number of spaces be reduced below the minimum required by this Ordinance.
3. Changes proposed to sidewalk configuration for pedestrian access shall be considered a minor change as long as the amount of impervious area does not increase and access is provided as originally proposed for the project. Applicant must provide sufficient evidence of why the change is needed.

4. Changes to the proposed landscape plan due to unavailability of product shall be considered a minor change if the following conditions apply:
 - a. The change is consistent with the approved plan and is only a substitution and does not cause a reduction in number of plants proposed.
 - b. The tree, shrub or ground cover must be of the same general Ordinance classification, genus and species type. For example, a Red Maple, which is listed as a canopy tree in the Ordinance, could be substituted with a Sugar Maple or a Florida Maple, but not a Loblolly Pine.
 - c. A reduction in the square footage of a proposed building shall be considered a minor change as long as the original footprint of the larger building is shown on the approved plan.
 - d. Changes to proposed signage locations, on the building or on the site, shown on the approved plan shall be considered a minor change, as long as the proposed location complies with the standards outlined in Chapter 11, Signage. In no case shall signage be permitted where it would not normally be permitted or that does not comply with the standards in Table 11-1.
 - e. Changes to proposed trail locations on preliminary plats shall be considered a minor change provided that the overall amount of trail approved on the plan is being provided and installed for the development.
 - f. Changes to open space provisions that constitute an increase in the overall amount of open space being provided shall be considered a minor change.
 - g. Changes proposed to accommodate additional emergency vehicle access as determined by the Fire Marshal's Office during construction shall be considered a minor change.
 - h. Changes to architectural plans approved by the Design Review Committee (DRC) shall be considered minor when the following apply:
 1. The proposed change does not modify the overall building design or character.
 2. Any proposed changes to building materials are consistent with the originally approved materials and colors.
 3. Changes are required to comply with state or local building construction standards that were unknown at the time of approval or that became effective after the architectural plans were approved by the DRC.

For any proposed minor change, a revised, updated site plan or preliminary plat shall be submitted for review and approval. Where the proposed changes impact outside agency permits, those permits shall also be updated.

Review of record required

The Zoning Administrator shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of proceeding on the original application for approval.

Action required on proposed modifications

The Zoning Administrator shall, if it is determined that the proposed action is a modification, require the applicant to file a request for approval of the modification, which shall be submitted to the Commission which approved the original application. The Commission may approve or disapprove the application for approval of a modification and, prior to its action, shall hold a public hearing.

**PART V AMENDING CONDITIONAL DISTRICT SITE SPECIFIC DEVELOPMENT PLANS,
VIOLATIONS, AND REAPPLYING**

Section 13-13 Minor changes and modifications to approved Conditional District development plans

The Zoning Administrator is authorized to approve minor changes in the implementation of a site specific development plan as long as such changes are in harmony with the overall intent of the rezoning. A proposed change that becomes a modification of the rezoning shall not be within the authorizing scope of the Zoning Administrator but instead, shall be handled as a new application. In determining the degree of change, the Zoning Administrator may refer to those criteria set forth in Section 13-12 of this Ordinance. Administrative decisions on change must be made in writing and kept on file within the Office of the Zoning Administrator.

Section 13-14 Violation of the terms and conditions of a Conditional District rezoning

A violation of a condition of rezoning to a Conditional District as set forth in the final site specific development plan and other related official paperwork associated with such rezoning shall be treated the same as a violation of this Ordinance, subject to the same remedies and penalties.

Upon determining that such a violation has occurred, the Zoning Administrator shall notify the property owner of such findings either by certified mail or in person, and set a reasonable time for the violation to be corrected or abated.

When a violation is not corrected or abated within the time period set by the Zoning Administrator, the Zoning Administrator or any aggrieved person may institute suit or an injunction, mandamus or other appropriate action or proceedings to correct or abate the violation.

Section 13-15 Effect of denial on subsequent petitions for zoning amendment

An application for a zoning amendment that has been denied, in whole or in part, shall not again be processed for consideration by the County for a one (1) year period from the date of denial.

The Zoning Administrator may waive the one (1) year waiting period if it is determined that there are substantial changes to a previously proposed rezoning petition that was considered by the Planning and Zoning Commission and denied.

This restriction shall not apply to any amendment or petition submitted by the Planning and Zoning Commission, Planning Staff or the Board of County Commissioners.

PART VI VESTING OF DEVELOPMENT RIGHTS

Section 13-16 Vesting of development rights under County Ordinance

A developer/owner may petition to establish a vested right under the Ordinance to complete a project by making a formal request to the Planning and Zoning Commission. Vested rights may only be requested for a previously approved site specific development plan.

A developer/owner wishing to establish a common law vested right must file a petition in Superior Court as the Planning and Zoning Commission does not have the authority to determine common law vested rights. The Planning and Zoning Commission may only consider vested rights related to County development ordinances.

Step 1 Pre-application Meeting

The Petitioner is required to schedule and attend a pre-application meeting with staff before filing a Vested Rights Application. At this meeting, staff will discuss the vesting process with the Petitioner along with established deadlines for submittal and the materials that will be required for the Planning and Zoning Commission meeting. Design Professionals working on the project with the Petitioner should also attend this meeting.

Step 2 Filing the Application

The Petitioner must file a complete application for the vesting of development rights with the Planning and Development Department along with the appropriate fees. Applicable materials required for submittal will be determined at the Pre-application meeting. Incomplete applications will not be accepted.

Step 3 Planning and Zoning Commission Consideration

Upon receiving a request for vested rights, the Planning and Zoning Commission shall consider the application for vested rights and shall hold a public hearing to review the request and the

application materials submitted. If the request is approved, the vested rights shall run with the land for a period of two (2) years, beginning from the date of approval by the Planning and Zoning Commission.

Any variations from the original plan must be approved by the Planning and Zoning Commission.

Section 13-17 Multi-Phased Development and Duration

For purposes of this section, Multi-Phased Development means a development containing 100 acres or more that (1) is submitted for site plan approval for construction to occur in more than one phase and (2) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

Amendments in the applicable zoning, subdivision, or unified development ordinance shall not be applicable or enforceable without the written consent of the owner with regard to a multi-phased development.

A multi-phased development shall be vested for the entire development with the applicable zoning, subdivision, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multi-phased development.

A right which has been vested as provided for in this subsection shall remain vested for a period of seven years from the time a site specific development plan approval is granted for the initial phase of the multi-phased development.

PART VII CONTINUING REVIEW AND REVOCATION

Section 13-18 Continuing Review and Revocation of Original Approval

Following approval or conditional approval of vested rights application, Cabarrus County may make subsequent reviews and require subsequent approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. Cabarrus County may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

Section 14-1 Introduction

Understanding nonconformities

When zoning ordinances are enacted for the first time or substantially modified, "nonconformities" occur. While passage of the law or its modification seems to be the direct cause of the nonconformity, the change in the law is a result of changing development patterns community wide. While the use may have been appropriate in the past, development has occurred about it which makes the use seem out of character for the area.

Differing views on nonconformities

Nonconformities have been viewed in several different ways. One view is that, over time, nonconformities must be eliminated. One of the primary drawbacks to this approach is that a local government forcing cessation of a nonconformity (called "amortizing") could be liable for a monetary amount to the nonconformity owner. Another view of nonconformities, the "property rights' view", sees them as deserving of full protection and immunity. This Ordinance adopts a more moderate view of nonconformities. Essentially, nonconformities will continue to be phased out but only when their phasing out is a result of destruction, regardless of cause, or cessation of operation. Nonconformities will have no limitation on maintenance and repair activity but, prior to expansion or alteration, must successfully obtain a Certificate of Nonconformity Adjustment. The Certificate basically helps bring the nonconformity into conformity or so significantly adjusts any negative effects as to render it harmless.

Section 14-2 How to use this chapter

Different types of nonconformities are outlined in the following sections of this chapter.

Section 14-3 Definitions of terms frequently used in this Chapter

ASSESSED VALUE- The current monetary amount on file for any piece of property in the Office of the Cabarrus County Tax Assessor.

CERTIFICATE OF NONCONFORMITY ADJUSTMENT- Certification issued by the Zoning Administrator of Cabarrus County attesting to the fact that a nonconformity is being modified and causes no harm to either neighboring landowners or the community at large.

COMBINE- To create one lot by combining two or more lots usually with common ownership to meet development standards.

LOT OF RECORD-A lot which exists as shown or described on a plat or deed in the records of the local register of deeds and in Cabarrus County's GIS land records.

NONCONFORMING LOT- A lot which was lawfully created prior to the adoption of this Ordinance but which does not conform to the dimensional requirements for lots in its zoning district.

NONCONFORMITY- A use of land, buildings or structures or combination thereof that was lawfully established prior to the adoption of this Ordinance but does not conform with the Table of Permitted Uses set forth in Chapter Three or other requirements of this Ordinance.

NONCONFORMING FEATURE- A physical feature or characteristic of a use, building or structure or other development of land established prior to the adoption of this Ordinance that does not comply with the current standards of the Ordinance.

PREMISES- A lot, parcel, tract or plot of land together with any buildings and structures thereon.

STRUCTURE- Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code.

Section 14-4 Intention

The intent of this Ordinance with regard to nonconformities is threefold:

- A. to not arbitrarily require the cessation of all nonconformities but instead, provide a process whereby owners/operators of negligible nonconformities can possibly continue to use and operate including expansions and alterations after review by the Zoning Administrator;
- B. to encourage the cessation (stopping) of those nonconformities, the negative effects of which cannot otherwise be mitigated; and,
- C. to phase out those nonconformities which must be eliminated in such a manner as to avoid unjust economic hardship for their owners.

Section 14-5 Nonconforming land, lots, divisions of land and existing structures

- A. Subdivision
Nonconforming land may not be subdivided except for purposes and in a manner conforming to district regulations.
- B. Use of single nonconforming lot
Any lot of record which is nonconforming may become the site of any use permitted within its zoning district as long as it can meet setback requirements and all other related development requirements.

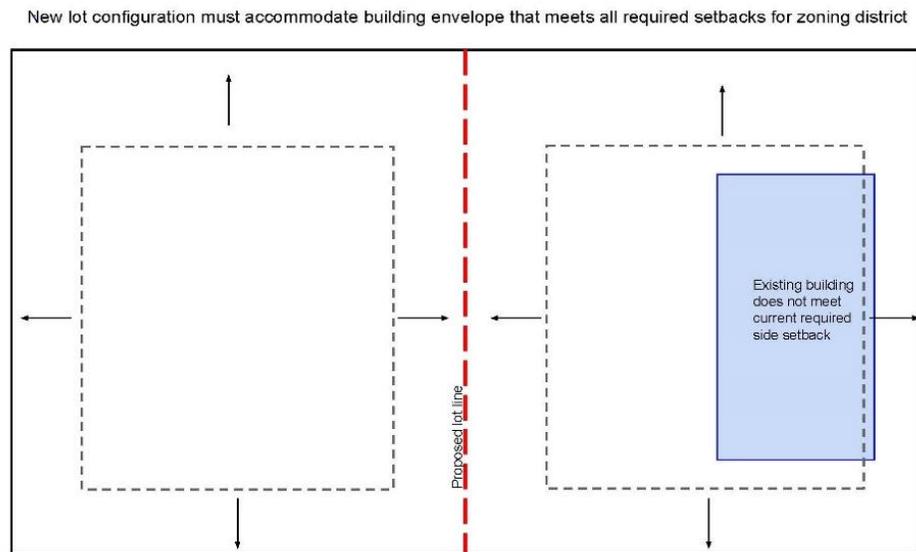
- C. Lots made nonconforming as a result of public taking or court order
If a lot becomes nonconforming through no fault of the owner, for example, as a result of losing square footage by public taking or court order, while still recognized as nonconforming, it may be used and developed in accordance with the design standards of its district nor will it be required to be combined.
- D. Existing lots of record in the AO, CR or LDR zoning districts
Existing lots of record located in the AO, CR or LDR zoning districts that do not meet the dimensional standards for required lot area or required average lot width as established in Chapter 5, District Development Standards, Section 5-5, Conventional Subdivision Standards, B. Dimensional Standards or C. Minor Subdivisions, may develop using the standards established for the MDR Open Space District related to setbacks and lot coverage. This adjustment shall be noted on any plot plan submitted for permitting and any zoning permits issued for the subject property.
- E. Division of lot of record with multiple existing primary structures that pre-date zoning ordinance
1. Lots with multiple existing primary structures constructed prior to the adoption of the zoning ordinance on February 1, 1982, may be subdivided to create individual tracts for the primary structures in any district provided that the resulting lots meet or exceed the minimum standards established for the Medium Density Residential Open Space subdivision option in Chapter 5.
 2. Each resultant lot and primary structure must be served by utilities in the form of an approved individual well and septic system or a combination of existing governmental utilities and an approved individual private well or septic system.
 3. A note shall be placed on the plat stating that the lots were created using this section of the Ordinance.
- F. Division of lot of record with multiple existing primary residential structures constructed or installed after February 1, 1982
1. Parcels with multiple existing primary residential structures, allowed at the time of construction or installation in any residential zoning district, may be subdivided to create individual parcels for the existing primary structures if sufficient evidence of proper permitting is provided.
 2. When the lot of record is located in the AO, CR or LDR district and does not include enough acreage to meet the conventional or minor subdivision standards for the district, Low Density Residential Open Space design standards may be used to subdivide the property. Resultant lots must meet or exceed the minimum standards established for Low Density Residential Open Space Subdivisions.
 3. When the lot of record is located in the MDR or LDR district and does not include enough acreage to meet the conventional or minor subdivision standards for the zoning district, the Open Space design standards for the applicable zoning district may be used to subdivide the property. Resultant lots must meet or exceed the standards established for Open Space Subdivisions for the district.

