



**Cabarrus County Government**

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**REVISED**

Cabarrus County Planning and Zoning Commission Meeting

April 8, 2014

7:00 P.M.

Board of Commissioners Meeting Room

Cabarrus County Governmental Center

**Agenda**

1. Roll Call
2. Approval March 2014 Minutes
3. New Business – Planning Board Function:
4. Petition RZON2014-00001 – Applicant, Michael Greene - Request to rezone approximately 1 acre from Low Density Residential (LDR) to Limited Commercial (LC). Property located at 3975 US Highway 601 S. Concord NC. P/O PIN #5549-00-3544
5. Cabarrus County Zoning Ordinance - Proposed Text Changes – Chapter 2 and Chapter 8 (Solar Farms and Minor edit to Cell Towers)
6. Training - Board of Adjustment
7. Directors Report
8. Legal Update



## **Cabarrus County Government**

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Cabarrus County Planning and Zoning Commission Meeting

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7:00 P.M.

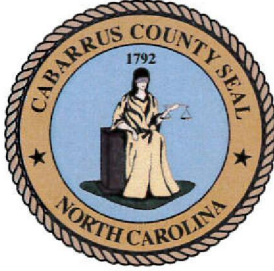
Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### **Agenda**

1. Roll Call
2. Approval March 2014 Minutes
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Petition: RZON2014-00001 – Applicant, Michael Greene - Request to rezone approximately 1 acre from Low Density Residential (LDR) to Limited Commercial (LC). Property located at 3975 US Highway 601S. Concord NC. P/O PIN#5549-00-3544

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## Cabarrus County Government - Planning and Development

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Planning and Zoning Commission Minutes  
April 8, 2014

Mr. Larry Ensley, Chair, called the meeting to order at 7:00 p.m. Members present were Ms. Mary Blakeney, Mr. Andrew Deal, Ms. Shannon Frye, Mr. Andrew Graham, Mr. James Litaker, Mr. Chris Pinto, Mr. Richard Price, Mr. Jonathan Rett and Mr. Aaron Ritchie. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Colleen Nelson, Sr. Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

### Roll Call

### Approval of March 11, 2014, Planning and Zoning Commission Minutes.

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. James Litaker to **APPROVE** the March 11, 2014, minutes. The vote was unanimous.

### New Business –Planning Board Function:

The Chair introduced **Petition RZON2014-00001** – Applicant- Michael Greene. Request to rezone approximately 1 acre from Low Density Residential (LDR) to Limited Commercial (LC). Property located at 3975 US Highway 601 S. Concord, NC. P/O - PIN#5549-00-3544.

Ms. Colleen Nelson, Senior Planner, addressed the board presenting Petition RZON2014-00001. It is a zoning map amendment. The applicants are Michael and Jessica Greene and the owners of the property are David and Nancy Spurrier. Ms. Nelson said the owners and the applicants are all present tonight if there are any questions.

She said the existing zoning is Low Density Residential (LDR) and the proposed zoning is Limited Commercial (LC). The permitted uses will be all uses in the Limited Commercial zoning district.

The property was advertised as part of P/O - PIN#5549-00-3544. That is the entire property of the one acre that includes the garage plus the owners' home, which is north of it.

When the applicant applied for the rezoning, they divided one acre off for the garage. The new PIN for the one acre in front of the property is #5549-00-3445. The property is located at the corner of Highway 601 and Miami Church Road.

Many of you may know this as Rooster's Garage. At this time, it is being leased out to the applicant.

The adjacent land uses include residential and vacant land on all sides and the Allen Volunteer Fire Department is south. All surrounding zoning is Low Density Residential except for the property that is in the southwest corner; that is in the city of Concord's Planned Unit Development (PUD) Zoning. The property is currently being service by well and septic.

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

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

**Agency Comments:**

The Fire Marshall stated that the access drive will need to be a minimum of 20 feet wide. If the garage is going to be used as a commercial building with office space, it will need to meet building fire code standards.

The NCDOT stated that the applicant will need to apply for a driveway permit. The applicant must be aware that NCDOT will require the access to US 601 be removed and that access will only be allowed from Miami Church Road.

**The Land Use Plan Analysis:**

The Central Area Land Use Plan, adopted in August 2008, designates this property, as Mixed Use. The plan states that Mixed Use is intended to accommodate development that combines two or more compatible uses to create pedestrian-friendly, higher density development where it is supported by infrastructure. The predominant uses are Retail, office, multi-tenant (flex space), single family detached, and attached residential, and multi-family residential. Big box developments are not considered appropriate scale for these areas. Some of the characteristics are: Uses that are seamlessly integrated and may include multi-story structures that have two or more uses located within them (on separate floors), Architecture is enhanced by landscaping to soften the hard edges, uses are not separated by buffers, Located in areas where infrastructure can support, Typically highways, four lane divided roads, and collector streets are primary forms of access, and curb and gutter is more widely used. Vehicle trips are captured internally, and supports transit and mobility is enhanced by multiple modes.

More specifically mentioned is this area of mixed use that is included in the NC49/601 intersection. The land use plan calls for this mixed use area to consist of Multi-family

residential, Medium to higher density, single-family residential, Neighborhood retail, and Multi-tenant office.

The rezoning as proposed is consistent with the Central Area Land Use Plan. The rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the Limited Commercial district would be permitted on the subject property.

The Planning and Zoning Commission should consider the information provided and determine if the proposed rezoning meets the Commission's vision for this area of Cabarrus County.

The Chair asked if the applicant is in agreement with the NCDOT request.

Ms. Nelson said the applicant has agreed that Highway 601 would not be used as an access point and it will also be shown on the site plan.

Mr. Michael Greene, applicant, 102 Maple Street, Locust, NC, addressed the Board stating that they have already done a lot of work to the building to improve that corner. He said the neighbors have stated that they are impressed with what he has done so far. He is looking to make that a nice area for people to have service and would like to put a car lot there eventually.

He said they have worked very closely with Mr. Hicks and Ms. Nelson on the site plan. We are trying to make it a nicer area there; clean up the ditch and put some landscaping in place.

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **APPROVE** Petition RZON2014-00001. The vote was unanimous.

### **Consistency Statement**

For the reasons stated in the staff report, this rezoning is consistent with the provisions of the Central Area Land Use Plan and is reasonable and in the public interest.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the Consistency Statement. The vote was unanimous.

### **New Business – Planning Board Function:**

Cabarrus County Zoning Ordinance – Proposed Text changes to Chapter 2 and Chapter 8, Solar Farms and minor edits to Cell Towers.

