



Cabarrus County Government

Cabarrus County Planning and Zoning Commission

Tuesday, February 10th @ 6:30 p.m.

Board of Commissioners Meeting Room

Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval of Meeting Minutes for January 13, 2026.
3. Old Business Board of Adjustment:
 - A. **Petition VARN2025-00005**-Variance request for relief from the setback requirements from County Line and the dimensional requirements of the AO district. Gary and Kathy Almond are the applicants/owners. The address associated with the subject property is 3077 Pickens Road (PIN: 5589-95-0742).
4. Legal Update
5. Director's Report
6. Adjourn

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
February 10, 2026**

Mr. Michael Bywaletz, Chair, called the meeting to order at 6:30 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Mr. Charles Paxton, Mr. Stephen Wise, Ms. Holly Edwards, Ms. Ingrid Nurse, Mr. Mohammed Idlibi, Mr. Keith Conrade and Ms. Heather James. Attending from the Planning Department were, Mr. Phil Collins, Planning Supervisor, Ms. Susie Morris, Planning & Development Director, and Ms. Lisa Johnson, Clerk to the Commission. Also, in attendance was Mr. Douglas Hall, County Attorney. Absent from the meeting was Mr. Chris Pinto.

Call to Order

Mr. Michael Bywaletz, Chair, called the meeting to order at 6:30 p.m.

Roll Call

The Chair called on Ms. Lisa Johnson to call the roll.

The Chair reminded the audience that anyone wishing to speak would need to fill out a blue card.

The Chair proceeded to read the Rules of Procedure:

Rules of Procedure

1. The Cabarrus County planning staff person(s) shall first present the Staff Report and answer questions from the Commission. There will be no time limit on this presentation.
2. The Applicant or Appellant may make a presentation to the Board (optional) and will then answer questions from the Commission. There will be a 15-minute time limit on the presentation if the Applicant or Appellant chooses to make a formal presentation. There will be no time limit on questions from the Board following the presentation.

3. When the Board is ready to proceed, the proponents (those speaking generally in favor of the case) will have a total of 15 minutes to speak or present evidence in support of their position. The 15-minute time limit does not include questions directed to the proponents by the Commission.

4. After the proponents finish, the opponents (those speaking generally against the case) will have a total of 15 minutes to speak or present evidence in support of their position. The 15-minute time limit does not include questions directed to the opponents by the Commission.

5. Each side will then have 3 minutes for rebuttal, with the proponents going first. Again, questions directed to the speaker will not count against the time limit. This will conclude the public hearing portion of the meeting, and the Commission will proceed to deliberation.

6. Each side is strongly encouraged to use a spokesperson to present the positions commonly held by each. Each side is also strongly encouraged to organize their speakers and presentations to ensure that all persons wanting to speak will have time to do so.

7. If a speaker has questions of a person on the other side, such questions shall be addressed to the Commission members to be redirected to the person to be asked. There will be no direct questioning of one speaker by another except through the Commission.

8. Public demonstrations of support for a speaker's comments should be limited to clapping. Any other type of audible support shall be out of order and subject the offender to being removed from the building. Anyone speaking out of order shall likewise be subject to removal.

9. These rules are designed to have a full and fair hearing that is orderly and expeditious and avoid unnecessarily repetitious presentations.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **APPROVE** the Rules of Procedure. The vote was unanimous to **APPROVE**.

Mr. Michael Bywaletz proceeded to swear in members of the audience wishing to speak.

The Chair asked if there were any board members that had any conflicts of interest with the upcoming case. There being none, the Chair proceeded.

Old Business Board of Adjustment

Petition VARN2025-00005-Variance request for relief from the setback requirements from County Line and the dimensional requirements of the AO district. Gary and Kathy Almond are the applicants/owners. The address associated with the subject property is 3077 Pickens Road (PIN: 5589-95-0742).

The Chair reminded the board members that this case was continued from the October 14, 2025 and January 13, 2025 meetings.

Mr. Michael Bywaletz said, the applicant is seeking relief from the Cabarrus County Development Ordinance for:

- The setback requirements from County Line and
- Dimensional requirements of the AO district and
- To allow the proposed home to be constructed two feet from the County line, which is a 28-foot encroachment into the required 30-foot setback

At the last meeting, the Board requested additional information be provided as to:

1. Whether or not the house could be moved away from the County line and
2. Whether or not other areas of the site were explored for siting the house.

Additionally, it is my understanding that the Soil Scientist is here this evening to answer questions about those documents from the Board if needed.

Since this case was continued, we will move into discussion with the applicant and Soil Scientist about the updated information that was provided.

The Chair then reminded the Board of the Application of the Variance Power:

A variance may only be allowed by the Commission in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all of the following findings:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be created as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Commission, which is not empowered to grant variance without an affirmative finding of fact on all four categories above, each finding of fact shall be supported by substantial, material, and competent evidence in the record of the proceeding before the Commission.

The Commission may impose reasonable conditions upon the granting of any variance to ensure that public health, safety and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

Mr. Michael Bywaletz called on Mr. Wendell Overby to speak.

Mr. Wendell Overby said, I am a North Carolina licensed Soil Scientist. My address is 372 Dellwood Court, Concord, NC 28025.

Mr. Michael Bywaletz said, you provided a memo in regard to the proceedings in how you determined your Soil Scientist evaluation. I had questions if regard to some of those findings.