4. Each resultant lot and primary structure must be served by utilities in the form of an approved individual well and septic system or a combination of existing governmental utilities and an approved individual private well or septic system.
5. A note shall be placed on the plat to be recorded stating that the lots were created using this section of the Ordinance.

G. Division of lot of record where existing properly permitted buildings do not meet current zoning district setbacks

1. When a building on an existing lot of record does not meet the setback requirement for the current zoning district, the lot may be subdivided provided that all proposed new lot lines meet the applicable setback requirement for the current zoning district as it applies to the existing and proposed lot configuration. Evidence of proper permitting must be provided.
2. A note shall be placed on the plat referencing this section of the Ordinance, recognizing that the building was existing and non-conforming prior to subdividing the property.

The example below illustrates a case where an existing building does not meet the side setback requirement for the zoning district.



Section 14-6 Nonconforming use of premises,-with or without structures

A. Limitations

There shall be no enlargement, change in intensity or changes to the use unless a Certificate of Nonconformity Adjustment is obtained. See Section 14-10.

B. Cessation of use

If the existing non-conforming use ceases for more than 6 months, subsequent use or development of the land must conform to district regulations.

C. Changing from one nonconforming use to another

A request for an existing nonconforming use to change to another nonconforming use of the same or lesser intensity is allowed. However, approval must be obtained from the Planning and Zoning Commission, acting as a Board of Adjustment. The burden of proof to show the new nonconforming use is of the same or a lesser intensity than the existing nonconforming use rests completely with the applicant. A process similar to that used for special use permitting will be used when requesting a changing from one nonconforming use to another. The Board of Adjustment may impose conditions upon the proposed use as part of issuance of the Certificate.

If the proposed change of use is located in a nonconforming structure, the use of the structure may continue. However, site improvements or upgrades may be required. Should the applicant not agree with the decision of the Board of Adjustment, an appeal may be filed in Superior Court.

D. Maintenance and repair

Before a building permit may be issued, the owner/user of the nonconformity must apply for and receive a Certificate of Nonconformity Adjustment.

E. Reconstruction of damaged structures

1. When a nonconforming structure (excluding signs) or structure that contains a nonconforming use is damaged by fire, wind, flood, or any other natural cause, such structure may be reconstructed and used as it was before the event, provided that a building permit is issued for reconstruction within eighteen month of the date of the event.
2. If the cause of damage is not of natural origin and the repair costs will equal or exceed 75 percent or more of the tax assessed value it must, if reconstructed, conform in all ways to this Ordinance.
 - a. Calculation of the cost of damage will be that determined by the owner/operator's insurance carrier. If uninsured or no insurance claim is filed, the amount of damage will be estimated by a County Tax Assessor Appraiser.

F. Unsafe nonconforming structures

When a nonconforming structure becomes unsafe due to lack of maintenance or damage from either a natural or manmade event, it will be cited by the Zoning Administrator. After having reached this extreme state of disrepair, a structure may only be restored or repaired in such a way as to make it a conforming structure. The Zoning

Administrator will notify the owner by written notice. The owner shall then have a period of ninety days in which to either repair the structure to make it conforming or have it demolished.

G. Expansion

See "Limitations" above.

H. Additions to nonconforming single family detached structures or manufactured homes located in non-residential zoning districts

Single family detached structures that exist in non-residential zoning districts may be enlarged using the Certificate of Nonconformity Adjustment process provided the dimensional standards, impervious, and structural coverage of the applicable zoning district are met.

Section 14-7 Nonconforming characteristics of uses

Nonconforming characteristics of use, for example, inadequate parking and loading facilities, inappropriate landscaping, lighting, etc., may continue to exist, but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity.

Section 14-8 Manufactured homes on individual lots of record without a Manufactured Home Overlay

Manufactured homes on individual lots of record that do not have the Manufactured Home Overlay may be removed and replaced provided that the replacement manufactured home is equal to, or greater than, the size of the manufactured home being replaced and meets the design and installation standards for individual manufactured homes in Chapter 4.

Section 14-9 Nonconforming manufactured home parks

All manufactured home parks made nonconforming by this Ordinance and not operating under a special use permit in accordance with this Ordinance, may continue. However, the arrangement of spaces is not to be altered nor the number of spaces increased.

In the absence of a plat recorded in the Cabarrus County Register of Deeds office prior to June 30, 1981, records in the Cabarrus County Tax Administrator's office will be utilized as verification of the number of individual lots assessed and taxed for the manufactured home park.

Section 14-10 Applying for a Certificate of Nonconformity Adjustment

When the adoption of this Ordinance creates a nonconformity and the owner of that nonconformity desires to expand or alter it and also has reason to believe that so doing will not

adversely affect neighboring land use, he or she must file for a Certificate of Nonconformity Adjustment.

14-10.1 Request for Nonconformity adjustment process

The first step in the process is to schedule a pre-submittal meeting with Staff. During that meeting, Staff will address the submittal requirements and how the process works for the type of adjustment proposed.

The next step is to submit a complete application for consideration.

The application for a Certificate of Nonconformity Adjustment is available from Staff and will be provided to the applicant as part of the pre-submittal meeting.

As part of the review process, all adjacent property owners, including those located across the road or road right-of-way will receive notification of the filing of the request for a Certificate of Nonconformity Adjustment and will be provided the opportunity, to comment on the proposed site changes. Adjacent property owners are given ten days from receipt of the letter to provide comments to the Zoning Administrator and/or his/her designee.

Within 45 days of the date of receipt of a request for a nonconformity adjustment, the Zoning Administrator will either approve or deny the request. His or her decision to approve may be based upon the applicant agreeing to site changes or to making improvements to the site.

The decision to approve or deny the request will be made based on the following criteria:

- a. Does the proposed change to the nonconformity create noise above and beyond levels considered normal to the area?
- b. Does the proposed change to the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
- c. Other measurable, physical effects- Does the proposed change to the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?
- d. Does the change to the nonconformity compliment or detract from the overall aesthetic character of the area?
- e. Is the proposed change consistent with current site conditions? Does it propose to create additional nonconformity? For example, if the proposed change is an addition to a building that does not meet the current setbacks for the zoning district, is the addition proposed in a location where it will not increase the current nonconforming setback situation?

- f. Is the property owner willing to make needed adjustments to the site to better comply with the Ordinance or to mitigate the proposed change to the existing nonconformity?

For example, landscaping or fencing may be required or a shift of operations away from adjoining properties may be stipulated as part of the conditions of Certificate approval.

1. Decision by the Zoning Administrator

- a. Denial

If the Zoning Administrator, after an analysis of the facts of the situation, finds that the nonconformity cannot be adjusted, it will be handled as such and subject to those provisions of this Ordinance which deal with nonconformities that are unreformable.

If an application is denied, the applicant may petition the Planning and Zoning Commission, acting as a Board of Adjustment, for a review of the Zoning Administrator's decision within 30 days of the final determination on the Certificate of Non-Conformity Adjustment.

- b. Approval

Certificates of Nonconformity Adjustment may be issued with or without conditions. Those with conditions will be issued after a visual inspection by the Zoning Administrator and/or his/her designee.

Section 14-11 Revocation of a Certificate of Nonconformity Adjustment

Certificates are issued for an indefinite time period. However, the Certificate may be revoked if required conditions of approval are not being met or maintained. For example, a Certificate for a nonconforming use that has been adjusted through installation of a landscape buffer could be revoked if the buffer were not maintained properly or if the required plantings were removed.

Section 1 Purpose

Subdivision regulations provide for the orderly growth and development of Cabarrus County; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and general welfare.

Section 2 Applicability

For the purpose of this Ordinance, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Section 3 Penalties for transferring lots in unapproved subdivisions

If any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of Cabarrus County, thereafter subdivides his or her land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such regulation and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. Cabarrus County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation.

Building permits required pursuant to G.S. 160D-1108 may be denied for lots that have been illegally subdivided. In addition to other remedies, Cabarrus County may institute any

appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision regulation or recorded with the register of deeds, provided the contract is in compliance with 160D-807. However, no conveyance of land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the register of deeds.

Section 4 Applicability and types of divisions

For the purpose of this Chapter, these regulations shall apply to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

No subdivision shall be recorded until it has been submitted, reviewed and approved by the appropriate authorities and until the approval is entered on the face of the plat in writing by an authorized representative of Cabarrus County.

The review officer pursuant to G.S. 47-30.2, shall not certify a subdivision plat that has not been approved in accordance with these provisions nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

Exemptions

The following are considered exempt:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Minor subdivision

Minor subdivisions are divisions of property that include up to five lots in the project design. Lots are served by frontage on an existing public road or by a new public or private road that is created during the design and review process for the minor subdivision. New private roads are subject to a recorded maintenance agreement.

Major subdivision

Major subdivisions are divisions of property that include more than five lots in the project design. Lots are served by frontage on existing public roads or by a new public or private roads that are created during the design, review and approval process for the project. New private roads are subject to a recorded road maintenance agreement.

Section 5 District development standards and subdivision design options

District development standards, including minimum lot size, permitted density, setbacks, maximum height, etc. are established and outlined in Chapter 5. Subdivision design options are also located in Chapter 5.

Flag lot design option

When the dimensional standards of an existing lot of record are such that the lot standards in Chapter 5 cannot be met using traditional design standards, the “flag lot” design option may be used to divide the property.

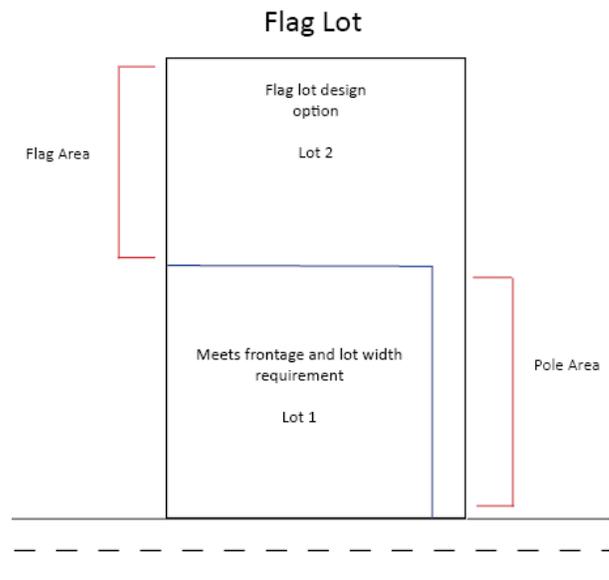
A flag lot is a lot with road frontage that is less than the minimum lot width required by individual district regulations. It is composed of a narrow “pole” extending from the street and a much wider "flag" section located behind a lot (or lots) having the required road frontage.

The lot line at the end of the flagpole, parallel to the road to which the “pole” connects is considered to be the front of the lot for setback purposes.

Flag lot design standards for residential districts:

- Minimum pole width is 15 feet for an individual lot or 25 feet for two lots.
- The pole area may be used when calculating minimum lot size only if the pole width meets the required average lot width standard for the zoning district.

Flag lot design standards for non-residential districts:



- Maximum length allowed for the pole portion of a non-residential lot is 250 feet
- Minimum pole width is 30 feet (NOTE: Wider pole width may be required to accommodate proposed use of property and landscape buffers)
- The pole area may not be used when calculating the minimum lot area unless the pole meets the required average lot width standard for the zoning district.

Lot extends into road right-of-way

For purposes of this Ordinance, where an existing lot of record or proposed lot extends into a road right of way, the acreage located in the right of way shall not be counted towards the minimum lot acreage requirement.

Monuments

Unless otherwise specified by this ordinance, the standards of practice for land surveying as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under provisions of North Carolina General Statute Chapter 39, Article 5A shall apply.

Section 6 Application submittal, review and approval process

Applications

A complete application, along with the applicable fees, must be submitted prior to subdivision review. Applications, along with check lists to facilitate design options and current standards of review, are available from the Planning Division and the Cabarrus County Planning web site.

Exempt and minor subdivision projects

Step 1

Applicants submitting exempt and minor subdivision projects are strongly encouraged to coordinate with Planning Staff prior to submittal. If the applicant would like to attend a pre-submittal meeting, the meeting can be scheduled by calling the Planning and Development Department.

Step 2

The applicant must file a complete application with the Planning and Development Department along with the appropriate fees.

Step 3

When the complete application is received by Planning Staff, Staff and appropriate agents will review the application materials, the proposed project design and the information shown on the

plat. Review comments will be forwarded to the applicant. The applicant will need to address the comments, revise the plat accordingly, and submit the corrections to the Planning Division.

Once the project design and plat are approved and the proposed plat has all required signatures, it may be recorded with the register of deeds office. Exempt and minor subdivision projects are reviewed administratively and do not require Planning and Zoning Commission review or approval.

Major subdivision projects

Major subdivision projects follow a different approval process from exemptions and minor subdivisions. These projects are subject to review and approval by the Planning and Zoning Commission.

The review and approval process for major subdivision projects is handled in two phases.

