



## **Cabarrus County Government**

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Cabarrus County Planning and Zoning Commission Meeting  
May 13, 2014

7:00 P.M.

Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### **Agenda**

1. Roll Call
2. Approval April 2014 Minutes
3. Approval of Findings of Fact for RZON2014-00001, Applicant – Michael Greene  
Request to rezone approximately 1 acre for Low Density Residential (LDR to Limited  
Commercial (LC)
4. New Business – Planning Board Function:
  - A. Cabarrus County Zoning Ordinance  
Proposed Text Amendments to Zoning Ordinance TEXT2014-00004
5. Directors Report
6. Legal Update





## Cabarrus County Government - Planning and Development

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### Planning and Zoning Commission Minutes May 13, 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. Ted Kluttz, Mr. Chris Pinto, Mr. Richard Price and Mr. Jonathan Rett. 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 April 8, 2014, Planning and Zoning Commission Minutes.**

Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the April 8, 2014, minutes. The vote was unanimous.

#### **Approval of Findings of Fact for RZON2014-00001 – Request to rezone approximately 1 acre from Low Density Residential (LDR) to Limited Commercial (LC)**

Mr. Richard Price, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the Findings of Fact for RZON2014-00001 – Request to rezone approximately 1 acre from Low Density Residential (LDR) to Limited Commercial (LC). The vote was unanimous.

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

Cabarrus County Zoning Ordinance – Proposed Text Amendment TEXT2014-00004.

Ms. Susie Morris, Planning Manager, addressed the Board stating this is a Proposed Text Amendment to Chapter 7. This chapter is where we try to deal with our temporary uses.

She said two to three years ago we expanded this section to make it more clear for people to understand that if they are going to have a temporary use, they will need a Temporary Use Permit. Since that time, the County has received a lot of inquiries about events that are considered more as public assembly type events. That kicks in the fire code and NCDOT regulations and a lot of other things that come with it. The changes are to address a lot of those types of issues.

The first change is on Page 29, Letter h, to clarify that overnight camping in RVs, tents or campers is not permitted as a part of a temporary use. Letter g states that recreational vehicles shall not be used as a temporary use. If someone wanted to build a house, they are not permitted to live in a camper. If there is already an existing mobile home there



that would be fine. There are different regulations that come along with overnight camping as far the Health Department and different things. We have campgrounds and that is the more appropriate place for that to happen.

The second change also deals with recreational vehicles; where they would be allowed as part of a promotional display. If someone wants to set up just a display they could do that but no overnight camping or staying overnight would not be permitted.

Letter f, is not in the red text, but we are proposing a change in the period of time between Temporary Use permits from 90 days to 30 days, which is more consistent with some of the other jurisdictions. They would have to wait that period of time until they can apply for a new permit. It does not include those using UDO's because that still requires a 90 day period in between. She apologized that the 90 days must have been deleted inadvertently from the text.

On Page 31, Event or Tent or Other Temporary Structure, is letting the applicant know up front that depending on the expected number of patrons, additional information may be required related to traffic and public safety prior to that type of permit being issued.

With the fire department, the 10 x 10 tents are not regulated unless someone is cooking there and there is a potential for a fire hazard. This would be more for if a church wanted to have some type of an event or if a wedding facility wanted to have a temporary structure for no more than 60 days.

The new section starts on Page 32, Events Which Include Public Assembly. We tried to work through the different groups that are involved when these kind of events come in. The Fire Marshal, Emergency Management, Sheriff's Office, Zoning, if another jurisdiction is involved, if it crosses jurisdictions, NCDOT, and the Health Alliance all become involved.

This informs the applicant that these are the groups who potentially may look at what they are proposing. In the first part of this section, we ask for preliminary information and we also created an application to go along with it. They will submit a preliminary application and we will determine who will need to be in the room and schedule a pre-planning meeting.

Once we have the pre-meeting, if the applicant decides to proceed with the proposed event, they would submit a full application which will get into more detail (staffing for the event, weather plan, traffic, emergency plan, etc.). This is all finalized during the next phase.

As part of this type of event, we would allow more than one temporary use permit to be issued on a site, with the expectation being that the owner would come in and receive the overall permit for the event and then the vendors would come in individually and receive their temporary use permit.



Currently, we only have the single permit option. We submitted a new fee schedule to the County Managers' office for consideration. It includes a more broad application for the owner based on a festival or public assembly type of event. She said there is so much staff time going into these events and we are not really recouping any of the cost associated with that.