Ms. Susie Morris, Planning Manager, addressed the Board stating this was a last minute addition to your agenda. However, the Text Amendment Committee has been working on this amendment. It was at the point where it was ready to go, so she thought she would

bring it before the Board in case she has an opportunity to move something forward in May with the Board of Commissioners. Because of the budget hearings in May, she is not sure if it will or not. She wanted present it and get the Board's feedback, and if it suits the Board, to go ahead and move forward with it.

**Chapter 2** - add definition of a Solar Farm and a Solar Panel to the Ordinance.

There was some discussion about whether or not Solar Farm should include some type of acreage. It seems more appropriate to leave that alone because it can be anywhere from 5 acres to 500 acres. We did not place any type of acreage in there.

**Chapter 8** - Letter F was reworded, upon the advice of our Attorney. It was reworded so that it is more correct as far as residential appearance; as far as buildings for utilities or proposed utilities.

As far as the Solar Farm, these are the minimum items that people are looking at. Mr. Pinto went to the forum and provided us with the model ordinance that had been released. The School of Government has also put out some literature. Looking at both of those documents, what we have proposed is very consistent with what those documents discuss and suggest that local governments do.

What you will find is a height regulation of not more than 10 feet from natural grade for the solar panel and any appurtenance that it has. They will also be required to submit a map analysis showing 5 nautical miles. This is because of Concord Airport which is a federally regulated airport and there are some issues with glare on approaches and runways.

A copy of the executed Decommissioning Plan must be submitted and recorded in the Register of Deeds Office.

A removal bond for 1.25 times the estimated cost to remove the equipment and facilities and to restore the parcel to its condition prior to development is required. She said that is consistent with what we ask for for cell towers and anything else that we ask to be bonded (1.25 times).

In the event it abuts a residential property or a street right of way, a level one buffer, which would be 25 feet increase over the level 2 that is discussed for the other utilities. That would have everything set back 100 feet from the street right of way or from a residential property. If it was nonresidential property the regular buffer would apply.

If the facility ceases to produce energy, they would have 12 months for decommissioning to take place, unless they could provide sufficient evidence that they were either trying to release the property or if some type of damage occurred that they were trying to repair the site.

The Chair asked if private airports were also included.

Ms. Morris said it talks about it being a federally regulated airport. She does not know if the private airstrips would necessarily generate enough traffic that they would fall into that category.

The Chair said #2 says any airport operations in the area.

Ms. Morris said it would be shown, but if it is a FAA regulated airport, that is when they would have to do the documentation.

The Chair asked if all the bonding is like the cell tower and the CPI used in locations.

Ms. Morris said the language is consistent throughout.

The second change is on page 32, some minor edits to how the separation is measured for a tower from offsite uses. We have proposed to change that particular separation distance to be measured from the edge of the lease area, or the compound, instead of directly from the tower.

If the Board remembers, the one we had last month, that particular compound was very close to that property line. But the way that they had the tower, it met it. So it is better for us to shift the whole compound to within the appropriate setbacks. That would be from the closet property line or structure.

She said there has been some wavering back and forth on if it counts if it's a structure because it does not really say that. In light of the Mooresville incident with the ice chunks coming off the tower, we want to be clear about what we are talking about.

Table 2 changes clarifies again that the separation is measured from the base of the tower to the next tower; not from the compound.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Shannon Frye to recommend **APPROVAL** of the Proposed Text Amendments to Chapter 2 and Chapter 8 of the Cabarrus County Zoning Ordinance to the Board of Commissioners. The vote was unanimous.

### **Video Presentation on Board of Adjustment Statute Changes**

#### **David Owens – Special and Conditional Use permits and Variances.**

1. Delete old 1923 language referring to special exceptions to avoid any confusion between special and conditional use permits and variance and use the current modern terminology of special and conditional use permits.

The most significant change to Special and Conditional Use Permits relates to the majority vote required to issue these permits. The Board of Adjustment has always required a 4/5's vote to issue a Special or Conditional Use Permit.

When this power was granted to cities and county governing boards and planning boards in 1981, the statute only required a simple majority for those boards to issue special and conditional use permits. This statute extends that to Boards of Adjustment. Now, Board of Adjustments only needs a simple majority vote to make decisions on Special and Conditional Use Permits.

2. Changes to the Variance Standards – Variances are a very important tool and often compromise one of the most significant parts of the Board of Adjustment’s work load. The Variance allows a land owner under exceptional circumstances to undertake activity that is inconsistent, that varies from the strict terms of the Ordinance. Originally in the 1923 Statute, there was a single long sentence that defined the standards for when a Variance could be issued. A person would have to show practical difficulties or unnecessary hardship, that the spirit of the Ordinance was observed, that the public safety and welfare secured and substantial justice done.

Over the years, a number of Ordinances elaborated on those standards to define exactly what constituted the qualifications for a Variance.

The new Statute provides a uniform, consistent standard around the state that specifies what constitutes the qualification for a Variance.

The term “Practical Difficulties” has been deleted from the Statute and we only have “Unnecessary Hardship” as our standard now. How much hardship does it have to be for it to be unnecessary?

The Statute adds some specific provisions and the Ordinance provisions that are inconsistent with these standards will have to be changed to come into compliance with these standards.

- The Hardship must be real and substantial. But it is not necessary to show that no reasonable use could be made of the property without a Variance.
- The Hardship must be peculiar to the property, (size of the lot, topography etc.) something that is not common to the neighborhood or community at large.
- The Hardship must be not related to the personal circumstances of the applicant. It has to be related to the property. Things such as a financial or physical condition of the applicant are not appropriate considerations in a Variance. Rather, something related to the property itself is necessary.
- Purchase of the property; knowing that it might be eligible for a Variance does not constitute self-created hardship. A self-created hardship cannot be the basis for a Variance. If a person builds something inappropriately,



cannot come in and ask for forgiveness rather than permission. If you recreated the hardship, that cannot be the basis for securing a Variance. But purchase of the property, knowing that it might be eligible for a Variance is expressly provided not to be a self-created hardship.

### **Michael Brough - Function of Board of Adjustment**

One of the functions of the Board of Adjustment is to decide appeals from decisions of the Zoning Administrator. The new Statute makes a number of significant changes in the previously existing law with respect to this topic.

The Statute provides that the Board of Adjustment shall hear and decide appeals of decisions of administrative officials charged with the enforcement of the zoning or Unified Development Ordinance. The Statute defines a decision as including any final and binding order requirement or determination made by the Official.