Phase 1

The first phase is the preliminary plat review and approval phase. During this phase of the process:

- The preliminary plat design document is reviewed by staff and other appropriate agents.
- The Planning and Zoning Commission considers the preliminary plat design during a public meeting.
- The Planning and Zoning Commission approves, approves with conditions or denies the preliminary plat as presented.

Phase 2

The second phase of the process is the final platting process. During this phase of the process:

- The final plat is reviewed by staff and other appropriate agents for consistency with the preliminary plat design approved by the Planning and Zoning Commission.
- The final plat is approved or denied.
- The final plat is recorded in the register of deeds office.

Final plat approval is typically an administrative process, as long as the proposed final plat matches the approved preliminary plat design on file. If the final plat design presented is not consistent with the approved preliminary plat, additional Planning and Zoning Commission review and approval may be required.

Preliminary Plat Submittal Process

Step 1 Pre-application Meeting

The first step in the major subdivision project submittal process is for the applicant to schedule and attend a pre-application meeting with staff. At this meeting, staff will discuss the proposed major subdivision project with the applicant, along with information related to the submittal and approval process, water and sewer availability, applicable land use plans, established deadlines for submittal and the format used for the Planning and Zoning Commission meeting. Design professionals working on the project with the applicant should attend this meeting as staff explains in detail the submittal requirements and materials needed for the application to be considered complete.

As part of Step 1, the applicant has the option to submit a sketch plan for general review and comment. During this process, the sketch plan is preliminarily reviewed by applicable agencies and comments provided to the applicant. The purpose of this process is to identify any red flags or challenges related to the proposed project design.

Step 2 Neighborhood Meeting

The second step is for the applicant to hold a neighborhood meeting with adjacent property owners to explain the proposed project, display the proposed preliminary plat and to answer questions that neighbors may have related to the proposal. The applicant is encouraged to incorporate design elements into the project that mitigate impacts and concerns identified during neighborhood meeting process. Minutes from the neighborhood meeting are considered part of a complete application and should be submitted along with the other required materials.

Step 3 Filing the Application

The applicant must file a complete application with the Planning and Development Department, along with the appropriate fees, for the submittal to be processed. Applicable materials required for a complete submittal will be determined at the pre-application meeting. Incomplete applications will not be accepted and will not be scheduled for consideration by the Planning and Zoning Commission.

When the complete application is received, Planning Staff and other appropriate agents will review the application and the proposed preliminary plat. Review comments will be forwarded to the applicant. The applicant will need to address the comments in writing, revise the preliminary plat accordingly and submit the corrections to the Planning Division.

Once directed that the preliminary plat is in compliance with the ordinance and ready to be presented to the Planning and Zoning Commission, the applicant will work with staff to submit the appropriate number of copies of the applicable documents and preliminary plat for the Planning and Zoning Commission meeting.

When the copies of the plan are received, Staff will begin to prepare a staff report and schedule a meeting date.

If the preliminary plat is approved by the Planning and Zoning Commission, the approval shall be good for two years from the date of approval.

- Final plats must be filed within two years of the approval date for the subdivision to remain active.
- Each time a final plat is approved and recorded with the Register of Deeds, the two year time frame is automatically extended based on the recordation date.

Appeals of subdivision plat decisions

When a subdivision regulation adopted under this Ordinance provides that the decision whether to approve or deny a preliminary or final subdivision plat is quasi-judicial, then that decision of the Planning and Zoning Commission, acting as Board of Adjustment, shall be subject to review by the Superior Court by proceedings in the nature of certiorari. The provisions of G.S. 160D-406 and this section shall apply to those appeals.

When a subdivision regulation adopted under this Ordinance provides that the decision whether to approve or deny a preliminary or final subdivision plat is administrative, then that decision of the Planning and Zoning Commission shall be subject to review by filing an action in Superior Court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision, which shall be made as provided in G.S. 160D-403(b).

For purposes of this section, a subdivision regulation shall be deemed to authorize a quasi-judicial decision if the decision-making entity under G.S. 160D-803(c) is authorized to decide whether to approve or deny the plat based not only upon whether the application complies with the specific requirements set forth in the regulation but also on whether the application complies with one or more generally stated standards requiring a discretionary decision to be made.

Section 7 Environmental standards permitting, overlay districts, Cabarrus Health Alliance approval

Floodplain development permits

All proposed divisions of land are subject to the development standards outlined in Chapter 16, Floodplain Damage Prevention. A Floodplain Development Permit may be required for the proposed project to proceed.

Erosion and sediment control permit

All proposed projects in Cabarrus County are subject to Erosion and Sediment Control (ESC) permitting with the State of North Carolina Department of Energy, Mineral, and Land Resources.

Non-compliance with the terms of an ESC Permit issued by the State of North Carolina may result in withholding of zoning and/or building permits by Cabarrus County.

Stormwater permit

All proposed projects in Cabarrus County are subject to Phase 2 Post-Construction Stormwater Permitting with the State of North Carolina Department of Energy, Mineral, and Land Resources. Non-compliance with the terms of a Phase 2 Post-Construction Permit issued by the State of North Carolina may result in withholding of zoning and/or building permits by Cabarrus County.

Overlay Districts and Zones

Properties being subdivided may be subject to development standards outlined in Chapter 4, Overlay Districts and Zones. These standards include watershed restrictions, waterbody buffers, thoroughfare standards related to access points and landscape buffers, height restrictions and manufactured home installation design standards.

Cabarrus Health Alliance

All lots in Cabarrus County must be served by individual well and septic systems or by governmental water and sewer. Individual well and waste water systems must be approved and permitted by the Cabarrus County Health Alliance prior to installation. Waste water disposal systems, including tanks and drain fields, may not be located in required stream buffers or in the regulated floodplain.

Section 8 Legal access, road types, Transportation Impact Analysis

Legal access

Recorded legal access and road frontage on a public or private road is required for all lots. When an existing lot of record does not abut an existing public or private road or have frontage on that road, and the owner wishes to subdivide the lot, access and frontage may be gained by construction of a public or a private road.

Road types and classification

The arrangement, character, extent, width, grade, and location of all roads shall be reviewed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, proposed uses of lands to be served by such roads and existing or potential uses in adjoining areas.

Roads shall be classified and designed in accordance with the typical details outlined in Appendix A of this Ordinance.

Roads on a proposed subdivision plat shall be classified and labeled as either public or private. The proposed road right-of-way and typical shall also be provided on the plat.

Public Roads

Roads that are classified and designated on a plat as public shall be subject to the following conditions.

- Designation of a road as public shall be conclusively presumed to be an offer of dedication to the public and permit public use.
- These roads shall be maintained by the developer/owner or the lot purchasers through a recorded road maintenance agreement until the respective governmental agency assumes responsibility for the maintenance of the roads.

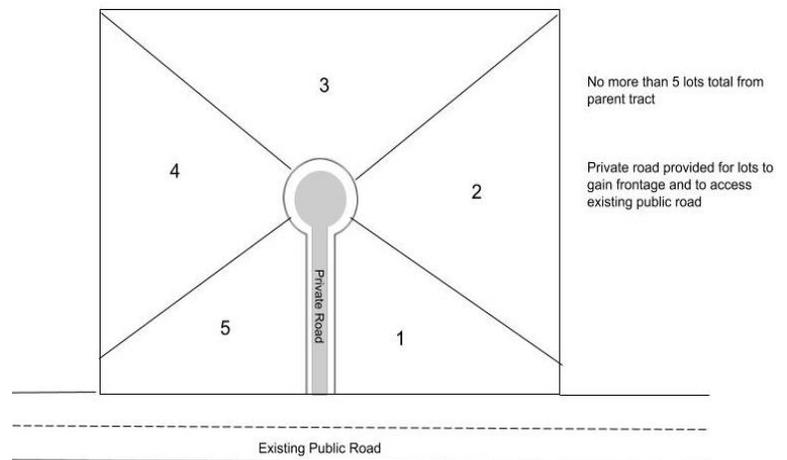
Private roads serving more than five lots

New roads serving five or more lots may be permanently designated as a private road. These roads shall be built to the North Carolina Department of Transportation public standard for the appropriate type of road or street. Additionally, a road maintenance agreement shall be recorded in the office of the register of deeds to ensure that proper maintenance of the private road is provided by property owners gaining access from the road or street and for emergency service response. See Appendix A for road design standards.

Alternate construction standard for private roads serving five lots or less

An alternate road construction standard is available for projects classified as minor subdivisions. No more than five lots total may take access from a private road using this construction standard.

- a. The private road right-of-way width must be at least 25 feet wide.
- b. The travel way must be at least 20 feet wide with all-weather access that supports the weight of fire apparatus at a minimum of 75,000 pounds.
- c. The road must be clear of any limbs or brush for a width of 20 feet and a height of 13 feet.
- d. When the proposed private road adjoins a paved road, the first 25 feet of the road must be paved when the private road adjoins a paved road.
- e. Vehicle turnarounds must be provided at the end of all dead end roads.
- f. Applicant must secure a permit from NCDOT to connect to state maintained roads.
- g. A private road maintenance agreement must be recorded in the office of the Register of Deeds of Cabarrus County to ensure proper maintenance of the road



Private roads developed using this alternate construction standard must be maintained by the adjoining property owners and/or the developer and will not be accepted for public maintenance.

New private roads must be installed and inspected prior to zoning permits being issued for lots served by the new road.

Transportation Impact Analysis (TIA) Required

Depending on the size of the proposed development and the traffic being generated, a Transportation Impact Analysis, also known as a TIA, may be required. See Appendix A for additional information.

SECTION 9 Road design standards

Road Cross-Sections and Pavement Structure

Appropriate road cross-sections shall be approved by the Cabarrus County Planning and Zoning Commission and NCDOT. Appendix A contains currently approved cross-sections for Cabarrus County. Other cross-sections may be proposed and considered for approval by the Planning and Zoning Commission in conjunction with NCDOT.

Pavement structure is based on classification and is defined in Appendix A. An additional one inch surface course shall be applied to all roads when a majority of the construction is completed.

Curve Radius

Property lines at the intersection of residential streets shall be rounded with a 25-foot minimum radius and a 35-foot maximum radius. Modifications may be approved by Cabarrus County and NCDOT in conjunction with the current NCDOT Subdivision Road Construction Standards Manual.

Medians and Islands

Residential subdivision entrances may include a median or island. Structures, permanent materials or plantings within the island shall not obscure the visibility of cars entering a cross street for a distance of 25 feet back from the curb face of the cross street, unless a larger setback is needed due to inadequate sight distance.

Cul-de-sac Length

NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. No residential street cul-de-sac serving lots less than one acre in size shall exceed 600 feet. The District Engineer for NCDOT has the right to vary this standard upon coordination with the Subdivision Administrator and County Engineer.

Coordination of road system and connections required

The proposed road layout within a subdivision shall be coordinated with the existing and planned road system of the surrounding area and existing roads shall be extended whenever possible. This includes connection of the road system to the system within adjoining subdivisions and the alignment of entrance roads with existing roads. Roads that are aligned with existing roads or connected to existing roads shall be given the same name as the existing road.

Connections to adjacent properties

Where necessary to provide access or to permit the reasonable future subdivision or development of adjacent land, rights-of-way and improvements shall be extended to the boundary of a development.

Connections shall be placed at locations where future connection can be made at a reasonable cost and shall not be directed into wetlands, creeks, steep slopes, or other locations that would make the future extension of the road impractical.

A temporary turnaround may be required where the dead end exceeds 250 feet in length. Where such a connection has been established on adjacent property, each new subdivision shall be required to extend the connection as a link in the proposed subdivision street network.

Half Streets Prohibited

The dedication of half roads at the perimeter of a new subdivision is prohibited.

Adopted Land Use Plan or Transportation Plan

Where a tract of land to be subdivided borders on a proposed thoroughfare or a road requiring improvement as indicated in adopted land use plan, community transportation plan, state transportation plan or the CRMPO Index, the owner/developer will be required to dedicate the necessary right of way for the proposed improvement. Setbacks shall be determined using the proposed right-of-way.

Where a parcel to be subdivided is crossed by any part of the proposed right-of-way for a thoroughfare included in the NC Transportation Improvement Program, and the location of that right-of-way has been further defined by accepted location procedures, the right-of-way for that thoroughfare shall be reserved by the owner/developer. The reservation of the right of way shall be for a period not to exceed three years from the date of approval of the preliminary plat. During that period, the property may be acquired by the State or other governmental unit at fair market value.

Section 10 Sidewalks, street trees and street lights

Sidewalks

Sidewalks for residential development shall be installed as follows: In residential developments with minimum lot sizes one acre or greater, no sidewalks shall be required except where an existing

school, public park, open space, trail or greenway lies within ¼-mile of the proposed subdivision. A safe pedestrian connection between the subdivision and the off-site facility shall be planned and improvements constructed by the developer. In all other residential developments, sidewalks shall be installed on both sides of the streets. Handicap ramps shall be placed at each intersection in accordance with ADA guidelines. Pedestrian crosswalks are required on any residential collector street at each intersection and any mid-block pedestrian or bicycle connections.

Street Trees

Street trees shall be required along all residential streets at a rate of one large canopy tree for every 40 linear feet, spaced a maximum of 50 feet apart. All street trees shall be a minimum of 2½ caliper inches at time of planting. A minimum of two different species of trees is required to be planted. Credit shall be provided for any existing tree with a minimum DBH of 6 inches that is preserved within the planting area or a median.

