



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
March 13, 2018 @ 7:00 P.M.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval of February 13, 2018, Planning and Zoning Commission Meeting Minutes
3. Approval of Findings of Fact for ARCH2018-00001
4. **New Business – Planning Board Function**

Proposed Text Changes to the Cabarrus County Development Ordinance

- A. Proposed Text Amendments TEXT2018-00001 –
Chapter 8, Conditional Uses #21 Reception Facilities,
Chapter 2, Rules of Construction and Definitions,
Chapter 7, Performance Based Standards, #68 Temporary Uses,
Chapter 5, District Development Standards,
Chapter 15 Subdivision Ordinance, Chapter 3, Establishment of Zones and
Appendix B, Commercial Design Standards

Directors Report

Legal Update



Cabarrus County Government

Planning and Zoning Commission Minutes
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Mr. Chris Pinto, called the meeting to order at 7:05 p.m. Members present Ms. Mary Blakeney, Mr. Adam Dagenhart, Ms. Holly Grimsley, Mr. James Litaker, Mr. Andrew Nance, Mr. Charles Paxton, Mr. Richard Price, and Mr. Brent Rockett. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning, Manager, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of February 13, 2018 Planning and Zoning Commission Meeting Minutes

There being no comments, Mr. James Litaker **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** the February 13, 2018, Planning and Zoning Commission meeting minutes.

Approval of Findings of Fact for ARCH2018-00001 – Architectural Design Review for Funeral Home

There being no comments, Mr. James Litaker **MOTIONED, SECONDED** by Mr. Adam Dagenhart to **APPROVE** the Findings of Fact for ARCH2018-00001, Architectural Design Review for a Funeral Home

New Business – Planning Board Function:

The Chair introduced the Proposed Text Changes to the Cabarrus County Development Ordinance:

Proposed Text Amendments TEXT2018-00001 – Chapter 8, Conditional Uses #21 Reception Facilities, Chapter 2, Rules of Construction and Definitions, Chapter 7, Performance Based Standards, #68 Temporary Uses, Chapter 5, District Development Standards, Chapter 15 Subdivision Ordinance, Chapter 3, Establishment of Zones and Appendix B, Commercial Design Standards

Ms. Susie Morris, Planning and Zoning Manager addressed the Board, presenting TEXT2018-00001.

She said what is before the Board this evening is a series of text amendments all included in this same amendment. If there are any that we need to have additional discussion on or anything that the Board would like to send back we can remove those, but right now, it is being presented as one comprehensive package in one amendment case.

Chapter 8, Conditional Uses:

Ms. Morris said another jurisdiction was doing some research and it was brought to our attention that we currently have a typo. The first one is to amend the language where it says section 10-5.3 to just 10-5. It takes it back to the table in Chapter 10.

Chapter 2, Rules of Construction and Definitions:

The second one that is proposed is a definition for agriculture amendment. She said over the summer, the legislature decided to once again amend the definition of agriculture. This time they removed having a farm identification number as a qualifier for a zoning exemption.

This is to clarify that statutory reference. We talked about just using the reference to the statute itself, but it is a lot easier for people to look in the Ordinance and see the definition. So, we are going to amend what it calls out as bona fide farm qualifiers.

Chapter 7, Performance Based on Standards, #68 Temporary Uses:

Ms. Morris said this will remove references to events that include assembly. Those would no longer be handled through the Zoning Ordinance or be determined based on the zoning of the property. They are being moved to our Emergency Management Office and they will be the ones that determine where, when and how those types of uses can occur.

We would also remove the fireworks stand, because that is something that is specifically regulated by our Fire Marshal's office.

We would amend the similar and compatible uses not specified to remove the language that references events that include assembly. We would also amend our temporary tent or other temporary structure use to include a cell on wheels or "COWS" as they are known and clarify that intended use may initiate review and approval by Emergency Management. She said Zoning will no longer have a role in those types of events.

The Chair said do you mean like concerts on farms and things of that nature?

Ms. Morris said correct. It will no longer be based on zoning designation as to where these events take place. Zoning will not have a temporary use permit for those types of uses anymore; everything will be through the Fire Marshal's Office.