The new Statute adds a provision that allows the Ordinance to hear appeals arising out of any other Ordinance that regulates land use decisions. For example: the previous existing statute does not deal with appeals from subdivision ordinances, but this statute authorizes appeals from such ordinances to be taken to the Board of Adjustment.

Another change is that it provides that the appeal is to be taken by filing a notice of appeal with the City Clerk. That provision is not in the statute and is one that you have to take note of and pay careful attention to.

The Statute provides that the official who made the decision shall give written notice to the owner of property that is the subject of the decision and to the party who sought the decision, if different from the owner. That is pretty much what the existing law provides and it provides that the written notice must be made by electronic mail, first class mail or personal delivery. None of which is specified in the existing statute.

Another significant change requiring amendments to the Ordinance is that the owner or other parties shall have 30 days from receipt of the written notice within which to file an appeal. The existing statute does not provide the time but specifies that the time for appeal must be stated in the Ordinance. This makes uniform the practice throughout the state that the appeal is taken within 30 days.

It also provides that any person with standing to appeal has 30 days from the receipt from any source of actual or constructive notice of the decision. That again is a change. What is constructive notice? Constructive notice, as opposed to actual notice, is information that would put the party on notice that they had a reason to appeal a decision that has been made.

The Statute goes on to provide that it is conclusively presumed that all persons with standing to appeal shall have constructive notice of the decision from the date a sign containing the words "zoning" decision" or "subdivision" in letters at least 6 inches high

and identifying the means to contact an official to get an explanation of what those decisions are. If the sign has been posted, then all persons shall have constructive notice and they have 30 days from that time to appeal the decision.

The Statute does not require that the city post the notice but requires that the posting shall be the responsibility of the land owner or the applicant. This gives the land owner or the applicant who has received a decision from the Zoning Administrator the opportunity to post the sign and know that anyone who seeks to appeal the decision has 30 days from that time to appeal the decision. So that if the 30 days goes by and no appeal has been made of the decision, they know that they are free to go forward with the project that they are seeking approval for.

The Statute also provides that the official who made the decision shall transmit to the Board all documents and exhibits constituting the record. That is pretty much consistent with the existing law. But it adds a provision that the officials shall also provide a copy of the record to the appellant and to the owners of the property that is the subject of appeal if the appellant is not the owner. That is not in the existing statute and will require an additional step that is not presently mandated.

Consistent with the existing statute, the new law provides that an appeal of the notice of a violation or other enforcement order stays enforcement of the action appealed from. It prevents any further enforcement efforts, unless, the official who made the decision certifies to the Board of Adjustment that because of facts stated in an affidavit the violation would cause eminent peril to life or property or because the violation is transitory in nature and a stay would seriously interfere with the enforcement of the Ordinance. That again is pretty much consistent with the existing statute.

In that case, the enforcement proceedings shall not be stayed except by restraining order which may be granted by a court. Again, this is consistent with the existing statute.

The new Statute adds a new provision that the official who made the decision shall be present at the hearing as a witness. Also, the Statute provides that although the appellant is obligated to state the reasons for the appeal, the appellant is not limited at the hearing to matters stated in the Notice of the Appeal. But, it goes on to provide that if any party or the city would be unduly prejudiced by the presentation of matters that were not set forth in the Notice of Appeal, the Board shall continue the hearing.

Consistent with the existing statute, the new statute continues to provide that the Board of Adjustment may reverse or affirm, wholly or partly or modify any decision appealed from, and in that regard, has all the powers that the administrative official whose decision is appealed has at the time the decision was made.

Finally, the new Statute provides that the parties to an appeal may agree to mediation or any other form of alternative dispute resolution as a way of resolving or providing an alternative basis for resolving the appeal. The new Statute makes a number of changes

with respect to the appeals process to Boards of Adjustment and that is going to require you to make some significant changes in your Ordinance to comply with the new Statute.

**LeAnn Nease Brown – Nuts and Bolts of Serving on Board of Adjustments and Conducting Hearings as a Board of Adjustment**

Hearings, that relate to Special and Conditional Use Permits, Request for Variances and Appeals of Decisions of Administrative Officials are all Quasi-Judicial. This is not a change from prior law at all but is an important point for the Board to remember as the Board proceeds.

Quasi-Judicial procedures means that each hearing requires notice, requires sworn testimony, and it requires that all decisions be made based upon the testimony and facts in the record and that those facts be applied to the applicable standards in the Ordinance.

What notice of hearing is required under the Statute? The Statute requires that at least 10 days but not more than 25 days before the hearing that the applicant, the owner if the applicant is not the actual owner of the property, and persons who have requested to receive notice be given notice of the hearing. Notices are also given to persons as are identified in the Ordinance.

Decisions must be made by the Board, after a hearing, in a reasonable time. Each decision must be based on competent, material and substantial evidence in the record.

Quasi-Judicial hearings are not full blown trials in the sense of a courtroom. But they do have the protections of the Constitution and the law. It is very important for each board to remember that as they conduct their hearings.

Once a decision is made, the Statute requires the Board reduce the information to writing. It requires that the determination reflect the Board's determination on contested facts, if they are different facts in the record, the Board's determination as to which facts it relied upon need to be reflected as well as an application of those facts to the standard in the Ordinance.

**Administration of Oath before a Hearing**

Clarification made in the Statute regarding the Oath so that it is clear that the Chair, if the Chair is not present, the person whose acting as the Chair or the Clerk may administer the Oath.

Clarifications were made in the revision to the Statute addressing the subpoena power. The fact that Boards have subpoena powers is not new although many Boards may not be fully appreciative of the power that they have. The Statute has been changed to reflect a procedure that follows common sense. That is, that the individual who needs assistance from the Board with the subpoena power has the ability to seek it; whether that is the applicant or whether that is a person withstanding as is described in G.S 160A-393.

When an applicant or an individual who has standing wishes to seek a subpoena, they do that by seeking it from the Chair or if the Chair is not available the Acting Chair. They provide a written request, explain why it is necessary to compel the witness or why it is necessary to compel the evidence that they are seeking, and the Chair or Acting Chair is required to issue it unless it is oppressive or is unreasonable in nature or scope or it is irrelevant.

If the Chair determines to issue a subpoena and someone disagrees with that decision, they can move to quash or modify the subpoena. At that point, that decision will be made and that decision can be appealed to the full Board.

There is power behind the subpoena for two reasons. First, the Board has issued it and the Board will expect it to be obeyed. Secondly, the statute allows the Board to apply to a Court to enforce the subpoena if the party chooses not to respond.