Streetlights

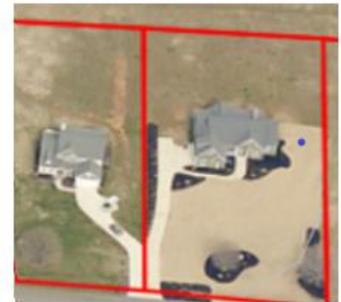
Streetlights shall be provided in developments with a proposed density of three (3) or more units per acre.

Section 11 Access Management

Access to Public Roads

1. Direct access to public roads is governed by the classification of the road and is determined by the NCDOT. No lots may directly access a road classified as a major thoroughfare. These lots must be served by an internal road system.
2. Access may be limited where lots abut minor thoroughfares and major collector roads. NCDOT may require shared access points when access is limited to the public facility.
3. Connections to, or through, adjacent properties may be required when access points to public roads are limited.

Example of shared access required by NCDOT



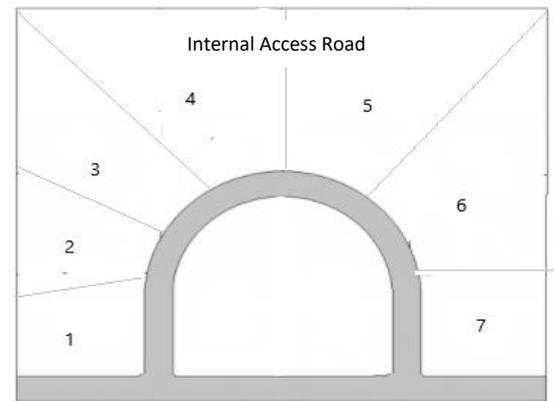
Shared Access

When more than 5 lots are proposed for a new subdivision project, an internal, connected road system shall be provided.

Multiple Entrances Required

To accommodate emergency service response and to create an alternate road network, the following standards apply to all proposed developments.

1. Any development of 30 lots or more shall include at least two access points.



2. Any development of 75 lots or more must have at least two access points to existing public roads or streets.
 - a. No more than 30 zoning permits will be issued before the required second access must be installed.
3. Subdivisions of 250 or more lots shall provide three separate access points.
 - a. No more than 30 zoning permits will be issued before the required second access must be installed.
 - b. No more than 125 zoning permits will be issued before the required third access must be installed.

Installation of access points shall be coordinated with construction phasing to provide emergency access for the areas being developed and to areas under construction.

Properties located in the Thoroughfare Overlay Zone are subject to additional standards related to access. See Chapter 4 for additional information.

Section 12 Construction drawing approval, construction access, streambed maintenance

Construction plan approval

All road construction drawings must be approved by NCDOT and evidence of that approval provided to the Planning Division before construction may begin.

See NCDOT Subdivision Road Construction Standards for minimum speed, horizontal, vertical, etc. design standards. This includes but is not limited to, terrain classification, and minimum centerline radius. Minimum k values, minimum distance between reverse curves, etc.

Preliminary plat and construction drawing approval required prior to construction

Construction or installation of improvements shall commence in a proposed subdivision only after the preliminary plat has been approved and all plans and specifications for roads, utilities, stormwater, and sedimentation and erosion control have been approved by the appropriate agencies.

Construction phase and connections to paved roads

During the construction phase of a project, the proposed road, when adjoining an existing paved road, shall have a gravel travel way of at least one hundred (100) feet in length, twenty (20) feet in width, with a gravel base of at least six (6) inches to help eliminate excessive mud and other materials from being carried onto the paved road.

Maintenance of streambed

During the construction, preparation, arrangement, and installation of subdivision improvements and facilities in subdivisions located at or along streams, the developer shall maintain the streambed of each stream, creek, or backwash channel contiguous to the subdivision in an unobstructed state.

The developer shall also remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations that would clog or dam the passage of waters in their downstream course or that would create a flooding condition. For areas where open space has been turned over to the home owner's association prior to completion of the development, it shall be the responsibility of the home owner's association to maintain the streambed.

Section 13 When access does not meet current standards

When an existing lot of record is accessed by a right-of-way that does not meet current minimum standards or is served by an access easement, the lot may be divided, provided the following standards are met:

- a. The right of way or easement is shown on a recorded plat, referenced in the recorded deed for the existing lot of record being divided and is shown in the Cabarrus County GIS land records system.
- b. The travel way must be at least 20 feet wide with all-weather access that supports the weight of fire apparatus at a minimum of 75,000 pounds.
- c. The road must be clear of any limbs or brush for a width of 20 feet and a height of 13 feet.
- d. The first 25 linear feet of the road must be paved when the private road adjoins a paved road.
- e. If a road maintenance agreement is in place for the road, the agreement shall be updated to include the new lot(s) and owner(s) and recorded with the Register of Deeds Office.
- f. If no road maintenance agreement is in place, a road maintenance agreement shall be approved by the County, signed by the adjacent property owners and recorded in the Register of Deeds Office.

Section 14 Proposed project Names, street names, street signs, posting of assigned 911 address

Approval required for proposed project, subdivision and road names

The proposed name of a subdivision or its roads shall not duplicate nor closely approximate, either phonetically or by spelling, the name of an existing development, subdivision or road within the County, within any municipality within the County, or in an adjacent County or municipality if the development is in close proximity to another jurisdiction.

All proposed subdivision, project and road names must be approved by the Cabarrus County E911 Addressing Coordinator. Where a street is likely to become part of a city maintained system, road names shall be in accordance with that city's standards for suffixes and direction.

Any proposed name changes for existing or proposed developments, subdivisions or roads must be reviewed and approved by the Cabarrus County E911 Coordinator. Depending on the proposed

change, approval may be required from the Cabarrus County Board of Commissioners and/or the North Carolina Department of Transportation Board. Cabarrus County reserves the right to alter street names when public safety concerns arise or when 911 addressing conflicts occur.

Street sign installation

The developer shall bear the cost and the County shall install street signs at all intersections as shown on the final plat. These signs will be erected only after all road and utility construction has been completed. Street signs shall correspond to approved names on the recorded final plats.

The County may approve decorative street signs. County requirements such as letter size, sign content and reflectivity, however, shall apply. Where replacement of such a sign is necessary, the homeowner’s association for the affected development or subdivision shall replace the sign. When situations arise where the County is required to replace a decorative street sign, the sign shall be replaced with a standard sign.

Posting of 911 Address

Construction sites shall be properly identified with a sign that shows the assigned 911 address. When construction is complete, all structures shall be properly posted with the assigned 911 address.

Residential addresses should be posted clearly in three inch or larger numbers near the front door and on the mailbox. The numbers should be clearly visible from the road and should contrast for increased visibility.

If a house is located more than 50 feet from the road and does not have a mailbox, the address should be displayed on a post clearly visible at the driveway entrance.

Commercial building addresses should be posted clearly in six inch or larger numbers near the entry and on the mailbox if the business utilizes on site mail delivery. The numbers should be clearly visible from the road and should contrast for increased visibility.



Section 15 Infrastructure Guarantees

Guarantee to Complete Infrastructure Work

When approval of a final plat is requested prior to completion of all required improvements in that portion of a development, the applicant may submit an Infrastructure Guarantee Application.

Guarantee submittals must include a detailed estimate of all required improvements on forms provided by the Cabarrus County Planning Department. The estimates provided shall be signed by a

licensed North Carolina licensed contractor or North Carolina registered engineer (as applicable for type of guarantee requested). Typical improvements that may be guaranteed in new subdivisions include the final lift for roads, mulching and seeding, street trees and sidewalks.

Estimates shall be reviewed and approved by the County Engineer. The applicant shall be responsible for all costs associated with the engineering review.

Upon estimate concurrence by the County Engineer, a cash deposit held by Cabarrus County, a letter of credit or performance bond of surety acceptable to the County shall be made out to Cabarrus County in the amount of 125% of the costs determined by the estimates.

The guarantee document shall include the following and must remain in continuous effect until the work that it is guaranteeing is performed:

- Cabarrus County Government as the Obligee
- The name of the project, including the development phase, if applicable
- A list of the improvements being guaranteed
- The expiration date of the document can be no earlier than the date the improvements are completed

Guarantee of Infrastructure Work Reduction

Prior to the reduction or release of the 125% amount required for the completion of improvements, the applicant must submit an Infrastructure Guarantee Release Application.

The following information must be provided as part of the application:

1. Proof satisfactory to the County that the applicable guaranteed improvement has been made or installed to the required specifications.

Upon proof of completion, the amount required for that particular improvement may be released from the total amount of the required guarantee. Once the amount is released, a new guarantee must be provided to replace the original, or prior, guarantee for the work.

Release

The total amount of the guarantee for required improvements may be released only when all improvements are complete and final inspections of the work approved.

Return of Guarantee

Original guarantees being reduced, or where all guaranteed work has been completed, will be returned to the applicant.

Engineering Costs

The applicant shall be responsible for all costs associated with the engineering review and/or inspections required for guarantees of work applications and releases.

Section 16 Open Space Requirements and Timing of Required Improvements

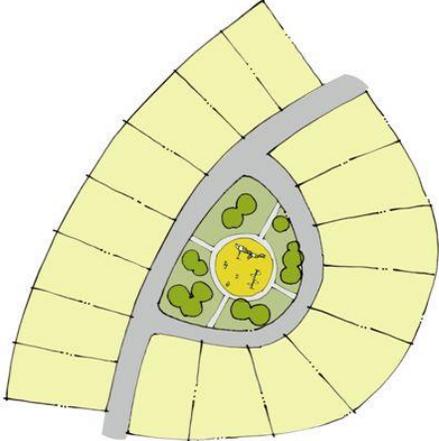
Open space shall be provided and designed in accordance with the standards of Chapter 5, District Development Standards.

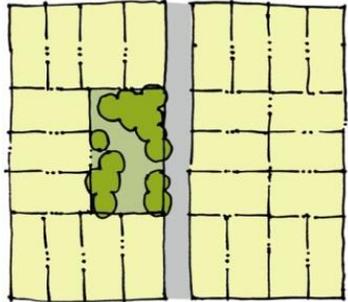
Developers are responsible for making improvements to property designated for park, playground and open space purposes. Improvement shall be in accordance with the type of recreational open space provided and as outlined in Figure 1

Additionally, for all proposed recreation areas, the developer shall be responsible for:

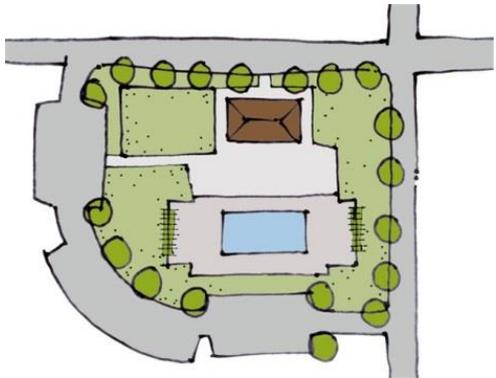
- Providing finished grading
- Establishing turf for all disturbed areas
- Providing landscaping as required
- Paving walkways or installing trails as required for park, open space or greenway connections
- Complying with NC Building Code Chapter 11 and ANSI A117.1

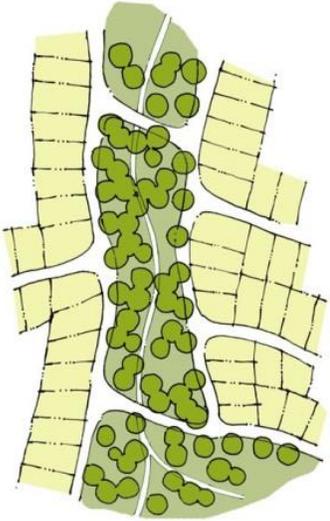
FIGURE 1 Open Space Design and Designation