Mr. Adam Dagenhart said does that mean that on these wedding facilities they can get a temporary permit through Emergency Management as opposed to us?

Ms. Morris said the conditional use piece is not changing, but if they wanted to put up a tent, the tent permit would only go through the Fire Marshal's Office. She said right now, the way that the language is, it says you can have one of the road or foot races if you are in AO or CR and you can have it for a certain amount of days; that will no longer be the case.

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If I own a piece of property in Cabarrus County and I just want to have one of these type of events, I can go to the Fire Marshal's Office or to Emergency Management and I can apply and find out what I would need to do to have that type of event. It would no longer be based on zoning or bona fide farm classification.

Mr. Dagenhart said who would look at it for traffic? Is the Fire Marshal's office qualified to determine what type of distance is needed or requirements for traffic?

Ms. Morris said it is her understanding that the Fire Marshal's Office will coordinate, similarly to how we currently coordinate these events and will determine what agencies need to be included in that review, for that process.

She said some background on this is apparently, they had some complaints, that zoning was onerous and that we needed to be moved out of the process. Really, what zoning does, is serve as the point of contact and walks everybody through the process. The zoning piece of it is very small; it is setbacks and notification of adjacent property owners. So, that piece of it will be going away and the part that we coordinate right now on behalf of Emergency Management and the Fire Marshal's Office (EMS, Transportation and NCDOT), we will no longer be involved in those events.

Mr. Price said does this mean that the whatever their moniker was, the marijuana people that wanted to have a festival or whatever it was a couple of years ago (Camp Cannabis) can come on in?

Ms. Morris said if they can convince the property owner to let them apply for a permit. She said you know how they wanted to have the overnight camping on the site, they would no longer be subject to what is in the Zoning Ordinance. She said that would be up to the Fire Marshal's Office and Emergency Management.

Mr. Dagenhart said typically the Fire Marshal's Office determines occupancy load based on a structure whether it is permanent or temporary. But, like in the Spartan race, it has 3,000 people and they don't really have tents except for refreshments; are they competent to make those decisions?

Ms. Morris said when it comes to these assembly types of events, currently, depending on the number of people that are expected, they may have to do a crowd manager certification through the State; which is like a one hour class. It is her understanding that those things would still stay in place. The only thing that is changing, is that it would not be regulated by the zoning district anymore. Setbacks and those types of things that we currently regulate, placement of structures out of the setbacks, will not be a part of the process and the review for permitting any more.

Mr. Litaker is not sure that we want to let go of this. He still thinks whether it is a temporary tent or a fully constructed building, we need to have a say so on what, when, and how, the-whole-works. Just because it is a tent is irrelevant. He would not let it go if we do not have too. He said a structure is a structure no matter what it is made out of.

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Mr. Koch thinks this was a recommendation to Planning.

Mr. Litaker said from who?

Ms. Morris said staff has been directed that these events will be moving to the Emergency Management Office and these amendments are needed to accomplish the transfer of those duties.

Mr. Dagenhart said that means that our friend over at the Speedway can pretty much do what he wants, if he plans it in a tent.

Ms. Morris said he would still have to go through the Fire Marshal's Office for the tents and anything that is out there and if it is above whatever that number is, then they would have to coordinate accordingly with the correct agencies. But, it would no longer be based on the zoning classification as to where these different types of uses can go.

Ms. Morris said if there are amendments that the Board wants to be presented differently, she can handle that through a memo. If there are certain ones that the Board recommends to move forward or ones that you do not recommend be approved or considered for final consideration, she typically does a memo similar in structure to what she presents to them (Planning and Zoning Board) to the Board of Commissioners.

Mr. Koch said this has not been considered by the Commission. He said vote on it how you feel about it. If you do not think it is the right thing to do then that is how you should view it. There are other people in other parts of County government that apparently feel differently. He has not been directly involved in those talks, he heard about it through Ms. Morris.

Mr. Litaker does not think we should just roll over and let them tell us what they are going to do. We should fight it to some extent. That is taking away what we are supposed to do.

Mr. Price fails to see the logic behind it; maybe there is logic out there that we are not privy to. He would like to understand why we are being asked to do this. Because on the surface, it makes no sense to him.