Amusement Events have been changed so that the festivals are something separate; because that is what we are seeing. A foot race or trail race would be allowed in nonresidential. We did not have anything for nonresidential.

Tough Mudder and the Spartan Race type promoters are looking for large tracts of property where they can go out and make the course and potentially use the course multiple years. We are seeing that type of activity happening on farms because they have the property and can support the parking.

This proposed text would cover that and we would allow it up to four times per year on the same parcel in a nonresidential zoning district and two times per calendar year on the same parcel if it is a residential zoning district. It would be the same thing for a music festival, except, we would allow up to ten days for nonresidential and up to five days if it is residential. A craft festival would be allowed up to ten days.

The Similar and Compatible Use is used if someone comes in and we cannot fit them into one of the categories. For example, a motorcycle rally or something like that is not really a festival, they are just gathering, or a different kind of race where they would be on the roads. We would let them know up front what they would need initially to determine what it is, once we have that information they may be required to submit additional information if the Fire Marshal's office determines that it is classified as public assembly.

She said the Fire Marshal's office is also looking at a Countywide Ordinance that would talk about these events and how they are handled. EMS and the Sheriff's office have both looked at potentially restructuring their fees and how all of that works. There is some type of fee that goes along with the ambulance, but with the ambulance comes people and the resources; the fee does not really cover the cost.

It is a learning curve for us, but we want to get out front on the language in the Zoning Ordinance to get them to go through the proper channels for life safety and the Health Alliance.

The Chair said reference to Page 33 at the bottom; will each individual vendor have to get permits. He asked if it could be streamlined to go through the organizer of the event instead of dealing with each vendor.

Ms. Morris said it will be up to them as to how it works. Again, it depends on whether or not the new fees are approved. If it is, and if the festival has a certain amount of vendors, then it may potentially include the whole entire permitting process and then we would not have to do multiple vendors. It really depends on how the event is organized. For



example the Arts Festival Downtown Concord is put on by the Downtown and each vendor is responsible for getting their own permits.

What we have been seeing has varied. The festivals at the Speedway have been coordinated by the property owner, not the promoters. With the Spartan Race and the Tough Mudder, the promoters obtained the permits. She said another festival is coming to Midland called the Color Festival and those folks thought that they could come in two days ahead of time and that everything would be good. They had not even visited the site.

We are working through it and trying to learn, but the expectation would be that each vendor receives a permit because there are inspections that go along with all of it and right now we are not covering any of those inspection costs. We could work with them if they said they wanted to go ahead and pay for it and would put it into their overall zoning fees.

We submitted some fee changes but she does not know if the changes will be approved. So, until then, we are working on the individual permit basis. Our goal is to get to the point where if it is less than 20 vendors, they could pay a blanket charge and then it's up to them.

Initially, it was proposed for the changes to the fee schedule, but, we did not have the changes for the text at that time. We will work through that and maybe next year when the budget process rolls around we can reassess and look at those fees. It is a lot of work; there are site visits involved, a lot of time spent on the phone and emails back and forth. It is not intended to be a money maker but we are trying to figure out what the base staffing cost would be. We are still trying to work through some of that.

She does not know if the Fire Marshal's office will look at any separate fees as a part of the ordinance they are working on. As we work through all of this, you may see some additional changes or we may try to amend the fee schedule. Typically, we are asked to do that along with the budget; there is only one opportunity per year.

Mr. Price said on Page 28, Item g, Recreational Vehicles shall not be used as a temporary use or as a part of a temporary use. He asked if a motor home could be used for vendors to come in and pick up their credentials or anything like that; as an admin use.

Ms. Morris said the short answer is no. If one of the promoters rode up in some kind of Prevost or something and that is what they used and they were only going to be there for that short period of time and then they left. But, again, we do not want people to get the temporary permit thinking that they can get this temporary permit and live in it or camp in it.

She and Mr. Koch have had conversations about it being a very fine line, as far as how we actually handle that. That is why we went back and looked at that section and said, okay, if there is a promotional display, you can use that as part of it; which would give an allowance if it is part of a big festival. Ms. Morris said we do a lot of zoning



enforcement for people living in recreational vehicles with drop cords coming from the primary residence.

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Ted Kluttz, to recommend **APPROVAL** of the Proposed Text Amendment **TEXT2014-00004** to the Board of Commissioners. The vote was unanimous.

### **Director Report**

Ms. Morris informed the Board that Mr. Eugene Divine resigned from the Planning and Zoning Commission effective immediately due to health reasons.