### **Voting**

There is a change in the Statute which now allows a majority vote for decisions that are made by Boards of Adjustment, except for Variances which require a 4/5 votes.

How is that majority counted? If there are vacant positions on the Board or members are disqualified, then they are not considered as members for the purpose of determining the number unless there is an authorized alternate who is available to take their place.

Members are disqualified from voting when some aspect of their participation would deprive a party their rights to a fair process. For example: if a member of the Board has a fixed opinion that is not susceptible to change or if a member of the Board has an economic interest in the outcome; then that Board member can be disqualified. If a request is made for a member to step aside on the grounds that they are disqualified and the member refuses to do so, then the Board votes on that member's participation.

These sections have been tweaked but are not changes in existing law; they are merely clarifications for the Board

### **Undisclosed Ex parte Communications**

This is not a change but needs to be emphasized. Undisclosed Ex parte Communications of a Board member outside the Quasi-Judicial hearing will disqualify the member from participation.

These things are important because Board of Adjustment decisions are decisions that not only affect important property rights but are final decisions that are to be made by the governmental unit unless that decision is appealed to a court.

The next step from a Board of Adjustment decision is the decision to go to the Superior Court. When a court hears an appeal from the Board of Adjustment it does it by what is

called a Petition for Proceeding in the Nature of a Writ of Certiorari. This simply means that the Court reviews it at the Superior Court level in an appellant capacity. Decisions are based on the record as to facts and whether the facts that are found by the Board or are determined by the Board, or considered by the Board are a part of that record. Decisions as to legal matters are decisions that the Court can make de novo.

The petition is filed with the Clerk of Court within the latter of 30 days after the decision is effective. Effective is now a defined term with more detail in its definition to help parties appreciate when they need to appeal. A party may appeal or must appeal upon the filing of a decision as the Ordinance specifies or after they received a written copy by personal delivery, electronic mail, or first class mail. There are three days added if it is received by mail.

The procedures for appeals are defined in more detail in a Statute that was amended a few years ago which is G.S 160A-393.

David Owens - Because of these legislative changes, Board of Adjustment procedures, are now much more in line with modern legal standards. They are much more compatible with modern zoning practices and certainly much more consistent with decades of accumulating cases coming out of our Appellant Courts.

### **Director Report**

Ms. Susie Morris, Planning and Zoning Manager, stated that a few members showed up for the open house for CONNECT. She said they did not do a presentation; it was more show up and they walk you through the survey. There will be another session in Harrisburg and it is her understanding that it is the same thing.

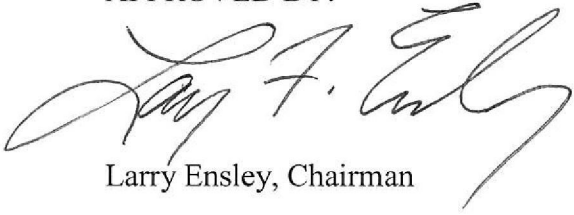
If you would like to participate in those meetings, you can get just as much out of it by going and filling in the survey. If anyone is interested in taking the survey, let her know and she will resend the email.

There is a meeting on Friday for the Program Forum and there are three meeting left and they are scheduled to wrap the project up in December. There will be another round of public involvement.

There being no further discussion Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Larry Ensley to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:45 p.m.

Planning and Zoning Commission Minutes  
April 8, 2014

APPROVED BY:



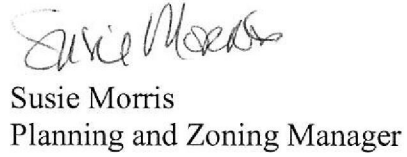
Larry Ensley, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris  
Planning and Zoning Manager

**Conditional Use Permit Application  
Verizon Wireless.  
CUSE 2014-00001**

**FINDINGS OF FACT**

1. The use as proposed is not detrimental to the public health, safety or general welfare.

*There is no detrimental health and safety impact from this project. Quality wireless communication is an essential part of the community's infrastructure and, in fact, provides a crucial service in the event of a health or safety emergency as well as contributing to the general welfare by supporting business and personal communication.*

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

*The site does not require public transportation, water or waste disposal service and is unlikely to need police or fire protection. The improvement in wireless service will enhance police and fire protection for others because immediate calls from the scene facilitate quicker response time and better response coordination.*

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

*The zoning is LI-Limited Industrial. The predominant uses that give this area its character are the Concord Mills Mall and associated development and the Interstate 85 corridor. The proposed 80' monopole is consistent with this character and will not adversely affect surrounding uses. This site replaces a previous tower site on the parcel.*

4. The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.

*The proposed use is consistent with the predominantly commercial development of the surrounding area and the LI Limited Industrial zoning designation. Maintaining a high quality wireless communications infrastructure is essential to support this development and the heavy usage that accompanies it. This site replaces a previous tower site on the parcel.*

**Petition: RZON2014-00001 Rezoning**

Applicant Information: Michael and Jessica Greene  
102 Maple Street  
Locust, NC 28097

Owner Information: David and Nancy Spurrier  
3965 US Highway 601 S.  
Concord, NC 28025

Existing Zoning: LDR (Low Density Residential)

Proposed Zoning: LC (Limited Commercial)

Permitted Uses: All uses permitted in LC (Limited Commercial)

PIN#: Part of 5549-00-3544

Area in Acres: +/-1.0 acres

Site Description: Property includes a one story garage previously used for automobile repair.

Adjacent Land Use: The subject property is surrounded by residential and vacant land on all sides. The Allen Volunteer Fire Department is located southwest of the subject property.

Surrounding Zoning: North: LDR (Low Density Residential)  
East: LDR (Low Density Residential)  
South: LDR (Low Density Residential) City of Concord PUD (Planned Unit Development)  
West: LDR (Low Density Residential)

Utility Service Provider: The property is being serviced by well and septic

**Exhibits**

1. Application
2. Zoning Map
3. Central Area Land Use Map
4. Aerial Map
5. List of Permitted Uses in LDR (Low Density Residential) – Submitted by Staff
6. List of Permitted uses in LC (Limited Commercial)- Submitted by Staff



7. List of Adjacent Property Owners – Submitted by Staff
8. Copy of Letter to Adjacent Owners – Submitted by Staff
9. Site Survey- Submitted by Applicant

### Intent of Zoning Districts

- Existing Zoning-**      Low Density Residential: This district is designed 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.
- Proposed Zoning-**      Limited Commercial: This district is intended to accommodate relatively small scale commercial and office development at intensities complementary to residential land uses.