Ms. Morris said again, it is to get that zoning component out of it.

Mr. Price said why? There again, he is defaulting back to why? What is the logic behind that? Why do we need to do that?

Ms. Morris guesses because zoning looks like the bad guy in the process.

Mr. Price does not mind appearing to be the bad guy when we are doing the right thing.

The Chair said it will look bad if Camp Cannabis goes to LDR or someplace where there are a lot of families and all of a sudden this thing pops up. Then they will be screaming, where is the zoning?

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Mr. Litaker asked how the Fire Marshal felt about it. Has this been thrown in his lap and he will have to figure out what to do or is he agreeing with it?

Ms. Morris said the Emergency Management Office has already taken over the coordination for this year's Spartan Event. We were contacted by Spartan and the Emergency Management Office actually handled the pre-application meeting with them.

Mr. Price asked if in other jurisdictions, is that typically the flow for approval, is to in effect bypass Zoning and go with Emergency Management.

Ms. Morris said it is not when you are talking about temporary use permits. For example, our temporary use permits includes some things as simple as I want to put up a banner at my business, to these things that bring in 12,000 people at a time; like the Spartan Race.

If the Board remembers, the first event that we were contacted about was actually the Tough Mudder in Mt. Pleasant. It ended up being only in Mt. Pleasant's jurisdiction for the most part, but using a process similar to what we used for that process is how these types of events were codified. To make sure that everybody was aware of what needed to happen and how it flowed; here is the pre-application meeting, we need to know what you are doing, how many people you are bringing in and then it kind of worked its way from there. It can be something as simple as coming in and saying I want to put up a sign for my business, how do I do that or it gets into these large scale events where we have worked with the promoters and coordinated the different agencies that need to be at the table.

She said that role is being transferred to the Emergency Management Office, along with the zoning piece taken out of the Ordinance, because we will no longer control where they can and cannot go. If it rises to the level of being an event that includes assembly, then when they contact Emergency Management, she feels confident that they will use a checklist that is somewhat similar to the one that we currently use, where the Fire Marshal's office will be at the table, NCDOT would be at the table if needed, EMS is there, the Health Alliance would there.

So, right now, that zoning permit kind of serves as that overall umbrella to make sure that all those other people are at the table. She feels that they will continue a process that is similar; the end result will be through their office, there would not be a zoning permit issued through our office.

Ms. Morris said if you were to look at the Ordinance, the things that would go away would be:

1. Where it can and cannot go
2. Requirement to notify the adjacent property owner if they are going to be using a private road.
3. Site plan showing the setbacks (they would not have to necessarily maintain those distances off the properties anymore).

Mr. Dagenhart said they would be able to come right up next to your property line and be loud. What if it exceeds the Noise Ordinance?

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Ms. Morris said that would be determined by the Sheriff's office. They are a part of the process now and they do sometimes require the notifications. Depending on what they are doing, they make them notify adjacent property owners and sometimes out farther than that.

Mr. Dagenhart said you can easily be under the decibel sound for the noise ordinance, but if you are three feet off the property line versus one hundred feet, it still makes a huge difference even if you are the same decibel level. Because, by the time it reaches the adjacent property, it is already diffused as opposed to its right on top of them.

Ms. Morris said correct.

Mr. Price said isn't deciding where something can or cannot go, at the very heart of zoning? That is kind of what we do.

Ms. Morris said correct. If the Board remembers, we worked to add those things into the Ordinance back then. She is not sure how many years it has been.

Mr. Price said if there is a problem, why we are not addressing it at the Ordinance level instead of just saying you are irrelevant; your decisions are not needed and we will put it over to another group that does not do that routinely. He feels an end run taking place. He knows Ms. Morris cannot comment on that and he is not asking her too. But, if it walks like a duck and quacks like a duck.

Mr. Paxton said is one of the questions the size of the assembly and what organization is best to handle that situation through zoning or some other organization?

Ms. Morris said no, she does not think it is. She thinks it is related to some people think that if zoning is not in the way, things can happen differently.

Mr. Price said of course; you do not need to be a genius to figure that out.