She said if any of you know anyone living in the Harrisburg area that may be interested in participating, please let her know. We also need to look for someone in the Northwest area. Mr. Ensley will be living and Ms. Frye has agreed to move into the Northwest spot and we would then have another At-Large position available. If you know of anyone interested at all, please have them call me, it doesn't really matter what area that they are in. She asked for the applications that were on file, and we only had three or four. She has also contacted the Town of Harrisburg and requested to look at some of their Planning and Zoning applications on file.

Those of you whose terms are expiring have agreed to return. So, we may be able to accomplish a full complement of the Board with some shifting around.

She said the CONNECT public engagement phase and the mapping is done now. They are now looking for comments at a County level, not so much at a regional level, to see what makes sense and what does not make sense. The next phase will be the Tool Box Phase; what may work here in Cabarrus verses what may work in Iredell County. She has the Executive Summary document that they put together if anyone would like to look at it.

She said the text for the solar changes recommended to the Board of Commissioners at the last meeting went to the Board of Commissioners work session. At the work session Mr. Koch and I had a discussion with them about whether or not they wanted to do bonding. They decided to remove the part about the bonding. You are either on one side of the fence or the other or there is a middle ground. We told them where we started, where the middle ground was and what other people were doing; they went with what other people are doing.

She said they had a discussion about too much government regulation and that there are things that we should not even be delving into. That was the direction that we were given and it will go to them on Monday for final consideration.

Ms. Morris said there are three tenets of thought, you require it, you require a bond minus the salvage amount, or you go with nothing and leave it between the property owner and the developer. It is a standard practice when it comes to these items. You just have to



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hope that if they lose a contract with Duke Power, or if there is a falling out between the developer and the property owner, hopefully, based on the salvage amount, that someone would come in and take care of it and remove it or would try to get a new contract with somebody else and see if an estimate was already made.

Mr. Koch said since our last meeting, the School of Government, held a webinar about solar that was informative. It was not so much about the legal aspects of it as much as it was to educate people as to the engineering involved, some of the concepts, and also what people are doing across the state in dealing with it.

One of the things he learned from participating in that, in terms of megawatts produced by solar, is that North Carolina is the third largest producer of the fifty states (California being first, Texas being second). In terms of total mega wattage, they are way ahead of us but it was surprising to hear that North Carolina is third.

We do not see much of that around here yet, but there is a good bit of it down East and now it seems to be migrating this direction. We have a proposal for one in Midland which spurred getting something in the ordinances to be able to deal with it.

He thinks it is fair to say that from the School of Government's perspective, they are promoting solar. There is a model ordinance that has been developed by the solar industry. They had stakeholders from the School of Government, North Carolina Association of County Commissioners, the North Carolina League of Municipalities, and a number of different folks that would be involved with either the regulation of it or some other aspect of it.

He said across the state, there is a number of different ways to deal with the issue of the bond. Of course, the industry, does not want the bond because they are expensive and they contend that it is different from a cell tower, because you do not have the same safety concerns. If you have a cell tower that is abandoned and it is just sitting there without any maintenance on it, at some point it will become a hazard, in terms of whether it will fall down or not; basically.

With solar, the issues are not the same. The average height of the panels in a solar farm are somewhere between eight and twenty feet. Supposedly, most of that material is salvageable; the aluminum supports for it and also the panels themselves. They contend, with some justification, that that is a different situation and that a bond would not be required and that you could actually have a plan for decommissioning and removal that would be something worked out between the property owner and the operator of the solar farm and then deal with it if it becomes a problem.

Mr. Koch said we do not have any experience with that, so we do not really know whether that is true or not. The Commissioners take on it was let's not over regulate it and impose those kinds of requirements on it at least at this stage of the game; let's see what happens. That is one change being made that was otherwise approved here. We will



see whether it becomes something that we will have to deal with here and hopefully it will not become some sort of zoning enforcement problem.

### **Legal Updates**

Mr. Koch said with reference to the Ben Small matter, apparently, he has decided to sell his house. He had actually taken down the storage building and had propped up some ply wood around his well and it was like that for a period of time. At some point someone went in and constructed a new cover for the well head. The concrete pad was 8' x 10' and the covering on it was roughly about half of that area, it has a gable roof on it and it is a lot shorter. He thinks the conventional feeling was that it more resembled a well head then a storage building or an accessory building. The County's position at this point is that there is no further enforcement action to take. There has been no complaint about it to his knowledge, and he does not know if the property has been sold at this point. That seems to be the way that that whole matter has now concluded.