<p>Playgrounds</p>	<p>Playgrounds provide areas for children and families to play and exercise.</p> <p>Playgrounds may be built within Squares, Greens, Mini-Parks and Neighborhood Parks or may stand alone within a residential block.</p> <p>Playgrounds shall be designed with commercial grade play equipment and shall include separate areas and equipment designed for multiple age groups. These age groups include Toddler (6-23 months), Pre-School (Ages 2-5) and School Age (Ages 6-12).</p> <p>These areas may also include picnic tables, shelters and grills.</p>	<p>Minimum requirements, in addition to play equipment, includes 2 park benches, 1 trash receptacle and 1 pet waste receptacle.</p> <p>The design must include a shock absorbing surface with a maximum 2% slope. Surfacing must meet all critical fall height requirements for the proposed playground design and shall be provided as part of permitting.</p> <p>Natural or manmade screening or buffer areas shall be provided in the design to mitigate impacts to adjacent residential properties.</p> <p>Playground areas shall be properly maintained throughout the year and inspected on an annual basis for safety hazards.</p>	   
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Mini-Park</p>	<p>The Mini-Park provides active recreational facilities for use by the residents of the immediate surrounding neighborhood within the development.</p> <p>Minimum size is from 1 acre.</p> <p>Design may include: tennis courts, basketball courts, playgrounds, picnic area, grills, or small covered area for sitting.</p>	<p>Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached by the surrounding neighborhood.</p> <p>Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.</p>	 <p>The diagram shows a 4x4 grid of yellow rectangular lots. A central vertical strip is shaded gray, representing a road or driveway. A cluster of green, irregular shapes representing trees or landscaping is located in the center of the grid, overlapping the central strip and the adjacent lots on either side.</p>
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<p>Neighborhood Park</p>	<p>Neighborhood parks are designed for active and/or passive recreation use.</p> <p>Park size is 1-5 acres.</p> <p>Park size can exceed 5 acres if the open space serves an entire neighborhood or incorporates physical features that are an asset to the community (i.e. lake or river frontage, unique natural areas, significant stands of trees, preserved natural habitats, etc.).</p>	<p>Neighborhood parks shall include benches and walking paths, tennis courts, basketball courts, volleyball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic shelters, picnic tables, walking paths, greenways or trails.</p> <p>Natural or manmade screening or buffer areas shall be provided in the design to mitigate impacts to adjacent residential properties.</p>	 <p>The diagram shows a central park area surrounded by a grid of residential lots. The park contains a large green field, a red building, a yellow building, and various green spaces with trees. The park is bordered by a grey path or road network.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Amenity Area</p>	<p>Amenity Areas provide recreational opportunities for all residents of a community or residents of a neighborhood in a larger community. They include a range of facilities like club houses, swimming pools, gazebos, outdoor eating/grilling areas, indoor/outdoor exercise facilities, community meeting rooms, community kitchens, walking, biking or exercise trails, and playground areas.</p>	<p>Pools should be 1500 sq. ft. minimum.</p> <p>Natural or manmade screening or buffer areas shall be provided in the design to mitigate impacts to adjacent residential properties.</p>	 <p>The diagram is a site plan for an amenity area. It features a central blue rectangular swimming pool. To the left of the pool is a brown rectangular structure, likely a clubhouse. The area is surrounded by green circular symbols representing trees or landscaping. A grey road or driveway is shown at the top and right edges of the plan.</p>
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<p>Greenways</p>	<p>Greenways typically follow natural or constructed features such as streams or roads. They are designed to incorporate natural settings such as creeks and significant stands of trees. They are used for transportation, recreation, and environmental protection.</p> <p>Greenways differ from parks; plazas and squares in that their detailing is natural and may contain irregular topography.</p>	<p>Design of the greenway should incorporate conservation of existing mature tree canopy and landscape, protection of existing natural drainage ways and creeks.</p> <p>Improvements may include paved walks/trails and benches, and trash receptacles.</p> <p>Natural or manmade screening or buffer areas shall be provided in the design to mitigate impacts to adjacent residential properties.</p>	
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- Playgrounds must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act.
- Swimming pools must meet all required construction and life safety codes for Cabarrus County and for the State of North Carolina.

Timing of recreational improvements

Recreational improvements shall be implemented no later than when 50% of the total approved lots for the subdivision have been permitted through zoning. Nothing, however, should be construed as barring a developer from immediate development of facilities and improvements to provide recreational opportunities to residents of the new development.

Failure to meet requirements

Failure to meet the requirements for timing of recreational improvements, may result in the cessation of the issuance of zoning compliance permits for the remainder of the subdivision. Issuance of zoning compliance permits may begin after the recreational improvement requirements are met. In addition, the County may withhold approval of additional final plats for the project unless and until the requirements of this section are met.

Section 17 Plat Certificates

The following certificates shall be shown on all Final Plats (as applicable). Where I/We statements are part of the certificate, the certificate shall be modified to reflect the appropriate entity, or entities, signing the certificate.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines and dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted. Further, I (We) certify the land as shown hereon is within the jurisdiction of Cabarrus County.

Date Property Owner

OPTIONAL OWNER CERTIFICATE

The following Certificate may be used for an exempt final plat where no road right of way, roads, alleys, walks or parks are being dedicated as part of the plat:

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described herein and that I (we) hereby adopt this plan of division of my (our) property of my (our) free consent, establishing any lines and features shown on this plat.

Date Property Owner

Date Property Owner

CERTIFICATE OF ACCURACY

[As required under General Statutes 47-30 as amended.]

Date Registered Land Surveyor

CERTIFICATE OF APPROVAL BY THE SUBDIVISION ADMINISTRATOR

I, _____, Subdivision Administrator for Cabarrus County hereby approve the final plat for _____, this _____ (day) of _____ (month), _____ (year).

Subdivision Administrator

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CERTIFICATES

CERTIFICATE OF APPROVAL OF STREETS AND STREET DRAINAGE PLANS

Department of Transportation
Division of Highways
Proposed Subdivision Roads
Construction Standards Certification

APPROVED _____
Date District Engineer

DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE

I hereby certify that the right of way dedication along the existing state maintained roadway(s) shown on this plat is approved and accepted as public right of way by the North Carolina Department of Transportation, Division of Highway only North Carolina Department of Transportation approved structures are to be constructed on public right of way.

District Engineer Date

CABARRUS COUNTY DEVELOPMENT ORDINANCE

CHAPTER 16-FLOOD DAMAGE PREVENTION

PART 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of Cabarrus County, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood prone areas within the jurisdiction of Cabarrus County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and

CABARRUS COUNTY DEVELOPMENT ORDINANCE

CHAPTER 16-FLOOD DAMAGE PREVENTION

sewer lines, streets, and bridges) that are located in flood prone areas;

- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

PART 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

Accessory Structure (Appurtenant Structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard see Special Flood Hazard Area (SFHA).

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

Base Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation.

CABARRUS COUNTY DEVELOPMENT ORDINANCE CHAPTER 16-FLOOD DAMAGE PREVENTION

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building see Structure.

Chemical Storage Facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design Flood: See Regulatory Flood Protection Elevation.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

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

Disposal means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the start of construction commenced before November 2, 1994.

Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Insurance means the insurance coverage provided under the National Flood Insurance Program.

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CHAPTER 16-FLOOD DAMAGE PREVENTION

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (See also DFIRM)

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

Flood Prone Area see Floodplain

Flood Zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-resistant material means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

CABARRUS COUNTY DEVELOPMENT ORDINANCE CHAPTER 16-FLOOD DAMAGE PREVENTION

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Freeboard means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the Regulatory Flood Protection Elevation. The freeboard for Cabarrus County is a [minimum](#) of 2 feet.

Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous Waste Management Facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

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- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map Repository means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

New Construction means structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-Conversion Agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore,

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subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-Encroachment Area (NEA) means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Post-FIRM means construction or other development for which the start of construction occurred on or after November 2, 1994, the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM means construction or other development for which the start of construction occurred before November 2, 1994, the effective date of the initial Flood Insurance Rate Map.

Principally Above Ground means that at least 51% of the actual cash value of the structure is above ground.

Public Safety and/or Nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV) means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

Tiny Houses and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the development and construction standards for residential structures.

Reference Level is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

Regulatory Flood Protection Elevation means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.

Remedy a Violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

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Solid Waste Disposal Facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).

Solid Waste Disposal Site means, as defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Part 3, Section B of this ordinance.

Start of Construction includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Part 4 Section E of this ordinance.

Technical Bulletin and Technical Fact Sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed.

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The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance is a grant of relief from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Parts 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE) means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

PART 3. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas within the unincorporated areas of Cabarrus County.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 5, 2008 for Cabarrus County and associated DFIRM panels dated November 5, 2008, March 2, 2009, June 16, 2009, February 19, 2014 and November 16, 2018, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Cabarrus County are also adopted by reference and declared a part of this ordinance.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Part 3, Section B of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions

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shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the Board of Commissioners; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Cabarrus County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Cabarrus County from taking such other lawful action as is necessary to prevent or remedy any violation.

PART 4. ADMINISTRATION

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Zoning Administrator or his/her designee, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

- (1) **Application Requirements**-Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as

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- determined in Part 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
- (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Part 3, Section B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Part 3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Part 3, Section B; Part 4, Section C; or Part 5, Section D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Part 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

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- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Part 5, Section B, subsections (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements**-The Floodplain Development Permit shall include, but not be limited to:
- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Part 3, Section B.
 - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Part 5, Section F have been met.
 - (g) The flood openings requirements, if in Zone AE.
 - (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
 - (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.
- (3) **Certification Requirements**
- (a) **Elevation Certificates**
 - (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (ii) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the

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seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3 × 3. Digital photographs are acceptable.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.

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Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone AE and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Part 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone AE, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Part 5, Section B (6) (a);
 - (ii) Temporary Structures meeting requirements of Part 5, Section B (7); and
 - (iii) Accessory Structures that are 150 square feet or less meeting requirements of Part 5, Section B(8).

(4) **Determinations for existing buildings and structures**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building and Tax Officials, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

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- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Part 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Part 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Part 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Part 4, Section B (3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Part 4, Section B(3) and Part 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in in Part 4, Section D.
- (11) When BFE data has not been provided in accordance with the provisions of Part 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Part 5, Section D (2) (c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Part 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain

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development permit file.

- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Part 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Part 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

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- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than ninety (90) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the Planning and Zoning Commission Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES

- (1) The Board of Adjustment as established by Cabarrus County, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Part 2 of this ordinance, provided provisions of Part 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.

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- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Part 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:

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- (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued prior to development permit approval.
- (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Regulatory Flood Protection Elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for

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new construction consistent with the code and requirements for the original structure.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Part 4, Section B (3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

SECTION B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Part 3, Section B, or Part 5, Section D, the following provisions, in addition to the provisions of Part 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Part 2 of this ordinance. See Section A(4) for

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development standards related to utility systems, equipment, and service facilities.

- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Part 2 of this ordinance. Structures located in Zone AE, may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Part 4, Section B (3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes
- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Part 2 of this ordinance. See Section A(4) for development standards related to utility systems, equipment, and service facilities.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Part 5, Section B (4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) Shall not be temperature-controlled or conditioned;
- (c) Shall be constructed entirely of flood resistant materials
- (d) Shall include, in Zone, AE flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be

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certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- (e) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space ; Cabarrus County will have the right to inspect the enclosed area . Cabarrus County will conduct annual inspections. This agreement shall be recorded with the Cabarrus County Register of Deeds and shall transfer with the property in perpetuity.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages.
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

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- (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 2 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (6) Recreational Vehicles. Recreational vehicles shall either:
 - (a) Temporary Placement
 - (i) Be on site for fewer than 180 consecutive days; or
 - (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
 - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of

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the structure; and

- (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Part 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Part 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Part 5, Section B(4)(d).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Part 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Part 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank

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during design flood conditions.

- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

- (10) Other Development. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Part 5, Section F of this ordinance.
 - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Part 5, Section F of this ordinance.
 - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Part 5, Section F of this ordinance.
 - (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Part 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Part 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Part 5, Sections A and B.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new

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construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Part 5, Sections B and F.

- (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Part 3, Section B and utilized in implementing this ordinance.
- (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Part 2. All other applicable provisions of Part 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Part 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Part 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Part 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
 - (c) In addition to subsection (a) and (b), the following standards apply to all fill activities in special flood hazard areas:
 - a. Fill material must be graded to drain, provide such is protected against erosion. When expected

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velocities during the occurrence of the base flood are greater than five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less protection shall be provided by covering them with vegetative cover.

- b. Any fill material on which is structure is to be located shall be extended at grade 10 feet beyond the limits if the structure foundation and shall have a side slope no steeper than one foot vertical to two feet horizontal.
 - c. Fill shall be composed of clean granular or earthen material.
- (2) If Part 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided following provisions are met:
- (a) The anchoring and the elevation standards of Part 5, Section B(3); and
 - (b) The encroachment standards of Part 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Part 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Part 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 4 feet where a depth is not provided above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Part 5, Section I(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Part 4, Section B(3) and Part 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

PART 6. LEGAL STATUS PROVISIONS

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 2, 1994 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Cabarrus County enacted on November 2, 1994, as amended, which are not reenacted herein are repealed.

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The date of the initial Flood Damage Prevention Ordinance for each municipal jurisdiction within Cabarrus County is as follows:

Mount Pleasant: November 2, 1994
Town of Harrisburg: October 13, 2008
Town of Midland: November 10, 2008

City of Locust: September 3, 2008
City of Kannapolis: December 17, 1990
City of Concord: February 14, 1983

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE

This ordinance shall become effective upon the adoption by the Cabarrus County Board of Commissioners.

SECTION E. ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Board of Commissioners of Cabarrus County, North Carolina, on the 18th day of January 2022.

WITNESS my hand and the official seal of Cabarrus County this the 18th day of January 2022.

Stephen M. Morris

Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

SECTION I: Traffic Impact Analysis (TIA) Required

General Information

The Traffic Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and local government agencies in making land use decisions involving annexations, subdivisions, rezoning requests, special land uses, and other development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations and provides a means for the developer and the government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate if the scale of the development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow. Mitigation measures may involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing and transportation management strategies.

A. Applicability

1. A traffic impact analysis (TIA) shall be required for any conditional use rezoning, conditional use permit, preliminary plat, site plan or zoning compliance permit application or request estimated to produce 2,000 vehicles per day or greater and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours during an average weekday based on a five day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual.
2. A TIA shall be required for residential development estimated to produce 2,000 vehicles per day or greater and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual.
3. A TIA shall be required for any nonresidential or mixed use development estimated to produce 3,000 vehicles per day or greater and/or 150 total trips both entering and exiting the site during either the AM or PM peak hours during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual.
4. A TIA may also be required for proposed access within 1,000 feet of an interchange, in the vicinity of a high accident location, on a major arterial roadway, when involvement with an existing or proposed median crossover is necessary, when the project includes highway improvements that are in

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the Transportation Improvement Program, when involvement with an active roadway construction project is necessary or at the discretion of the NCDOT District Engineer.