Ms. Morris said since we started permitting these types of events, we have only learned from the process and each year the events have gotten better. A lot of times, we are not dealing with the same people from the promotions company. There is a lot of re-schooling and retooling that you have to do every year. For the most part we have been able to get through the events with minimal transports, which probably would have happened anyway.

A lot of the things that we are coordinating fall under that assembly type use, which is mostly dictated by the Fire Code. The Health Alliance is not dictated by the Fire Code, but they are a part of it. The tent side of it comes from the Fire Code, which is the Fire Marshal's Office, but for the setback and deciding where it goes.

Mr. Price said that is an integral part of it.

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Mr. Dagenhart said but we have setbacks for how close you can put an accessory structure to a property line. You are telling me I have regulations to follow on my property, but this person has land over here and they can do whatever they want under an assembly use?

Mr. Paxton asked if the size of the assembly matters.

Ms. Morris wants to say when it gets to 1,000 people and then for every 200 over that, there are thresholds. She can always get that information from the Fire Marshal's Office. She said if you were having an event at your house and you were only having 50 people, the fire code is probably not going to kick in unless you are going to have a giant tent. If you were having 1,500 people, that is different and then if you were having 5,000 people that is going to be different as well.

Mr. Litaker thinks they need to come here and plead their case in front of us. He does not think the Board should just give up and roll over with it because this is wrong. He does not care which way you paint it, you look at it, vary it; whatever. He said what they are doing is trying to pull something over on the citizens of the County in their favor.

The Chair asked if they could break these all out.

Ms. Morris said if you want to split it out and break it out she can handle that in memo form.

There being no further comments, it was the consensus of the Board to break the text amendment out.

Ms. Morris said number five is to amend the language in the table that is related to the Cabarrus Health Alliance. This goes along with Chapter 15.

The Ordinance currently requires that someone has to show that their lot will perc and that it is supportive of a well and a septic system on the individual lot. That has to be done during the platting process.

What this does is it changes that to allow it prior to zoning or building permitting. In the Subdivision Ordinance, it would add the two new certificates that the Board sees starting on Page 4.

It would add a certificate for the property owner to sign if the lots created have not been evaluated. It would also create a certificate for if there were lots evaluated, but not all or lots are evaluated and it was all, for that person to list it out and put the type of system that is supported on that plat.

She said it moves it further down the process, if that is what the person wants to do. Right now, it has to be down as part of the subdivision process. It was put into the Ordinance back in 2005, with the Designing Cabarrus Project.

Mr. Dagenhart said essentially, it is putting the responsibility at the owner's risk, if they want to subdivide property whether or not it will perc, by going through the process first.

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Ms. Morris said it would potentially be on the seller and the buyer, because the buyer will have to be very cognizant of whether or not that property, if it is for sale, whether or not it will perc.

The Board knows as well as she does that there are a lot of areas of the County, where it does not perc or it will not perc with a conventional system. You may have to spend \$20,000 or up to get a system that works.

She said if the person that is subdividing that land wants to go through that process so that the buyer knows in the end and maybe it is more marketable, then they can do that. If they want to push it out then they can, but the building code itself says that before they can apply for a building permit, they have to show that they have water and sewer on the site in some form or fashion. They will not issue a building permit unless someone has a zoning permit. That is why we said prior to zoning or building permitting. One of the other jurisdictions may issue a zoning permit without knowing that they have that on site, but ultimately, the buck stops with the building permit.

Mr. Price said that is the way it has always been. You are not going to get a permit without showing that you either have public utilities or private.

Ms. Morris said building is going to check for that. They actually put a check box on the permit, whether it is private or public, because the inspections would be different.

Ms. Morris said the last one is related to the temporary uses. In Chapter 3, add temporary tents or other temporary structures, including cell on wheels to the text and the table, so that the people will understand that is where if you want to do a COW that is where we are going to permit it.

In the Commercial Design Standards, we need to add a sentence that references Appendix D, Outdoor Lighting Standards. It has come up a couple of times and we feel that if we get that reference in there to go to Appendix B, everyone would be on the same page.

Ms. Morris is happy to answer any questions or any other questions about the temporary use one. She does not have the check list here, but essentially if you look at page two of five, you can see that a lot of those things are related to the event itself and the Fire Marshal's Office or Sheriff's Office or the Health Alliance.