Mr. Koch said the Board may remember the situation with the individual out on Rocky River Road, with the mobile home, and all the issues we had with him about living without any water or heat or sewer. That sort of lurches to a conclusion in which he obtained all of those things and he also put skirting around his mobile home, which depending on how you look at it, may or may not have complied with the Ordinance as written. But, in terms of appearance, it seems to look like everything else in the neighborhood.

There was an interpretation made to that affect to try to bring that whole matter to a conclusion and Ms. Morris made that interpretation, we sent out the notices to those people who would have standing to appeal, nobody did, so we think we are at the end of the road on that.

We have a couple of other issues out in that neighborhood that have been brought to our attention by an individual there and we are pursuing a couple of those and he will report on them later if they amount to anything. That is pretty much it for the two principle matters that we had that actually went on for quite a period of time and we spent a lot of time dealing with them.

Finally, to pick up on some comments that Ms. Morris made about the temporary use stuff that you were looking at today. We have had a lot of different types of events come to the county; the Mudder and some races. Ms. Morris mentioned the "Little" property across the street from the Speedway. If you are standing at the speedway looking up Speedway Boulevard it is on the left. There is a family of Little's out there and different members hold different tracts out there.

This particular one has a mobile home park in the back and they use the front section for vendors for the race events. They have wanted to expand to have other types of activities out there to take advantage of all the people that are there incident to a lot of the events



that are at the Speedway. They do not want to be annexed into the City of Concord and become a part of the Speedway zoning.

He is not sure if Concord would let them become a part of that zoning because they have special zoning for the Speedway properties. Nonetheless, they would like to take advantage of and use their property incident to those other events. We have been trying to work with them to accommodate their ability to use their property.

They have all kinds of different things that they have proposed. The Fanta is the first in a string of events that they want to have basically during this month of spring racing activity. Part of these changes is trying to accommodate that very unique situation and not have them be hamstrung by our temporary use ordinance as it was originally written. Basically, the way that it was, they could have one event and then have to wait 90 days and they would lose the ability to do that.

We had an application from NC NORMAL, which is the group in North Carolina that is part of the National NORMAL (National Organization for the Reform of Marijuana Laws). That group wanted to come in on a rural property (37 acres) and have a camping event; no alcohol, but they want to camp overnight for a music festival. Since there is no camping allowed in these ordinances, we told them that they could not qualify. They were not happy and they will probably be back with a different proposal.

The Sheriff had actually issued them a noise permit for their music, so they were kind of on their way, but they wanted to do the camping and that was a problem under the ordinance. The event has been cancelled at least in Cabarrus County.

The point is there are a lot of different types of events of a temporary nature that we are seeing now and we are trying to accommodate people to be able to use their property. But, there has to be some overall rules that govern it. That is part of what has prompted some of these changes.

There being no further discussion Mr. Ted Kluttz, **MOTIONED, SECONDED** by Mr. Richard Price to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:45 p.m.



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APPROVED BY:



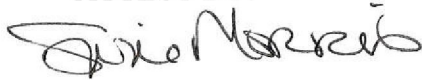
Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris  
Planning and Zoning Manager



# Memo

**To:** Planning and Zoning Commission  
**From:** Susie Morris, AICP, CZO, Planning and Zoning Manager  
**CC:** File  
**Date:** 5/2/2014  
**Re:** Proposed Text Amendments to Zoning Ordinance TEXT2014-00004

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- Please look over proposed text changes to Chapter 7 to clarify the temporary use text and to address events that include public assembly.
- Deletions are in strikethrough text. Additions are in red.
- This text has been reviewed by the Text Amendment Committee and by the County Attorney.
- Please be prepared to make a formal recommendation on this text to the Board of Commissioners.



64. Warehouse with Outside Storage

Limited Industrial and General Industrial districts

- a. Outside stacking of materials should not be visible to the passing motorist traveling any adjacent external road.
- b. Materials must be screened with Level Three buffering. See Chapter 9, Landscaping and Buffering Requirements

65. Wind Energy Facility, Accessory Use, On Site Use Only

Agriculture/Open, Countryside Residential, Low Density Residential and Medium Density Residential districts

- a. The site must be a minimum of 5 acres.
- b. Turbines must be located 2 times the height of the tower structure from any property line or structure, including structures on adjacent properties.
- c. The height of the structure may not exceed 65 feet.
- d. Energy produced must be used on the same parcel.
- e. A decommissioning plan shall be provided that describes the anticipated life of the Facility, estimated decommissioning costs and responsible party for decommissioning the Facility.
- f. A maintenance plan shall be provided describing the maintenance schedule for the structure including the name, address and phone number of responsible party for maintenance.