5. A TIA or Technical Memorandum may also be required based on special circumstances associated with the proposed development, even if the number of gross trips falls below the above stated thresholds. This includes when:
 - a. Traffic is being generated from a non-residential development that could potentially impact adjacent residential neighborhoods.
 - b. Traffic operation issues for current and/or future years on nearby roads is expected to be worsened by traffic generated from the new development.
 - c. Traffic near the site is experiencing significant or unacceptable delays.
 - d. The proposed land use differs from the proposed land use classification in the Land Use Plan.
 - e. The existing street or access system is not anticipated to accommodate the expected traffic generation.
 - f. The proposed development includes a drive-through facility, or other uses, such as schools, that require significant on site circulation that may have off-site impacts to adjoining roads and/or intersections.
 - g. The amount, behavior or assignment of traffic is different from a previously approved TIA for the same property.

The need for a TIA may be waived when Cabarrus County and NCDOT agree a TIA is not needed. In the event a waiver is requested, the applicant must provide evidence to show that a waiver is appropriate. Waiver requests shall be handled on a case-by-case basis.

In certain instances, the need for a TIA may be waived when Cabarrus County and NCDOT agree a TIA is not needed. In the event a waiver is requested, the applicant must provide evidence to show that a waiver is appropriate. Waiver requests shall be handled on a case-by-case basis.

Calculating Trip Generation

The trip generation of a proposed development is the sum of the number of inbound and outbound vehicle trips that are expected for the type and size of the proposed land use. For purposes of determining the requirement to submit a TIA, no adjustments such as modal split, pass-by trips or internal capture rates will be allowed to the site traffic

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calculation. A TIA will vary in range and complexity depending on the type and size of the proposed development. When mutually agreed upon by the NCDOT, the applicant, and Cabarrus County staff, the basic requirements for the TIA may be modified.

TRAFFIC IMPACT STUDY GUIDELINES

A. General Information

When required by this Ordinance and/or NCDOT, a Traffic Impact Analysis (TIA) shall be used to review the potential impacts of proposed or revised developments on the State Highway System. The TIA covers safety, capacity, and access issues. When required and completed, a TIA shall be used by Cabarrus County and NCDOT to determine the required improvements to the State Highway System within the vicinity of the development to mitigate undesirable impacts of the project.

The District Engineer, working together with Cabarrus County, will determine the basic parameters of the TIA. When mutually agreed upon by the NCDOT, the applicant, and Cabarrus County in a pre-submittal conference, the basic requirements and parameters for the TIA may be modified.

The TIA shall be prepared under the direct charge of, and sealed by, a licensed North Carolina Professional Engineer with expertise in traffic engineering. All work shall be in accordance with NCDOT approved methods and input parameters and shall be of sufficient scope and detail to allow Cabarrus County and the NCDOT to evaluate the impact of the development with regards to roadway capacity and operational and safety improvements that may be needed.

B. Format for Traffic Impact Analysis Report

In general, the report should conform to the following general outline:

1. Table of Contents
2. Introduction
 - a. Explanation of project
 - b. Area map showing development site location
 - c. Complete project site plan, with buildings identified as to proposed use
 - d. Project schedule, and stages or phases, if applicable
3. Base Conditions
 - a. Existing Roadway network in vicinity of project, including lane configurations
 - b. Availability of alternate modes of travel in study area
 - c. Existing traffic volumes for all significant and pertinent modes of travel in the study area
 - d. Existing traffic signal phasing and timing information.
 - e. Safety information

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- f. Traffic capacity analysis
- 4. Background Conditions
 - a. Growth in traffic volumes to full build-out year, or stages of developments, if appropriate
 - b. Traffic volume generated by other approved developments in area, if applicable
 - c. Transportation improvement projects (State, local or private) in project study area
 - d. Background traffic volumes (base + growth + approved developments)
 - e. Traffic capacity analysis
- 5. Project Conditions
 - a. Traffic generated by proposed development (site traffic) at build-out, or stages of developments, if appropriate
 - b. Project traffic volumes (background + project)
 - c. Project traffic analysis
 - d. Impact to alternate modes of travel
 - e. Proposed roadway network improvements
 - f. Project traffic analysis with proposed roadway improvements
- 6. Conclusions/Recommendations
- 7. Appendix
 - a. All work sheets, traffic counts and other pertinent documents

C. Base Roadway Network

All roadways in the vicinity of the development shall be included as part of the TIA. Analysis of intersections or roadway segments not immediately adjacent to the development may be required by the District Engineer or Cabarrus County if significant site traffic could be expected to impact the intersection or roadway segment. If intersections impacted by the development are within a coordinated traffic signal system, then the entire traffic signal system shall be analyzed. However, if the traffic signal system is large, a sub-section of the system may be analyzed if approved by the District Engineer and agreed upon by Cabarrus County.

D. Safety Information

The initial submittal may be required to include recent crash experience in the study area. Where proposed access points are in the vicinity of high crash locations or where safety may be impacted, additional safety studies may be required as part of the Traffic Impact Analysis.

E. Traffic Volumes

Traffic turning movement counts shall be taken at each existing intersection in the project area. Existing traffic counts may be used if taken within twelve months of the TIA submittal. At some intersections, counts older than one year may be used if

adjusted to current year. The use of these older counts will be evaluated on a case-by-case basis by the NCDOT and Cabarrus County and shall be approved by the District Engineer or his or her agent.

In general, AM and PM peak hour counts should be used. Other peak hour period counts, such as lunch and weekend periods, may be required if appropriate for the development. Counts shall not be taken on a holiday unless specifically needed for the particular analysis. The effects of school, seasonal variation and special event traffic shall be noted when appropriate.

F. Traffic Capacity Analysis

All capacity analysis shall be performed using methodology and software based on the Highway Capacity Manual procedures or as approved by the NCDOT District Engineer. All software shall be the latest version available unless otherwise approved by the District Engineer. If signalized intersections impacted by the project are within a coordinated traffic signal system, or may be included in a system because of changes to the network by the applicant, then they shall be analyzed as a system rather than as isolated intersections. Where available and appropriate, existing timing information shall be used. All analyses shall include level of service determination for the entire network and individual intersections and roadway segments, as appropriate. Intersection analyses shall include level of service determinations for all approaches and movements. Intersection analyses shall include queue analysis.

G. Growth-to-Background Traffic Volumes

Growth-to-background traffic volumes are factors of increases in annual traffic volumes generated outside the project area. These factors shall be applied to the existing traffic before adding any approved developments in the area. As deemed appropriate, the volume shall be compounded to the proposed build-out years or completion of development stages. In general, these factors will be determined from local or statewide data.

H. Approved Development Traffic

Approved development traffic is defined as traffic generated by all developments approved by local jurisdictions or submitted to local jurisdictions for approval within the development vicinity at the time of the TIA submittal.

I. Background Analysis

Background (no build) analysis shall include existing traffic, traffic signal phasing and timing, background growth, and all approved developments. The analysis shall take into consideration any improvements to the roadway network that will be in place by the build-out year, or staged build-out in development, as appropriate. An analysis shall be performed for each staged build-out year as necessary. This analysis shall be performed

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for the proposed build-out year of the development or other year as identified by Cabarrus County or NCDOT and approved by the District Engineer.

J. Project Conditions

Site traffic is the traffic that will be generated by the proposed development. Trip generation rates shall be based on trip generation methodology in the latest version of the “Trip Generation Manual” by the ITE. When approved by the District Engineer, available local information may be substituted with appropriate documentation. The District Engineer may coordinate the analysis of the site trip generation with the Division Traffic Engineer. Trip generation reduction factors, such as pass-by traffic and internal capture, shall be justified. Total traffic is to be re-calculated after site traffic is generated. All trip generation calculations and supporting documentation shall be included in the report appendix. Project traffic analysis shall include any roadway network improvements that will be in place by the project build-out year, or stage in development, if appropriate. Any improvements planned by others shall be identified as such and documentation describing the improvements, the entity that is to implement the improvements, and the schedule for such improvements, shall be provided.

K. Roadway Network Improvements

The applicant shall be required to identify mitigation improvements to the roadway network if at least one of the following conditions exists when comparing base network conditions to project conditions:

- The total average delay at an intersection or individual approach increases by 25% or greater;
- The Level of Service (LOS) degrades by at least one level;
- Or the Level of Service (LOS) is an “F.”

For turning lanes, mitigation improvements shall be identified when the analysis indicates that the 95th percentile queue exceeds the storage capacity of the existing lane. The District Engineer will be responsible for final determination of mitigation improvements required to be constructed by the applicant.

L. Conclusions/Recommendations

This section of the TIA shall summarize the findings of the analysis, identify all potential intersections or roadway segments that will be at an unacceptable level of service as identified in Section J, and shall identify all proposed improvements to mitigate potential problems. This includes a description of all of the improvements that the developer shall construct (or fund) as part of the development proposal. Improvements to roadway segments and intersections not immediately adjacent to the project site may be required if significant traffic impacts are identified.

M. Supporting Information

The applicant shall provide all supporting information to the District Engineer and Cabarrus County. This information may include but is not limited to the following:

- traffic volumes;
- analysis reports;
- signal warrant analysis;
- documentation of approved developments or proposed roadway improvements by others;
- and analysis data and output.

In lieu of printed pages, electronic copies of supporting data may be submitted. The submitted information may include data from traffic analysis, traffic volume, or signal warrant analysis software packages. If submitted, both input data and output reports shall be included. Data files should be named to facilitate identification of the contents.

All plans may be submitted electronically, with the exception that a copy of the proposed site plan must be printed and included with the application. If so provided, the plans must be in a format approved by the District Engineer and Cabarrus County.

N Final Submittal information

Once the TIA is approved by NCDOT and Cabarrus County, one (1) electronic copy of the entire TIA and one (1) paper copy of the TIA shall be submitted to the Cabarrus County Planning Department for the project file.

O. Validity of TIA

Residential Projects

- A TIA shall be valid for a period of two years from the date of the preliminary plat approval by the Planning and Zoning Commission.

Commercial Projects

- In the case of commercial projects, if a preliminary plat is required for the project, the TIA shall be valid for a period of two years from the date of the preliminary plat approval by the Planning and Zoning Commission.
- In the event a preliminary plat is not required for the project and the project is subject to site plan review only, then the TIA shall be valid for a period of one year from the date of site plan approval by Cabarrus County Zoning Services.

Mixed Use Projects

- Where Mixed Use projects are proposed, the TIA shall be valid for a period of two years from the date of preliminary plat approval by the Planning and

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Zoning Commission or one year site plan approval by Cabarrus County, whichever occurs first.

SECTION 2: Improvements Required (Projects Not Requiring TIA)

If a project does not require a Traffic Impact Analysis to be performed, the developer/project owner is not exempt from completing improvements to mitigate the impacts of the proposed project. For the project to take place, highway infrastructure improvements may be necessary. For example, improvements may be needed for safe and efficient traffic operations if there are high roadway and/or turning volumes of traffic, when the roadway speeds are moderate or high or where limited sight distance exists.

A. Infrastructure Improvements Defined

Highway infrastructure improvements include, but are not limited to:

- additional through lanes
- acceleration lanes
- turn lanes and tapers for left and right turns associated with a driveway connection
- Signal improvements.

As set forth in G.S. 136-18(29), the final determination for the need, extent, location and design of turn lanes is the responsibility of the NCDOT. The NCDOT may require the applicant to provide offsite roadway improvements on public facilities in order to mitigate any negative traffic impacts created by the proposed development. Boundaries for offsite improvements, including intersections and public roadways to be considered, will be determined by the District Engineer in cooperation with Cabarrus County.

B. Right-Of-Way Acquisition

When adequate right-of-way does not exist to provide for the required offsite improvements necessary to maximize the safety of the traveling public, the applicant shall secure the needed right-of-way. If the applicant is unsuccessful in obtaining the needed right-of-way and has demonstrated a “good-faith effort,” the NCDOT may, but shall not be required to, utilize its power of eminent domain to secure adequate right-of-way to contain the required improvements. At a minimum, a “good-faith effort” shall consist of a copy of a certified letter to all affected property owners and all responses received from those property owners. The applicant shall provide copies of the documentation sent to affected property owners and any responses received to Cabarrus County Planning Services for the project file. In the event the ROW acquisitions services of NCDOT are required for the project, the applicant shall be required to reimburse all costs incurred by NCDOT to acquire the additional right-of-way.

C. Local Transportation Plans and Future Right-Of Way

In conjunction with the driveway request, the NCDOT and/or Cabarrus County may require the applicant to reserve or dedicate minimum right-of-way needs as identified by local government transportation plans for the state-maintained roadway along the property frontage. This may require that the driveway design and internal circulation be compatible with the future right-of-way location.

D. Left and Right Turn Lanes

Generally left and right turn lanes and tapers shall be considered when:

- In accordance with G.S. 136-18(29), the average daily traffic meets or exceeds 4,000 vehicles per day on any secondary route (the average daily traffic should include both the existing traffic plus traffic generated by the proposed development);
- Any US or NC numbered route is being accessed;
- The District Engineer determines that such treatment is necessary to avoid congestion or unsafe conditions on the state-maintained roadway; or
- A TIA identifies a need for an auxiliary lane or taper.