For us it is the parcel boundary, the setbacks and essentially, that first piece which says where it would be allowed to go, which right now, is pretty much restricted to bona fide farms.

She said the site at the Speedway that was mentioned is GC zoning. The other sites where we have the races that come in; Spartan Race is in AO and the Cattle Barren Ball is either in AO or CR, bona fide farm, horse venue.

We had a new one last fall which was called Bone Frog. It was on the same site as the Spartan Race, so again in AO, bona fide farm. We had the color festival one time and they did not come back.

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Ms. Morris said based off of that preliminary list, that is how it is decided who needs to be at the table moving forward and who reviews the project. She said it is on page two at the beginning.

The Chair said we can take all of these individually and make a motion to approve the text as presented or not.

There being no further discussion Mr. Richard Price, **MOTIONED, SECONDED** by Mr. James Litaker to recommend **Approval** of Chapter 8, Conditional Uses #21 Reception Facilities – proposed change to correct typo related to handicapped parking reference in Chapter 10, to the Board of Commissioners. The vote was unanimous.

There being no further discussion Mr. Adam Dagenhart, **MOTIONED, SECONDED** by Mr. James Litaker to recommend **Approval** of Chapter 2, Rules of Construction and Definitions – proposed change to add statutory reference to definition of agriculture and amend bona fide farm definition to reflect statutory change to the Board of Commissioners. The vote was unanimous.

There being no further discussion Mr. James Litaker, **MOTIONED, SECONDED** by Ms. Mary Blakeney to recommend **Approval** of Chapter 7, Performance Based Standards #68 Temporary Uses, but for the parts of the amendments that remove Temporary Uses that include assembly. Remove fireworks stand, amend temporary tent or other temporary structure use to include cell on wheels (COWS) and clarify that intended use may initiate review and approval by Emergency Management to the Board of Commissioners. The vote was unanimous.

There being no further discussion, Mr. James Litaker, **MOTIONED, SECONDED** by Mr. Adam Dagenhart to recommend **APPROVAL** of Chapter 5, District Development Standards, to amend language requiring Cabarrus Health Alliance approval prior to the approval of the subdivision to prior to the approval of any zoning or building permits in the Open Space Design table. The vote was unanimous.

There being no further discussion Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. James Litaker to recommend **Approval** of Chapter 15, Subdivision Ordinance – to amend ordinance to add two new certificates that address soil suitability analysis and Chapter 3, Establishment of Zones, to remove references in text and table to events special events and activities and temporary amusement enterprise, clarify temporary tent or other structures definition, to include cell on wheels and add to text and permitted use table, Appendix B, Commercial Design Standards, add reference in lighting standards for Appendix D, Outdoor lighting standards. The vote was unanimous.

Mr. Koch said when this is on the Board of Commissioners agenda, it may be good if one or more of the Planning Commission members would come and speak about that. He said you can certainly submit your input in other ways, but it seems that the Commission felt strongly about that one, you might want to make the Board of Commissioners aware.

Directors Report

Ms. Morris reminded the Board of the upcoming training on May 1, 2018, from 1:00 to 4:00 at the CCOG. Mr. Pinto and Mr. Wise are signed up and registration is still open if anyone else is interested.

There will be an Advisory Committee meeting for the Harrisburg Land Use Plan on March 21, 2018, and a public meeting is tentatively scheduled for April 19, 2018. That will be the final draft that will go out, along with the recommendations, before we start making formal presentations to you and the Board of Commissioners, with anticipated adoption probably in June or July.

The 73 Corridor is going to be a hot topic over the next six months. The STI came back and that project is now funded, potentially for right-of-away acquisition starting in 2019 or 2020, with construction set for 2022. That project has been expedited.

They are currently showing three different options that will go out to the public. When we get more information about that meeting, we will forward that on to the Board. One of the options stays the course of the current 73, one swings down below the fingers of Coddle Creek and the other one takes a dip at Odell and comes around and comes back up past the reservoir. There are three options out there and they are currently looking at the environmental assessment side of that to see if one of those rises to the top.