66. Wireless Telecommunications Services, Co-location

Agriculture/Open Space, Countryside Residential, Low Density Residential, Medium Density Residential districts, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial, Light Industrial and General Industrial districts

- a. See Chapter 8, Section 8-4, 38

67. Temporary Uses

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit is required pursuant to Chapter 12 of this Zoning Ordinance.

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve an application for a Temporary Use Permit unless the following criteria,



specific regulations and time limitations are met in addition to the standards for any particular Temporary Use specified below.

The allowance of Temporary Uses shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located. The use shall be compatible in intensity, character and appearance with existing land uses in the immediate vicinity of the temporary use. The neighborhood and street network surrounding the temporary use shall not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

- a. The use shall not take place on publicly or privately owned property unless the applicant first obtains written approval from the owner. The original signed letter shall be provided as part of the Temporary Use Permit application and review process.
- b. The location of the Temporary Use shall be such that adverse impacts on surrounding properties will be minimal, particularly regarding any type of traffic generated impact upon traffic circulation in the area.
- c. Adequate off-street parking shall be provided to serve the temporary use. Temporary Uses shall not displace the required off-street parking spaces or loading areas of the principal permitted use(s) on the site. Sales and display areas shall be designed to prevent traffic hazards and nuisances to normal traffic patterns and internal circulation for the site.
- d. Structures and display areas shall comply with primary setback requirements for the zoning district. The items shall be displayed so as to not interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. Display of items or conducting business in a public right-of-way, emergency access lane or fire lane is not permitted.
- e. Unless specifically stated, only one Temporary Use Permit shall be issued for a parcel at any given time.
- f. The period of time between Temporary Use Permits on a parcel shall be thirty (30) days ~~three (3) months~~ (expiration date and new issue date). This restriction shall not apply to real estate development and construction related temporary uses.
- g. Recreational Vehicles shall not be ~~permitted~~ **used** as a temporary use or as part of a temporary use.



- h. Overnight camping in RVs, tents or campers is not permitted as part of a temporary use.

## **TEMPORARY RETAIL SALES RELATED**

### *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.

### *Seasonal Sale of Agriculture Products (Includes Christmas Trees and Pumpkins)*

Seasonal Sales permitted in OI, LC, GC and LI zoning districts only. Limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building or display booth shall be allowed and may cover a maximum of 400 square feet. Display area shall not interfere with emergency ingress/egress or with required parking. The structure must be portable and completely removed when the permit expires.

### *Itinerant Merchants*

The sale of food, beverages, or merchandise from a stand, motor vehicle or from a person may be allowed in the LDR, MDR, HDR, LC and GC zoning districts at existing business sites. Temporary stand, vehicle, display area, etc. shall not interfere with emergency ingress/egress, sight triangles or required parking. The permit shall be limited to a period not to exceed ninety (90) continuous days per calendar year at a given location. The 90 days starts at date of issue and does not exclude days that the vendor is not on site.

### *Promotional Activities Involving the Display of Goods or Merchandise*

Such activities may be conducted at a business for a period of not more than fifteen (15) consecutive days. Merchandise and display area shall not interfere with emergency ingress/egress, sight triangles or required parking. If a private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed four times during any calendar year, for a maximum of 60 days per calendar year. **New Recreational Vehicles for sale as part of promotional displays are permitted.**

## **REAL ESTATE DEVELOPMENT AND CONSTRUCTION RELATED**

### *Contractor Office, Construction Equipment Storage*

Accessory to an active Construction Project, permitted in any zoning district. Placement of such temporary use is limited to a period of time determined by an estimated project completion date. The permit may be extended for up to one year if approved by the Administrator. A construction trailer or modular unit may be used as a contractor's office or



for the storage of equipment or materials. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted per builder for office or for storage. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of the Certificate of Occupancy being issued for the project.

*Real Estate Sales Office in a Construction Trailer or Temporary Modular Unit, Residential Projects*

Temporary structures, construction trailers or temporary modular units may be used as real estate sales offices in any active residential construction project for the sale of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales office per builder. Each individual trailer or modular unit shall be located on an individual lot. In no case shall multiple permits be issued for the same Parcel Identification Number (PIN). The permit shall be valid until the project is complete. All temporary structures shall be removed within 30 days of final sale.