Left and right turn lanes shall be constructed in accordance with the “North Carolina Standards and Specifications for Roads and Structures.” On an undivided highway or a divided highway with a median width that is inadequate for a left-turn lane, it may be necessary to widen the highway in order to provide for the required turn lanes. For greater detail, see the turn lane nomograph figure in the Exhibits section of the “Policy on Street and Driveway Access to North Carolina Highways.” Should widening be required to accommodate turn lanes or tapers, the applicant shall be required to acquire the necessary ROW as stated in Section B, Right-of-Way Acquisition.

E. Channelization

The applicant may be required to protect the integrity of the highway network by providing channelization to physically prevent improper or illegal turns into and out of a driveway or street. Channelization may include medians and raised traffic islands with curbs.

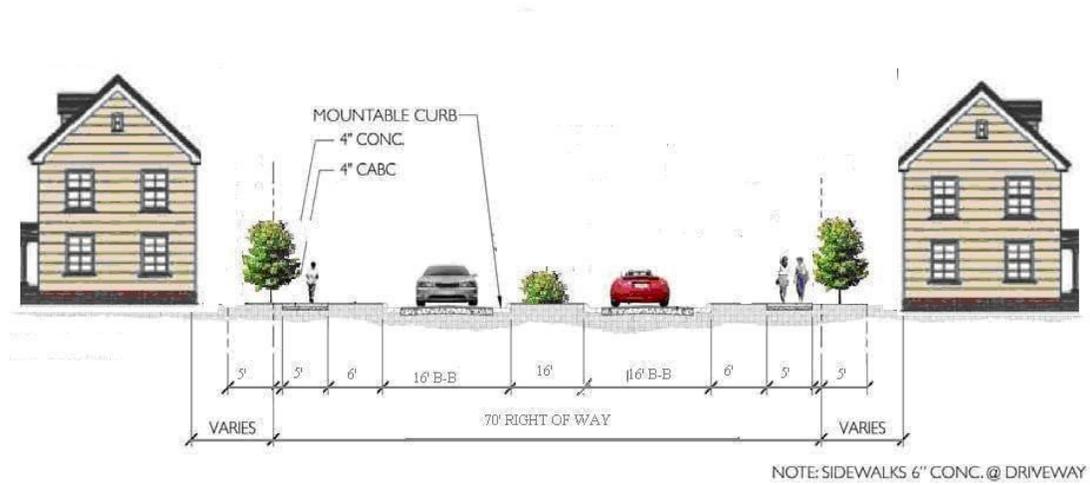
F. Authority

The District Engineer has final authority on decisions regarding infrastructure improvements and shall inform Cabarrus County of any such decisions regarding infrastructure improvements.

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TYPICAL STREET STANDARDS

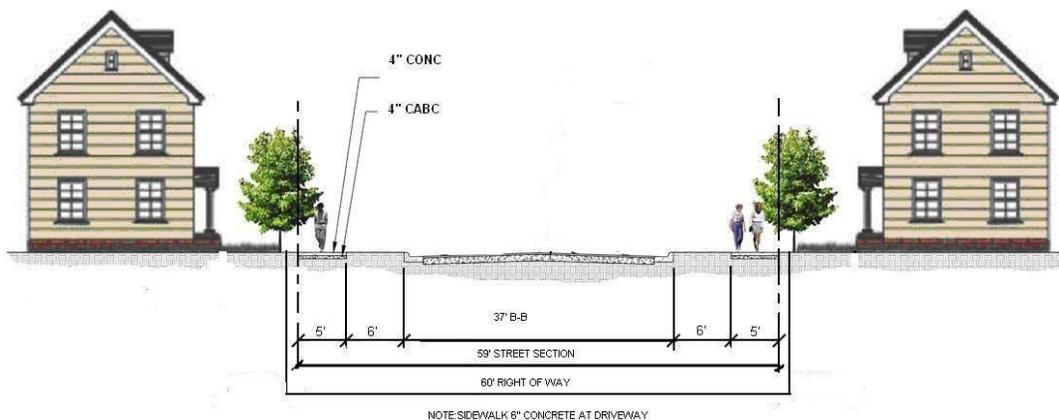
RESIDENTIAL COLLECTOR PARKWAY DESIGN



Right-of-Way	Sidewalks	Planting Strips	Street Width	Median	Parking	Design Speed	Curb Type
70'	5'	6'	2 x 16'	16'	None	40 mph	30" Standard

- NO DIRECT LOT ACCESS ALONG RESIDENTIAL COLLECTOR (PARKWAY)
- THE MEDIANS OF THE PARKWAY SHALL TERMINATE 100' EACH WAY FROM THE CENTERLINE OF ALL INTERSECTIONS

RESIDENTIAL COLLECTOR

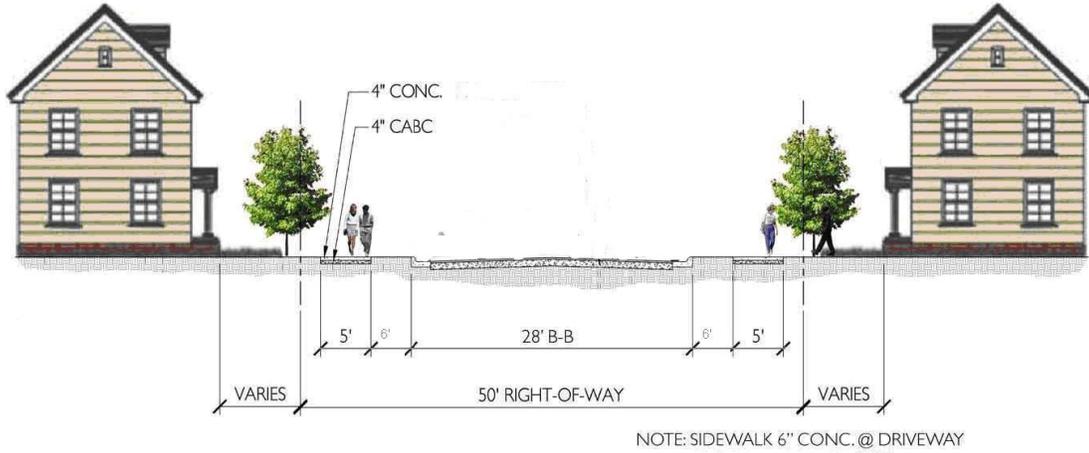


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Right-of-Way	Sidewalks	Planting Strips	Street Width	Parking	Design Speed	Curb Type
60'	5'	6'	37'	One Side Only (must be designated)	40 mph	30" Standard

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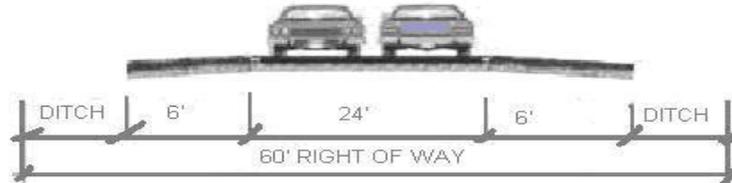
RESIDENTIAL STREET



Right-of-Way	Sidewalks	Planting Strips	Street Width	Parking	Design Speed	Curb Type
50'	5'	6'	28'	Not Permitted	35 mph	Standard or Valley

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RURAL RESIDENTIAL STREET

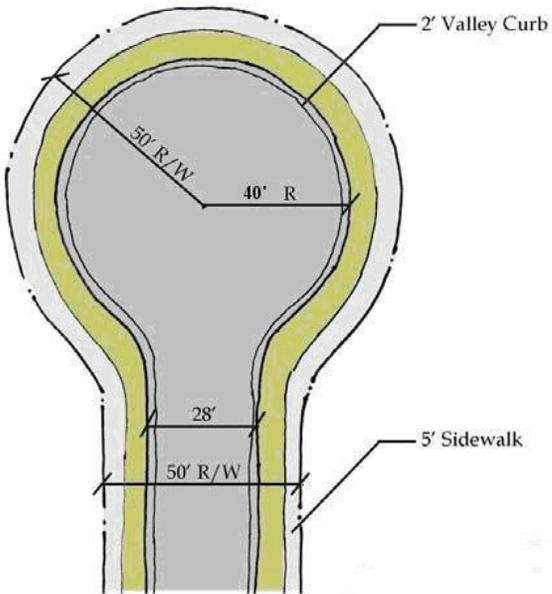


Right-of-Way	Planting Strips	Street Width	Parking	Design Speed	Curb Type
60'	6'	24'	None	20 mph	Ribbon or None

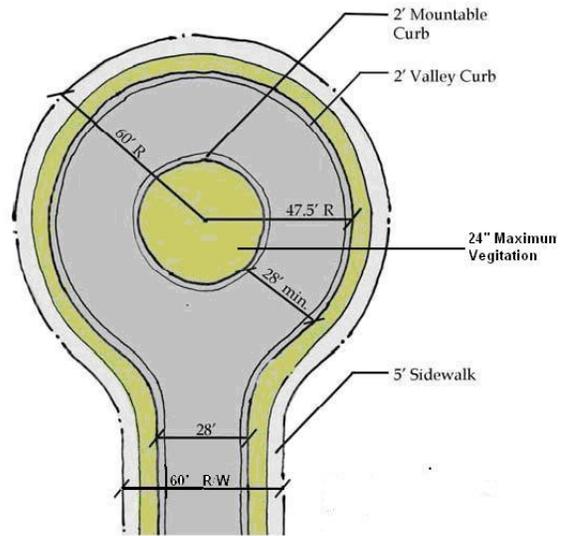
Requirements for Dead-End and Stub Streets		
Length (feet)	Width (feet)	Turnaround Required
0 to 150	Varies (28' minimum)	Stub Street: None required Cul-de-Sac: 80' diameter Hammerhead: 60' stub-see detail (rural and suburban tiers)
151 to 400	Varies (28' minimum)	Stub Street: 80' temporary cul-de-sac or 60' hammerhead (all weather surfaced) Cul-de-Sac: 95' diameter (rural and suburban tiers) Hammerhead: Not allowed
401 to 600	Varies (28' minimum)	Stub Street: Not allowed Cul-de-Sac (suburban tier): 95' diameter with center island Hammerhead: Not allowed
601-1,000 (rural tier only)	Varies (22' minimum)	Stub Street: Not allowed Cul-de-Sac (rural tier): 95' diameter with center island Hammerhead: Not allowed
> 1,000	Not allowed	Not allowed

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CUL-DE-SAC



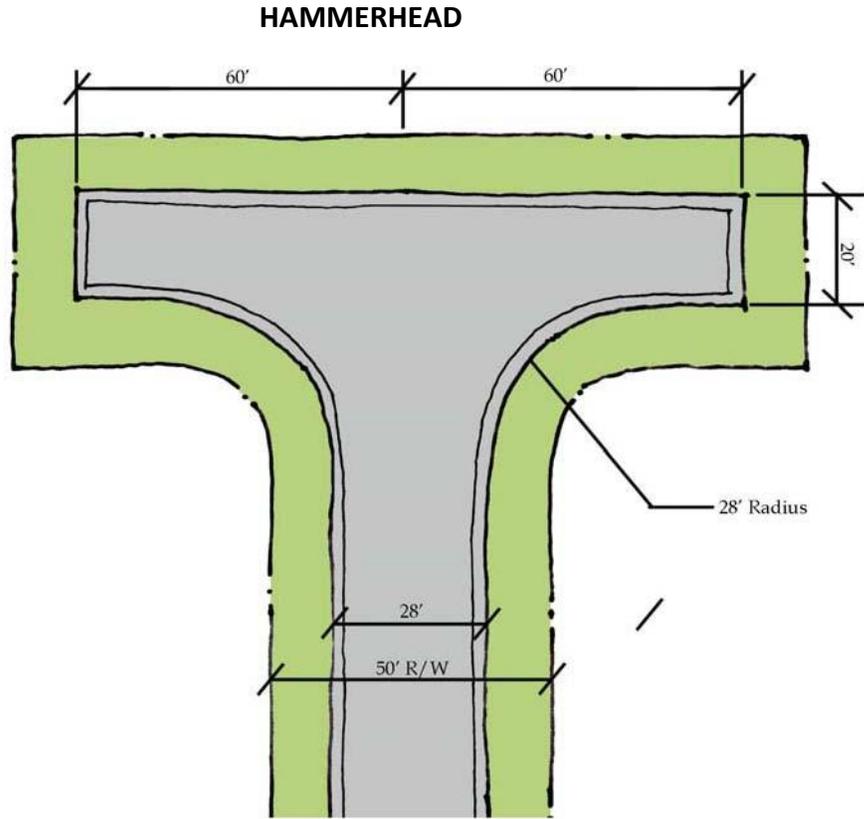
CUL-DE-SAC WITH ISLAND



NOTES:

- VEGETATION WITHIN MEDIANS AND/OR PLANTING STRIPS CAN NOT EXCEED 24' IN HEIGHT
- VEGETATION IN MEDIUM/PLANTING STRIP IS TO BE MAINTAINED BY OWNERS, HOME OWNER'S ASSOCIATION OR OTHERS
- ALL PLANTINGS SHOULD CONFIRM TO THE NCDOT PUBLISHING TITLED "GUIDELINES FOR PLANTINGS WITHIN HIGHWAY RIGHT OF WAY"

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PAVEMENT SCHEDULE

Classification		Base Course	Intermediate Course	Surface Course
Major Thoroughfare	All	*	*	*
Minor Thoroughfare	All	*	*	*
Major Collector	Non-Residential	*	*	*
	Residential	10" CABC or 5" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Minor Collector	Non-Residential	*	*	*
	Residential	10" CABC or 5" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Local Street	Non-Residential	*	*	*
	Residential	8" CABC or 4" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Alley	All	8" CABC		2.0" SF 9.5X

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* Pavement cross sections must be designed on a case by case basis.