There are some concerns that we do not lose capacity with the reservoir, not only from the County side, but with the City's IBT. We had a meeting yesterday and the consultants are still at the 20,000 foot level and they do not have all of those details worked out quite yet.

Ms. Morris said if you got the text amendment information, you are on the official Text Amendment Committee.

Right now, we may or may not have a case moving forward next month. She asked that the Board members please allow a 24 hour advance notice if they cannot attend a meeting.

Legal Update

Mr. Koch said we have not done anything more on the Little case. The last time he looked, the trailer was still out of site. We have not heard from him about the money, but we have not had a chance to file a motion about it.

The WSACC variance that the Board approved, we have gotten that resolved. The draft of that document has gone through probably 15 iterations in the meantime.

He said part of it has to do with the fact that you may remember that there is a conservation easement on the property with the Land Trust. Dealing with them has created some additional issues, not because they are being contentious, it is just that they kind of seemingly just are pretty benign about their involvement in those things.

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In connection with all of this, the John Bunyan Green heirs want to have the property logged. We are trying to deal with that and make sure it does not affect the easement in this area. There have been some minor complications that have resulted in there being a lot of different drafts. Each one of them have maybe a couple three changes. It is going to get done, it is just taking more time and he would have thought that it would be wrapped up by now.

We are getting ready to issue another set of violations on Carter Towing for new issues out there. The stalking or harassment charge that was brought by Mr. Carter against his neighbor, that trial got moved to May.

Mr. Koch said on the Shelly case we are waiting for the appeal period to run. If he did not file a Petition for Discretionary Review, then we are going to go ahead and file a Motion for Summary Judgment and try to bring the rest of that case to an end; at least as it relate to the County.

The Board may have seen where Mr. Shelly filed for the State Senate seat, not that it has anything to do with our case, but he is a candidate for Paul Newton's seat.

There being no further discussion, Mr. James Litaker, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous.

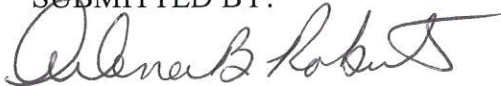
The official meeting ended at 7:50 p.m. After the meeting adjourned, the Board was shown two training modules from the School of Government on Planning Board and Board of Adjustment functions.

APPROVED BY:



Mr. Chris Pinto, Chair

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris, Planning and Zoning Manager

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Morris, AICP, CZO, Planning and Zoning Manager
CC: File
Date: 2/28/2018
Re: Proposed Text Amendments TEXT2018-00001

Attached you will find an Ordinance that outlines proposed text changes to the Cabarrus County Development Ordinance. The proposed changes relate to the following:

- Chapter 8, Conditional Uses #21 Reception Facilities
 - Proposed change to correct typo related to handicapped parking reference in Chapter 10.
- Chapter 2, Rules of Construction and Definitions
 - Add statutory reference to definition of Agriculture.
 - Amend bona fide farm definition to reflect statutory change. A Farm Identification Number is no longer acceptable to qualify as a bona fide farm.
- Chapter 7, Performance Based Standards, #68 Temporary Uses
 - Remove references to events that include assembly
 - Remove fireworks stand
 - Amend Similar and Compatible Uses Not Specified to remove language related to events that include assembly
 - Amend temporary tent or other temporary structure use to include cell on wheels (COWS) and clarify that intended use may initiate review and approval by Emergency Management.
- Chapter 5, District Development Standards
 - Amend language requiring Cabarrus Health Alliance approval “prior to the approval of the subdivision” to “prior to the approval of any zoning or building permits” in the Open Space Design Standards table.
- Chapter 15, Subdivision Ordinance

- Amend ordinance to add two new certificates that address soil suitability analysis
- Chapter 3, Establishment of Zones
 - Remove references in text and table to events, special events and activities and temporary amusement enterprise.
 - Clarify Temporary Tent or Other Structures definition to include Cell on Wheels and add to text and permitted use table.
- Appendix B, Commercial Design Standards
 - Add reference in lighting standards for Appendix D, Outdoor Lighting Standards
- Deletions are in strikethrough text. Additions and corrections are in red text.
- Please be prepared to discuss the proposed changes and to make a recommendation to the Board of Commissioners.