*Real Estate Office in Model Home*

Accessory to construction of a new residential development. Model homes must be located on individual parcels. Limited to a period of time not to exceed one year with the option of an extension of up to one year if approved by the Administrator.

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

Temporary structures, such as construction trailers or temporary modular units, may be used as real estate sales offices in any active commercial or mixed use construction project for the sale or leasing of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales or leasing office per builder. All temporary structures shall be removed within 30 days after final sale.

*Temporary Dwelling for Large Construction Projects*

During the active construction period (after a building permit has been issued) projects involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) single section manufactured home may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary unit shall be removed from the site within 14 days of issuance of the Certificate of Occupancy for a non-residential structure or the occupancy of the first residential unit if within a residential development.

*Temporary Residence in Manufactured Home During Construction of New Home on Same Site*



In the event that a new single-family home is being constructed on a parcel where a manufactured home currently exists in the AO, CR, LDR, MDR and HDR zoning districts, the manufactured home may remain for the duration of the building process for the new home. The manufactured home shall be removed within 30 days of the date of the last final inspection, as required by North Carolina Building Codes. In no case shall the new home and manufactured home be occupied at the same time.

## **OTHER TEMPORARY USES**

### *Auction, Estate or Asset Liquidation*

Estate or asset liquidation auctions are permitted in any zoning district for a period not to exceed three (3) days. Patron parking shall be located so as to not interfere with neighborhood traffic and so that emergency access is maintained for the street right-of-way and to the auction site.

### *Auction, Livestock*

Livestock auctions are permitted in the AO, CR, MDR or LDR zoning districts at existing agriculture sites for a period not to exceed three (3) days. Patron parking shall be located so as to not interfere with traffic and so that emergency access is maintained for the street right-of-way and to the auction site. If used, temporary holding pens shall be located a minimum of one hundred and fifty (150) feet from any adjacent residentially used or zoned property.

### *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.**

### *FEMA Trailers, Natural Disaster or Significant Weather Event*

FEMA Trailers may be used as temporary housing in any residential zoning district following a natural disaster or significant weather event. Should a non-conforming residential use exist at the time of a natural disaster or significant weather event in a district other than residential, a FEMA trailer may be used as temporary housing in that zoning district. FEMA Trailers shall be removed within 90 days of completion of new construction.

### *Mobile Personal Storage Unit, Vacate or Occupy Premise*

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 30 days to allow the current owner or tenant to vacate the premises or to allow a new owner or tenant to occupy the premises. In no case shall this type of unit be permitted or used for permanent storage on a site.

### *Mobile Personal Storage Unit, Renovation*



One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 90 days to allow for temporary storage during renovation or remodeling projects. In no case shall this type of unit be permitted or used for permanent storage on a site.

*Dumpsters, Commercial Waste Containers*

One commercial waste container or dumpster permitted per parcel in any zoning district. The unit may remain on site for a maximum of 90 days to allow for remodeling, construction or debris removal projects. At no time shall debris be permitted to accumulate beyond the container rim. In no case shall this type of unit be permitted or used for permanent waste disposal on a site.

## **TEMPORARY SIGNS**

*Temporary Construction Sign*

One sign permitted per site not exceeding 32 square feet in area per face. Such signs shall not be erected prior to preliminary plat approval when the development is subject to Cabarrus County Subdivision Regulations. When the project is not under such regulation, the letting of contracts will be the point in time at which such signs may be posted. Signs shall be located outside of the right-of-way and any applicable sight triangle(s). The sign shall be removed within 14 days of the issuance of a Certificate of Occupancy for commercial projects or the final sale for residential projects.

*For Profit Temporary Sign*

One sign permitted per business not to exceed 16 square feet to advertise sales, special events, grand openings, store closings, etc. Sign shall not be illuminated and shall be mounted flush against the building wall. The permit may be issued for a maximum of 15 days and may be issued up to four times a year. Sign shall be removed on the expiration date of the permit.

*Temporary Agricultural Sign (Seasonal Sales on Site)*

A temporary agricultural sign does not require a sign permit. However, the sign must meet the following standards:

- Shall not exceed sixteen (16) square feet
- Shall not exceed four (4) feet in height
- Shall not be illuminated

The sign shall be erected no sooner than one (1) week prior to the beginning of the harvest season and must be removed immediately upon the end of the harvest season.

## **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 of 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)
- 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 private street or driveway

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 Enterprise*

Carnivals, circuses, fairs, festivals 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.

If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning and Zoning Board of Adjustment in accordance with Chapter 12.

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