### Agency Review Comments

**Planning Review : No Comments**

**Fire Review : Steven Langer (Cabarrus County Fire Marshal)**

*Access drive will need to be a min. of 20 feet wide. If garage is going to be used as a commercial building with office space, it will need to meet building/fire code standards.*

**Erosion Review : No Comments**

**Stormwater Review - State : No Comments**

**Engineering Review : No Comments**

**EMS Review : No Comments**

**Sheriff Review : No Comments**

**Soil-Water Conservation Review : No Comments**

**Stormwater Review - Local : No Comments**

**Schools Review : No Comments**

**NCDOT Review : Leah Wagner (NCDOT)**

*The applicant will need to apply for a driveway permit. Please make applicant aware that we will require that the access to US 601 be removed and that access will only be allowed from Miami Church Road and that we will likely require that the access be shifted further away from US 601.*

**Utility Review : No Comments**

**Land Use Plan Analysis**

The Central Area Land Use Plan, adopted in August 2008, designates this property, as Mixed Use. The plan states that Mixed Use is intended to accommodate development that combines two or more compatible uses to create pedestrian-friendly, higher density development where it is supported by infrastructure. The predominant uses are Retail, office, multi-tenant (flex space), single family detached, and attached residential, and multi-family residential. Big box developments are not considered appropriate scale for these areas. Some of the characteristics are: Uses that are seamlessly integrated and may include multi-story structures that have two or more uses located within them (on separate floors), Architecture is enhanced by landscaping to soften the hard edges, uses are not separated by buffers, Located in areas where infrastructure can support, Typically highways, four lane divided roads, and collector streets are primary forms of access, and curb and gutter is more widely used. Vehicle trips are captured internally, and supports transit and mobility is enhanced by multiple modes.

More specifically mentioned is this area of mixed use that is included in the NC49/601 intersection. The land use plan calls for this mixed use area to consist of Multi-family residential, Medium to higher density, single-family residential, Neighborhood retail, and Multi-tenant office.

**Conclusions**

The rezoning as proposed is consistent with the Central Area Land Use Plan. The rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the Limited Commercial district would be permitted on the subject property.

The planning and Zoning Commission should consider the information provided and determine if the proposed rezoning meets the Commission's vision for this area of Cabarrus County

# CABARRUS COUNTY ZONING MAP AMENDMENT APPLICATION



STAFF USE ONLY:

Application/Access#: RZON 2014-00001  
Received By: CN  
Date Filed: 3/11/14  
Amount Paid: \$571.65

## Instructions

- ✓ 1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request.
2. Submit a complete application for an amendment to the official zoning map to the Planning Division. All applications must include the following:
  - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
  - A recent survey or legal description of the property or area of the property to be considered for rezoning.
  - Any additional documents essential for the application to be considered complete. (Determined as part of the pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.
  - Fees: Residential rezoning request less than 5 acres = \$400
  - Residential rezoning request greater than 5 acres = \$400 + \$5 per acre over 5 acres
  - Non-residential rezoning request = \$550 + \$5/acre
  - +3% technology fee based on total application fee
4. The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 5:00 PM that day for consideration on the next available agenda.

*Incomplete applications will be returned to the applicant and will not be processed.*

## **Process Summary:**

1. Hold a pre-application meeting with Staff to discuss your rezoning request and the map amendment process.
2. Submit a complete Zoning Map Amendment application with the appropriate fees to the Cabarrus County Planning Division.

Staff will review your complete application, prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for rezoning.

**Meeting Information:** Meetings are held the second Tuesday of each month at 7:00 PM in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE.

**Expedited Vote:** A vote of  $\frac{3}{4}$  or more of the members of the Planning and Zoning Commission is considered an Expedited Vote and will constitute a final decision. If approval or denial of a rezoning request is by a vote of less than  $\frac{3}{4}$  of the members, or if an appeal of the decision is filed within 15 days of the date of the decision, the application will automatically be forwarded to the Board of Commissioners for final consideration at a *de novo* hearing.

**Property Owner/Agent/Applicant Information**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of proving its need rests with the below named petitioner(s).

I do hereby certify that the information that I have provided for this application is, to the best of my knowledge, true and correct.

Property Owner	<u>DAVID J. SPURRIER</u>
Address	<u>396545 Hwy, 601 SOUTHCONCORD, NC, R 8025</u>
Phone	<u>704-782-6670</u>
Fax	_____
Signature	<u>David J. Spurrice</u>
E-mail Address	<u>mustang50@windstream.net</u>

Agent (if any)	_____
Address	_____
Phone	_____
Fax	_____
Signature	_____
E-mail Address	_____

Applicant (if any)	<u>Jessica Greene</u>
Address	<u>102 Maple St Louist 28097</u>
Phone	<u>(704) 241-4608</u>
Fax	_____
Signature	<u>Jessica Greene</u>
E-mail Address	<u>greenefamof5@aol.com</u>



# Zoning

Petitioner: Michael Greene  
 Owner: David and Nancy Spurrier  
 Petition : RZON2014-00001  
 Address: 3975 US Hwy 601 S.  
 Purpose: Rezone from LDR  
 (Low Density Residential) to  
 LC (Limited Commercial)  
 Parcel ID# Part of 5549-00-3544

**Legend**

- Subject Property
- Streets
- Tax Parcel
- County Zoning**
- LDR
- Municipal District**
- City of Concord