**AN ORDINANCE AMENDING THE CABARRUS COUNTY DEVELOPMENT ORDINANCE
TEXT2018-00001**

BE IT ORDAINED that the Cabarrus Development Ordinance is hereby amended as follows:

AMEND CHAPTER 8, CONDITIONAL USES #21, RECEPTION FACILITIES, AS FOLLOWS:

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 10-5-3 of this Ordinance. No on-street parking is permitted.

AMEND CHAPTER 2, RULES OF CONSTRUCTION AND DEFINITIONS AS FOLLOWS:

ADD and **DELETE** the following language:

AGRICULTURE – ~~Agriculture~~ **North Carolina General Statute § 106 581.1 defines Agriculture** is defined as:

FARM, BONA FIDE - 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 North Carolina General Statute § 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 North Carolina General Statute § 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan.
- e. ~~A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.~~

AMEND CHAPTER 7, PERFORMANCE BASED STANDARDS, #68 TEMPORARY USES AS FOLLOWS:

DELETE the following language:

~~Fireworks Stands~~

~~Fireworks Stands are permitted in LC and GC zoning districts only for up to 45 days per calendar year. A maximum of one (1) structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period. Any sale of fireworks shall be regulated in accordance with NCGS 14-410 and 14-414 and NC Fire Code (2009 Edition) Section 3308.11.~~

~~Event with Tent or Other Temporary Structure~~

~~Events in a tent or other temporary structure 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: Depending on the expected number of patrons, additional information may be required related to traffic and public safety prior to this type of permit being issued and it may be considered an event which includes public assembly and require permitting as such.

EVENTS WHICH INCLUDE PUBLIC ASSEMBLY

For events that include public assembly, applicants shall be required to submit a summary of the event and include the following preliminary information:

- Property address
- Type of use proposed
- Site diagram showing parcel boundary and setbacks
- Parking/circulation preliminary plan
- Duration of event (including set up and take down)
- Whether there will be tents/temporary structures/stages constructed
- Whether or not food vendors will be on site
- Whether or not alcohol will be allowed on site
 - Note: Alcohol sales are not permitted
- Expected attendance numbers for event per day

Once the summary has been submitted, staff will review the information and a pre-planning meeting with the appropriate agencies will be scheduled. Example agencies include, but are not limited to, the Cabarrus County Fire Marshal's Office, Volunteer Fire Departments, Emergency Management, Emergency Medical Services, the Cabarrus County Sheriff's Office, Zoning, Construction Standards, Cabarrus Health Alliance and the North Carolina Department of Transportation.

If the applicant proceeds with the proposed event following the pre-planning meeting, a full application shall be submitted to zoning for routing to the various agencies. The application shall include the following information:

- Type of use/activities proposed on site
- Staffing for event
- Parking/circulation and traffic control plan (including proposed signage)
- Site diagram showing parcel boundary and setbacks
- Duration of event (including set up and take down) and hours of operation
- Types and numbers and tents and/or temporary structures
- Expected attendance numbers for event per day
- Types of vendors that will be on site
- Security plan (if required, determined at pre-planning meeting)
- Weather plan (if required, determined at pre-planning meeting)
- Emergency medical plan (if required, determined at pre-planning meeting)
- Communication plan (if required, determined at pre-planning meeting)
- Any other applicable requirements from the North Carolina State Fire Prevention Code
- Copy of letter to adjacent property owners (if in residential district)
- Copy of list of adjacent property owners (if in residential district)
- Copy of letter(s) from property owner(s) for use of a private street or driveway (if applicable)

The following additional standards shall apply for all special events that include public assembly:

- a. More than one temporary use permit may be issued per parcel for these events. It is the responsibility of the property owner to ensure that the proper permits have been procured by vendors, merchants, promoters, etc.
- b. For events proposed in residential zoning districts, the applicant shall notify each adjacent property owner of the proposed event by US mail. Said notification shall include a description of the event, including any expected changes in traffic patterns (if applicable) and contact information for the applicant, or an appropriate designee. A copy of the letter and a list of property owner mailing addresses shall be provided as part of the application.
- c. Prior to zoning permitting, applicant must provide a copy of approved sound amplification permit from the Cabarrus County Sheriff's office if such permit is required.
- d. Customary signage for the event and for participating vendors shall be permitted on-site as part of the Temporary Use Permit. A separate temporary use permit for signage shall not be required.
- e. The parcel must have frontage on, or have direct access to, a NCDOT maintained road or a privately maintained 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 notarized documentation from the private street owner(s) that access to the site for the proposed event is permitted.