1. If there is a difference between the pavement structures listed above and the current version of the NCDOT Subdivision Manual Road, the more stringent pavement design shall be used.
2. Pavement designs shall comply with the current NCDOT Asphalt Quality Management System guidelines for minimum pavement layer depths and maximum layer total depths. Additional pavement thickness may be needed to meet the minimum material depths.
3. If the pavement specification includes an X in the description, the required amount of liquid AC content in the pavement shall be based on the current NCDOT requirements for the proposed traffic loads.
4. No plant mix base course or intermediate course shall be placed that will not be covered with surface course during the same calendar year or within 15 days of placement if the plant mix is placed in January or February. Two lifts of surface course will be required for projects that do not install the full depth of asphalt with initial pavement construction.
5. Non-Residential, Industrial and Thoroughfare pavement designs shall be based on anticipated traffic loads.

COMMERCIAL DESIGN STANDARDS

The Commercial Design Standards listed in Appendix B shall apply to all new commercial developments in the O-I, LC, and GC zoning districts (See Chapter 3, Table of Permitted Uses-Commercial Uses).

Appendix B standards shall also apply to the following commercial uses listed in Chapter 3, Table of Permitted Uses-Commercial Uses, when permitted in AO, CR, LDR, MDR or HDR zoning districts:

- Bank/financial institution/ATM
- Convenience stores with or without petroleum sales
- Gas stations
- Restaurants with or without drive thrus
- Retail sales/shoppers' goods
- Retail sales, shopping centers/10,000 SF and less
- Nursery/Daycare

REVIEW CRITERIA

The following criteria shall be considered by staff in reviewing development proposals in addition to the standards established for major and minor site plan review:

AMENITY AREA

Projects containing groups of buildings to be devoted primarily to office and/or retail activities shall incorporate amenity areas into the site design. Amenity areas include, but are not limited to, public plazas, courtyards, squares or small parks on the site.

SETBACKS

Setbacks are established in Chapter 5 of the Cabarrus County Development Ordinance.

PARKING REQUIREMENTS

Off street parking shall be required and determined per Chapter 10. Parking areas shall primarily be located to the rear or side of the proposed structures to minimize visibility of vehicles.

PARKING LOT DESIGN

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the buildings. A paving material that is different in color and/or texture from that of vehicular areas shall delineate these pedestrian travel ways and shall be clearly marked. Small posts or bollards incorporating lights may also serve the same purpose. Parking lots shall be adequately screened from public view and shall include landscaping and buffering per Chapter 9 of the Cabarrus County Development Ordinance.

LANDSCAPING

A Landscaping plan shall be submitted in accordance with Chapter 9 of the Cabarrus County Development Ordinance.

LIGHTING

Lighting for all non-residential uses shall provide proper lighting for security purposes while not diminishing the quality of any surrounding residential uses. See Appendix D for outdoor lighting standards.

- All light fixtures (freestanding, flood, or any other form of light fixture) shall be provided with full cut-off fixtures, visors, or any other suitable directional control to direct light either downward or directly on the appropriate building. (Wall pack lighting is not permitted)
- No light fixture shall create any glare or spillover lighting effects on any residential properties or streets.
- Freestanding light fixtures along all public street systems and internal street systems shall not exceed nineteen feet in total mounted height and shall consist of a decorative fixture that shields the source of light away from neighboring properties.
- Lighting located within parking lots may not exceed thirty-three feet in total mounted height. Parking lot lighting shall consist of a fixture that shields the source of light away from neighboring properties and direct the illumination to the ground's surface.
- Lighting installations should include timers, dimmers, and /or sensors to reduce overall energy consumption and unnecessary lighting.
- Lighting levels for canopies and awnings of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. Lighting fixtures mounted on canopies shall be recessed so that the light's lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained. Canopies shall be constructed of non-light-emitting material.

LOADING/UNLOADING AREAS AND LOADING DOCKS

Loading and unloading areas shall be installed per Chapter 10. Loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and shall be screened from the view of any street and/or any residentially developed or residentially zoned property. Additionally, loading/unloading spaces shall be located such that interference with traffic on streets and or internal driveways is minimized.

SOLID WASTE STORAGE AREAS

Solid waste storage areas shall be located to the rear or side of the structure. Solid waste storage areas shall not be located in any applicable planting yard and shall be screened from any street and/or any residentially developed or residentially zoned property.

MECHANICAL APPURTENANCES

All rooftop mechanical and electrical equipment shall be screened from view from all public streets (existing and proposed) and adjacent properties. In addition to the incorporation of design elements, landscape materials shall be incorporated to provide additional screening and/or softening of equipment areas located on the ground.

ARCHITECTURAL DESIGN STANDARDS**HEIGHT**

Building height shall be regulated in accordance with Chapter 5, Dimensional Requirements.

ROOFLINE

A range of roof forms is acceptable as long as they are compatible with the architectural character, scale, and height of surrounding buildings. Mansard roofs are not permitted.

FENESTRATION

Fenestration includes the structural openings to buildings, such as doors and windows. The first floor of all buildings, including structured parking, must be designed to encourage and to complement pedestrian-scale interest and activity by the use of transparent windows and doors on all building walls facing any street right of way or any proposed street right of way. Reflective glass is prohibited.

ARTICULATION

In order to add architectural interest and variety and to avoid the effect of a single long or massive wall with no relation to human scale proportions, the following standards shall apply.

All building walls facing any street right of way or any proposed street right of way must include at least two of the following:

- change in plane
- change in materials
- change in texture or masonry pattern
- windows
- other features as deemed appropriate and approved by the Design Review Committee

In the event that canopies, awnings or other similar appurtenances are used, the following standards shall apply:

- Such appurtenances shall be constructed of materials designed to complement the streetscape and the structure.
- A minimum overhead clearance of eight (8) feet shall be maintained.

MATERIALS

All buildings shall be constructed of quality materials. These materials include brick, either plain or painted, horizontal siding, wood shingle, stone, split faced block plain or painted, concrete-based stucco or architectural metal. All trim materials shall be stone, cast stone, cast concrete, or painted wood.

Corrugated metal may be used only when it is not visible from the street right of way or any proposed street right of way.

Where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, wood shakes or shingles. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures, shall be compatible with the architectural character of the adjacent area and structures and shall utilize a consistent architectural style in keeping with the design of the primary structure.

Trail and Trail Head Design

The purpose of Appendix C is to provide trail design concepts and to serve as minimum development standards for trail (greenway) and water trail (blueway) facility development. These standards are not all inclusive. Projects must also comply with applicable standards as established in the Cabarrus County Development Ordinance.

Trail Classifications

Improved Multi-Purpose Trail

- An improved multi-purpose trail provides opportunities for walking, running, cycling and in-line skating. It also accommodates strollers.
- These trails are typically a minimum of 8-10 feet wide to accommodate pedestrians and bicyclists at the same time. The width may increase depending on the intensity of use and trail location.
- Trails should be set back a minimum of 10 feet from any road right-of-way or edge of pavement.



- Asphalt, concrete, brick, pavers or an equivalent material, such as a stabilizer solution that can be mixed with crushed aggregate that is considered acceptable for a pedestrian accessible path, are the preferred materials for these types of trails.
- Trails shall be designed to drain properly so that standing water does not decrease the stability or life of the trail.
- A shoulder should be provided at the edge of the improved surface.
- To the greatest extent possible, trails shall comply with The North Carolina State Building Code for Accessibility and The Americans with Disabilities Act as it relates to Outdoor Developed Areas.

General Purpose Trail

- A general purpose trail provides opportunities for walking, hiking, and biking.
- These trails are typically 4-8 feet in width but may vary depending on the intensity of use and trail location.
- Trails should be set back a minimum of 10 feet from any road right-of-way or edge of pavement.
- In natural areas, underbrush should be trimmed so that it does not hang over the trail or obstruct the travel way.
- These trails may be surfaced with asphalt, concrete, brick, pavers, crushed stone, compacted earth or an equivalent material, such as a stabilizer solution that can be mixed with crushed aggregate that is considered acceptable for a pedestrian accessible path. Trail surfaces should be firm and stable.
- To the greatest extent possible, trails should comply with the American with Disabilities Act as it relates to Outdoor Developed Areas.



Boardwalks

- Where appropriate, other materials, such as treated wood or composite lumber, may be used for boardwalks.

All trails shall be located a minimum of 60 feet from the top of the stream bank. See Chapter 4, Waterbody Buffer Zone for additional information.

Overlooks, observation decks, boardwalks, bridges or crossings should be located as close to perpendicular as possible from the primary trail to the river, stream or natural feature to minimize impact to the natural stream buffer required by the Waterbody Buffer Zone (See Chapter 4).

Neighborhood, County, City and regional trails shall be connected wherever possible to create an alternate transportation network.

Trail Head

Trail heads and access points refer to parcels or areas specifically designed as a primary means of accessing a trail. They may include restrooms, maps of the trails, parking areas, picnic areas, play areas or other recreational amenities.

- Trail heads should be located where a trail begins or terminates or where an access point is located.
- Trail heads may be areas designed specifically for accessing trails or may be incorporated into parks, civic properties, schools, neighborhoods or commercial areas.
- Standalone trail head parking areas shall be no more than 60,000 square feet and shall be located a minimum of 20 feet from any adjacent property line.
 - Standalone trail heads for blueways or equestrian trails shall be designed to accommodate trailers and provide turn around areas.
 - Trail head parking areas may use alternate materials, such as a stabilizer solution that can be mixed with crushed aggregate considered acceptable for a pedestrian accessible path for the surface of the lot, instead of pavement. However, the minimum requirements of the North Carolina State Building Code for Accessibility, The American with Disabilities Act and for Fire Prevention must be met.
- Trail head parking areas shall be designed so that parking spaces are clearly marked and that circulation is maintained for Emergency Services.
- Amenity areas located at trail heads, such as play areas, picnic areas, restroom facilities, etc. shall meet the North Carolina State Building Code for Accessibility, The American with Disabilities Act and Fire Prevention.
- All parking areas shall be constructed with proper drainage and stormwater systems.

Blueway (Water Trail)

Blueways are trails for watercraft that may be located along with a multi-purpose trail or greenway or may be a standalone recreational facility.



Blueway routes should be designed to offer safe and reliable passage on the river or stream, including enough water flow to accommodate watercrafts most of the time.



Access points should be sited where minimum disturbances to the Waterbody Buffer Zone will occur. Where disturbance is necessary, it shall be kept to a minimum and replanted (See Chapter 4).

Signage should be located along the blueway to inform users of distance, location and next available take out area.

Trail Signage

Signage along trails is important to help increase safety and user comfort on the trails. Signs assist in the navigation of trails, warn of road crossings or hazards and may educate users about natural features or wildlife along the trail.

- Directional signs should be provided at access points and include trail names, mileage to point of interest or distance traveled, and general direction.
- Signs providing descriptions of the trail as required by the North Carolina State Building Code for Accessibility and The American with Disabilities Act shall also be provided at access points and along the trail as needed.
- Caution signs should be provided to warn of road crossings, grades, curves or other potential hazards.



- Regulatory signs should be provided at access points and trailheads that include the "Rules of Use" for the trail and should also include the address of the site and Emergency Contact information.
- Interpretative signs should be provided where educational opportunities are available.
- All signs should be located in places where they will be clearly visible.
- Signs should be placed at a constant edge along the trail for consistency, but should be a minimum of 2 feet from the improved trail surface.

All other signage shall be in conformance with Chapter 11, Signage.

Use Conflict Avoidance

Trails shall be designed to minimize conflicts of use. This includes designing trails to accommodate novice and experienced users, protecting sensitive natural habitat areas and preserving historical areas. Restricted access by users in habitat and historical areas should be considered and incorporated into the trail design.



CABARRUS COUNTY DEVELOPMENT ORDINANCE
APPENDIX D-OUTDOOR LIGHTING STANDARDS

OUTDOOR LIGHTING STANDARDS

All outdoor lighting shall conform to the following standards:

Outdoor lighting shall be designed, located, and mounted at heights no greater than eighteen (18) feet above grade for non-cutoff lights, or thirty five (35) feet above grade for cutoff lights; and located a minimum of 15 feet from property lines.

All outdoor lighting shall be designed and located such that the maximum illumination shall not exceed 1.5 maintained horizontal foot-candles (FC) at the property line for cutoff lights and 0.4 for non-cutoff lights. The average intensity illumination for outdoor lighting shall not exceed 6 foot-candles in intensity as measured at grade. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.

OUTDOOR RECREATIONAL LIGHTING

Because of the unique requirements for nighttime visibility and limited hours of operation, lighting for active recreation areas, such as for ball fields, soccer fields and tennis courts shall not be subject to the height restrictions located in this section. This type of lighting, however, is subject to the illumination standards listed above.

PHOTOMETRIC PLAN

A photometric plan shall be submitted as part of the zoning site plan review process to show that proposed site lighting meets the standards of this section.

LIGHTING AND LANDSCAPE PLAN CONSIDERATION

Project lighting should be designed to accommodate projected plant growth as required by Chapter 9, Landscape and Buffering.