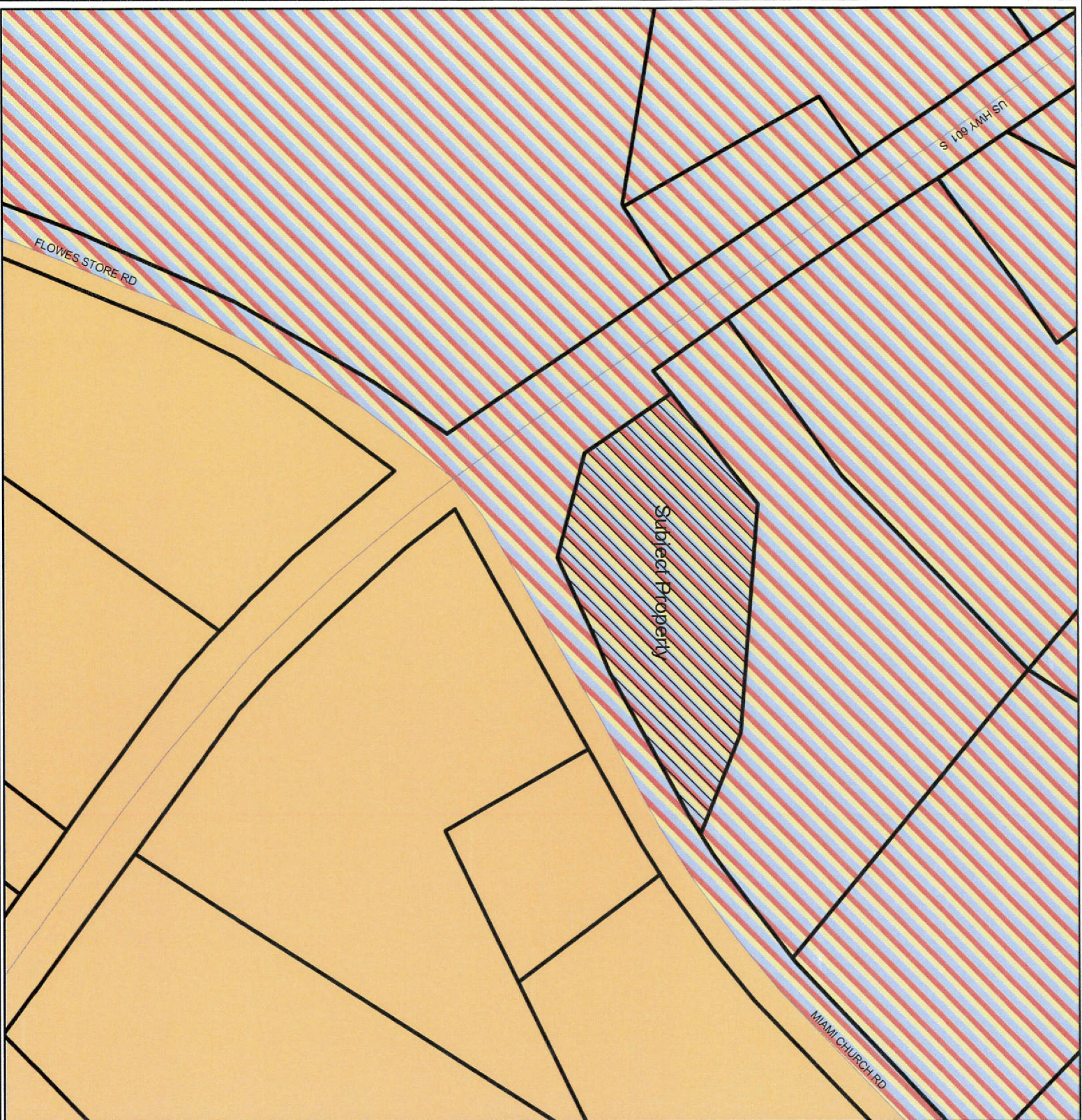


Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.  
 Map Prepared by Cabarrus County Planning & Development  
 March 2014






# Central Area Land Use Plan



Petitioner: Michael Greene  
Owner: David and Nancy Spurrier  
Petition : RZON2014-00001  
Address: 3975 US Hwy 601 S.  
Purpose: Rezone from LDR  
(Low Density Residential) to  
LC (Limited Commercial)  
Parcel ID# Part of 5549-00-3544



**Legend**

-  Subject Property
-  Streets
-  Tax Parcel

**Central Planning Area  
LandUse**

-  Low Density Residential
-  Mixed Use



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Map Prepared by Cabarrus County Planning & Development,  
March 2014.



**Aerial**

Petitioner: Michael Greene  
 Owner: David and Nancy Spurrier  
 Petition : RZON2014-00001  
 Address: 3975 US Hwy 601 S.  
 Purpose: Rezone from LDR  
 (Low Density Residential) to  
 LC (Limited Commercial)  
 Parcel ID# Part of 5549-00-3544

**Legend**

-  Subject Property
-  Streets
-  Tax Parcel



Calaveras County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.  
 Map Prepared by Calaveras County Planning & Development,  
 March 2014.

## **LOW DENSITY RESIDENTIAL USES**

### **LDR Permitted (P) Uses**

Agriculture Excluding Livestock  
Agritourism, Accessory to Agriculture  
Family Care Home  
Group Care Facility  
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

### **LDR Permitted Based on Standards (PBS) Uses**

Accessory Dwelling Unit  
Accessory Building  
Agriculture-Female Chickens, Limited Number, Less than 5 Acres  
Agriculture, Including Livestock  
Auction, Estate or Asset Liquidation, Temporary Use  
Auction, Livestock, Temporary Use  
Automated Teller Machine, as Accessory  
Bank, Financial Institution, Automated Teller Machine  
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 Use  
For Profit Temporary Sign, Temporary Use  
Gas 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 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  
Religious Institution with Total Seating Capacity 350 or Less  
Rest Home, Convalescent 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  
Temporary Agricultural Sign, Seasonal Sales on Site, Temporary Use  
Temporary Construction Sign, Temporary Use  
Temporary Dwelling for Large Construction Projects, Temporary Use  
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

#### **LDR Conditional (C) Uses**

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 with More Than 10 Beds  
Wireless Telecommunications Services

## **USES IN THE OFFICE/LIMITED COMMERCIAL ZONE:**

### **LC Permitted (P) Uses**

Arcade, Game Room  
Automobile Parts, Tires, Accessories  
Banquet Hall  
Barber, Beauty, Tanning, Nail or Skin Care Salon  
Car Wash, Detail Service  
Catering Service  
Civic Organization Facility  
College, University  
Convenience Store with Petroleum Sales  
Convenience Store without Petroleum Sales  
Drug store  
Dry Cleaning Pick Up Station  
Equipment Sales and Service  
Family care home  
Farm Supply Sales  
Farmer's Market  
Flea Market, Indoor Vendors Only  
Funeral Home  
Group care facility  
Gunsmith  
Health Club, Fitness Center  
Hospitals, Ambulatory Surgical Care Center  
Hotels, Motels, Inns  
Laundromat  
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  
Restaurant, Excluding Drive-Thru  
Retail Sales-Shopping Centers 10,000 - 50,000 Square Feet  
Retail Sales-Shopping Centers 10,000 Square Feet and Less  
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