Amusement Events —

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed fifteen (15) days, up to 4 times per calendar year on the same parcel. This classification excludes events conducted in a permanent entertainment facility.

Foot Race, Trail Race

Foot and Trail races may be allowed in any non-residential zoning district for a period not to exceed seven (7) days, up to four (4) times per calendar year on the same parcel. These types of events are also allowed in the AO or CR zoning districts on farm properties. These events may occur up to two (2) times per calendar year on the same parcel and shall not exceed five (5) days.

Festivals, Music

Music Festivals may be allowed in any non-residential zoning district, for a period not to exceed ten (10) days, up to four (4) times per calendar year on the same parcel. These types of events are also allowed in the AO or CR zoning districts on farm properties. These events may occur up to two (2) times per calendar year on the same parcel and shall not exceed five (5) days.

Festival, Craft or Art

Craft or Art Festivals may be allowed in any non-residential zoning district, for a period not to exceed ten (10) days, up to four (4) times per calendar year on the same parcel. These types of events are also allowed in the AO or CR zoning districts on farm properties. These events may occur up to two (2) times per calendar year on the same parcel and shall not exceed five (5) days.

~~Special Events and Activities on Public Property~~

~~Special events and activities conducted on public property, such as school sites and public parks, shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting processes required by the Authorizing Agency.~~

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. ~~The applicant shall provide the following preliminary information for consideration (as applicable): type of use, number of employees, staffing for event, parking/circulation, hours of operation, general site description (include diagram), and duration of operation. Once this information is submitted, depending on the nature of the proposed use and whether or not it includes public assembly, additional information may be required. Please see the beginning of this section for the type of additional information that may be required.~~

ADD the following language:

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.

AMEND CHAPTER 5, DISTRICT DEVELOPMENT STANDARDS, SECTION 5-6 OPEN SPACE SUBDIVISION STANDARDS, AS FOLLOWS:

DELETE the following:

~~All lots shall be required to meet County Health Department requirements for septic system installation prior to the approval of the subdivision.~~

ADD the following:

All lots shall be required to meet County Health Department requirements for septic system installation prior to the approval of **any zoning or building permits**.

AMEND CHAPTER 15, SUBDIVISION ORDINANCE, AS FOLLOWS:

ADD the following certificates:

8. SOIL SUITABILITY ANALYSIS

SOIL SUITABILITY ANALYSIS CERTIFICATE (NO EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The lots on this plat have not been evaluated by the Cabarrus Health Alliance for suitability as part of the subdivision review process.

Date

Property Owner

SOIL SUITABILITY ANALYSIS CERTIFICATE (EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The following lots on this plat have been evaluated by the Cabarrus Health Alliance as part of the subdivision review process and the results are as follows:
(List lot number and type of system supported)

Date

Property Owner

AMEND CHAPTER 3 ESTABLISHMENT OF ZONES AND SECTION 3-8, TABLE OF PERMITTED USES AS FOLLOWS:

DELETE references to: fireworks stand, events, special events and activities and temporary amusement enterprise

ADD Temporary Tents or Other Temporary Structures, including Cell on Wheels to the text and the table for the appropriate zoning districts

AMEND APPENDIX B, COMMERCIAL DESIGN STANDARDS AS FOLLOWS:

ADD the following language:

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.**

BE IT ALSO ORDAINED that the Cabarrus County Development Ordinance is hereby amended as follows:

RENUMBER AND REVISE the Table of Contents and page numbers in the Cabarrus County Development Ordinance to correspond to the text changes as needed.

Adopted this _____ day of _____ by the Cabarrus County Board of Commissioners.

Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

ATTEST:

Terri Lea Hugie, Clerk to the Board