## **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  
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 Use, Individual Lots  
Event, Tent or Temporary Structure, Temporary Use  
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use  
Fireworks Stand, Temporary Use  
For Profit Temporary Sign, Temporary Use  
Golf Course, Public or Private  
Government Buildings, Storage Only  
Home Occupation, General  
Ice Production, Dispensing, Accessory to Convenience Store  
Itinerant Merchant, Temporary Use, Existing Business  
Landfill, Demolition- Less Than One Acre  
Mobile Personal Storage Unit, Renovation, Temporary Use  
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use  
Moving Van, Truck or Trailer Rental  
Moving Van, Truck or Trailer Rental, Accessory to Self-Storage Facility  
Motorcycle Sales, New and Used  
Multifamily Residential  
Nursery, Daycare Center  
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  
Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use  
Real Estate Office in Model Home, Temporary Use  
Recreational Facility, Indoor  
Recreational Trail, Greenway, or Blueway Connector  
Recyclable Materials Drop Off  
Repair Garage, Automobile  
Repair Shop, Small Engine  
Restaurant with Drive-Thru Facility  
Scientific Research and Development

Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use  
Self-Service Storage Facility  
Shooting Range, Indoor  
Sports and Recreation Instruction or Camp  
Storage Building Sales, with Display Area  
Swim Club, Tennis Club, Country Club  
Temporary Amusement Enterprise, Temporary Use  
Temporary Construction Sign, Temporary Use  
Temporary Dwelling for Large Construction Projects, Temporary Use  
Townhouses  
Trail Head, Accessory Use  
Trail Head, Primary Use Site  
Wireless Telecommunications Services, Co-location

**LC Conditional (C) Uses**

Animal Hospital  
Animal Shelter  
Kennel, Commercial  
Public Service Facility  
Recreational Facility, Outdoor  
Trade and Vocational Schools  
Veterinarian  
Wireless Telecommunications Services

OWNER		Address	CITY	STATE	ZIPCODE
PLUMMER RUTH S	ESTATE OF RUTH S PLUMMER	2275 TWILIGHT DR	CONCORD	NC	280259667
SMITH J L MRS ESTATE	C/O JEFF HARRIS	13422 SCANLAN WAY	DAVIDSON	NC	280360000
SMITH CARL F MRS (BETTY B)		4005 U S HWY 601-S	CONCORD	NC	280250000
ALLEN VOL FIRE DEPT INC		4000 HWY 601 S	CONCORD	NC	280250000
PLUMMER RUTH S	ESTATE OF RUTH S PLUMMER	2275 TWILIGHT DR	CONCORD	NC	280259667
SPURRIER NANCY S /TRUSTEE	SPURRIER NANCY S TRUST-2/8/06	3965 US HWY 601 S	CONCORD	NC	280250000



March 26, 2014

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below.

The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, April 8, 2014 at 7:00 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

<b><u>Petitioner</u></b>	<u>Michael Greene, David Spurrier (Owner)</u>
<b><u>Petition Number</u></b>	<u>RZON2014-00001 Zoning Map Amendment</u>
<b><u>Property Location</u></b>	<u>3975 US Highway 601 S.</u>
<b><u>Parcel ID Numbers</u></b>	<u>Part of 5549-00-3544</u>
<b><u>Existing Zoning</u></b>	<u>LDR- Low Density Residential</u>
<b><u>Proposed Zoning Map Change</u></b>	<u>LC-Limited Commercial</u>

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at (704) 920-2141.

Sincerely,

Colleen Nelson, AICP  
Senior Planner  
Cabarrus County Planning and Development  
(704) 920-2149  
Canelson@cabarruscounty.us

#04810

Book 05 Page 33

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTIES SHOWN AND DESCRIBED HEREON, AND THAT WE HEREBY SUBMIT THIS PLAN OF RECONSTRUCTION WITH OUR FREE CONSENT.

BY: David J. Spurrer 03/11/14  
OWNER(S) DATE

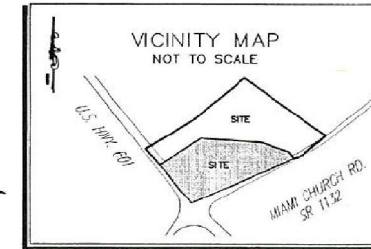
BY: Nancy S. Spurrer 03/11/14  
OWNER(S) DATE

NCGS MONUMENT  
PENNEY  
NC GRID (NAD 83/2007)  
N: 599,337.68  
E: 1,530,036.73  
JOB CF: 0.99984902

CERTIFICATE OF APPROVAL BY THE SUBDIVISION ADMINISTRATOR

I, Junie Morris, Subdivider Administrator of Cabarrus County hereby approve the final Minor Subdivision plot entitled "MINOR SUBDIVISION OF PART OF THE ESTATE OF LEOLA M. SMITH" on the 11 day of MARCH, 2014.

Junie Morris  
Subdivision Administrator 3/11/14

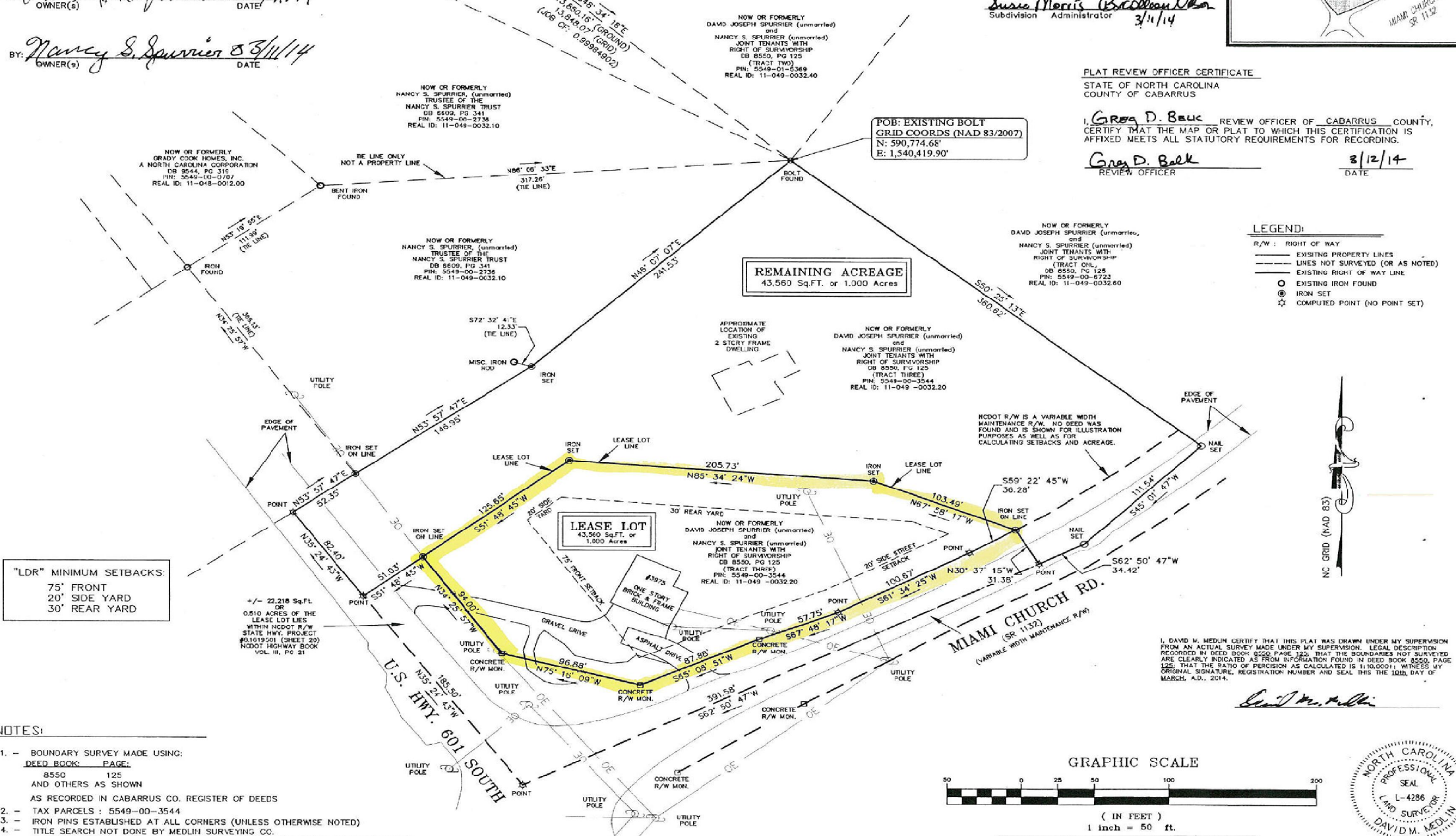


FLAT REVIEW OFFICER CERTIFICATE

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

I, Greg D. Bauc, REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Greg D. Bauc  
REVIEW OFFICER 3/12/14  
DATE



"LDR" MINIMUM SETBACKS:  
75' FRONT  
20' SIDE YARD  
30' REAR YARD

NOTES:

- BOUNDARY SURVEY MADE USING: DEED BOOK PAGE AND OTHERS AS SHOWN AS RECORDED IN CABARRUS CO. REGISTER OF DEEDS
- TAX PARCELS: 5549-00-3544
- IRON PINS ESTABLISHED AT ALL CORNERS (UNLESS OTHERWISE NOTED)
- TITLE SEARCH NOT DONE BY MEDLIN SURVEYING CO. PROPERTY SUBJECT TO ANY RECORDED EASEMENTS NOT SHOWN ON THIS SURVEY
- SUBJECT PROPERTY LIES WITHIN FECHA AREA. "M" (FEMA MAP # 3710532000 - EFFECTIVE DATE NOV. 5, 2008).
- AREA BY COORDINATE GEOMETRY METHOD
- SUBJECT PROPERTY IS ZONED: LDR

I, DAVID W. MEDLIN CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. LEGAL DESCRIPTION RECORDED IN DEED BOOK 0033 PAGE 125. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS FROM INFORMATION FOUND IN DEED BOOK 8550, PAGE 125. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000.11. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 10th DAY OF MARCH, A.D., 2014.



FILED Mar 12, 2014 09:33 am  
BOOK 0085  
PAGE 0033 THRU 0033  
INSTRUMENT # 04810  
EXCISE TAX 0 00

FILED  
CABARRUS  
COUNTY NC  
WAYNE NIXON  
REGISTER  
OF DEEDS

MEDLIN SURVEYING CO.  
2915 STALLINGS RD.  
HARRISBURG, NC 28075  
PH: 704/454-5541  
EMAIL: MEDLINSURVEY@YAHOO.COM

Scale: 1"=50'  
Date: 3-10-2014  
Drawn By: DMM  
Surveyed By: DMM  
Job No.: 11-049-0032-01

MINOR SUBDIVISION OF PART OF THE ESTATE OF:  
LEOLA M. SMITH  
PARCEL: 55-49-00-3544; REAL ID: 11-49-3220  
No. 1 TOWNSHIP OF CABARRUS COUNTY  
3975 U.S. HWY. 601 CONCORD, NC 28025

Cabarrus County Zoning Ordinance  
Chapter 2-Rules of Construction and Definitions

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**SITE PLAN** - A development plan of one or more lots on which is shown

- a. The existing and proposed conditions of the lot, including but not limited to: topography, vegetation, drainage, flood plains, wetlands and waterways;
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and
- c. Location and extent of all landscape buffers.

**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 preparatory to the preliminary plat or site plan to enable the applicant to save time and expense in reaching general agreement with the platting authority as to the form of the plat 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.

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

**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** - Large 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.

**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.



- 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 ~~an appearance suitable for a residential district.~~ 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.
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 near the site.
4. A copy of the executed Decommissioning Plan for the project shall be submitted as part of the application. This plan shall be recorded in the Register of Deeds office.
5. A removal bond for 1.25 times the estimated cost to remove all equipment and facilities and to restore the parcel to its condition prior to development. The 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). A revised bond shall be provided every 5<sup>th</sup> year for the site.
6. In the event the facility abuts residential property or a street right of way, a Level One buffer must be implemented.

Any solar facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned and the surety shall be called 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

Single-family residential units [1]	Tower 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 which is either platted or has preliminary plat approval which is not expired [2]	
Vacant residentially zoned land	
Existing multi-family residential units	
Non-residentially zoned lands or non-residential uses	None, only setbacks apply
<p>[1] Includes modular homes, manufactured homes, townhome units, group home facilities and family care homes.                  [2] Separation measured from <del>base of tower</del> <b>edge of lease area or compound (fenced in area)</b> to closest property line <b>or structure</b>.</p>	

	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
<b>Separation measured from the base of the tower.</b>		

37. Veterinarian, Animal Hospital, Animal Shelter, Commercial Kennel, Agricultural/Open, Countryside Residential, Office/Limited Commercial, General Commercial and Limited Industrial districts
- Official County Health Alliance approval of water and sewer services provided to the facility must be copied to the office of the Zoning Administrator.
  - 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.