I've read a lot about the desired house location and the preferred house location. Was the location that was close to the County line provided to you first and then you did your soil evaluation? Did you have to work around that or was it known that the

house needed to be 30 feet and you said it can't be 30 feet; it has to be closer to the line?

Mr. Wendell Overby said, no, it was provided like that.

Mr. Michael Bywaletz said, okay, then that was the Almonds' preferred location?

Mr. Adam Dagenhart said, you mentioned there was another suitable area. Where is that in relation to the proposed house?

Mr. Wendell Overby said, the closest was about 400 feet away. To give you an idea of what is involved in the septic permitting process, we need to have suitable soil to a certain degree and also in the horizontal, so we need to have an area. That closest boring was about 400 feet. The area that would be required was not worked out. A couple of other borings in proximity to that specific boring were only suitable to an engineered type of system. There is either a creek and/or drain that would be in the path of the house to the other area.

Mr. Michael Bywaletz said, you had stated in your memo that the 60-foot trench could be added to the repair field allowing that the house has to be shifted 10 feet further west, away from the County line. Could that same trenching and modification of the repair field happen if you push the house to the actual 30-foot limit?

Mr. Wendell Overby said, I think what you're talking about is the repair area. State rules require a property to have the initial septic system installed and then the repair field. In the drawings on the sketch, the solid lines are the initial system. The dash lines represent the repair.

Mrs. Morris sent an email to me on January 15th asking if there was any room or adjustment to get the house further away from the County line. In looking at the data that we had, we found that there was room for where we had the new 60-foot proposed trench for the repair. That was going to allow the house to move over 10 feet.

The orientation of those lines is set by contour. The State rules require that you can't have a trench running downhill. The issue with getting close to the drive is that there is a cut there; there's a bank. If it's two feet or more, we have to be 15 feet away from that bank.

Mr. Charles Paxton said, in your professional opinion, you stated that if you moved it 12 feet, then you could do what they wanted. Is that correct?

Mr. Wendell Overby said, I was asked in the correspondence if there could be an adjustment to the repair field so that the house could be shifted. Adding the 60-foot line did allow us to trim those lines. I need to maintain 10 feet from the house to the start of the septic trenches. That's a setback, much like the property line, I can't get within 10 feet of that. By adding the 60-foot line, we could move it further to be 12 feet off the County line.

Mr. Michael Bywaletz said, how far does it need to be between the primary and the secondary?

Mr. Wendell Overby said, those are dependent on the type of system. Those are 3-foot-wide trenches but they're on 9-foot centers. I can't get that particular trench closer than 9 feet.

Mr. Michael Bywaletz said, was there any additional reconnaissance west of P7?

Mr. Wendell Overby said, there was a soil boring to the west of P7 that was 18-24 inches. It was for an engineered system, so it would not be for the same type of system that's being proposed. The "uns" stand for unsuitable system where an engineered system would not work.

Mr. Charles Paxton said, we asked the applicant to go to the Soil Scientist to see what he could do and he has come back to us and this is what it is.

Mr. Adam Dagenhart said, based upon the state of regulations, there are constraints on what he can do based on topography. I would also add that he took our questions and was able to modify the plan. We have 10 more feet; it's just a matter of if that is acceptable. There is another area but it's 400 feet away, which is additional cost for testing, etc.

Mr. Brent Rockett said, and that may not be a sure thing.

Mr. Michael Bywaletz said, based on some of the evidence, it would definitely cause unnecessary hardship and not even knowing if moving it would work in that particular location.

Mr. Brent Rockett said, with the evidence provided by Mr. Overby today, I feel comfortable that they have looked into every option to mitigate. While the plan is not exactly what we would want from the County perspective, it seems that they have exhausted their options in the placement of the home.

Mr. Michael Bywaletz said, I believe it is in the spirit of the purpose and intent of the Ordinance, especially since we now have 10 more feet away from the property line. Based on the topography and other conditions of the site, we have met what we needed to.

VOTE #1

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** an **18-Foot Encroachment into the Required Setback for the AO Zoning District and for the Home to be Constructed 12 Feet from the County Line**. The vote was unanimous to **APPROVE**.

VOTE #2

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **APPROVE** the **Conditions of Approval as Provided in the Staff Report**. The vote was unanimous to **APPROVE**.

- *The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.*
- *The applicant shall build the residence entirely on the Cabarrus County side of the subject property.*
- *County line must be delineated in the field and clearly marked before and during construction of the new home.*

LEGAL UPDATE

Mr. Douglas Hall, County Attorney, did not have any legal updates at this time.

DIRECTOR'S REPORT

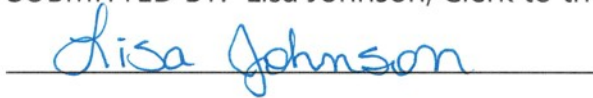
Ms. Susie Morris, Planning & Development Director, did not have any updates at this time.

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **ADJOURN** the meeting at 6:54 p.m. The vote was unanimous to **ADJOURN**.

APPROVED BY: Michael Bywaletz, Chair



SUBMITTED BY: Lisa Johnson, Clerk to the Planning & Zoning Commission



ATTEST BY: Susie Morris, Planning & Development Director



SCANNED AND RETURNED

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS

FILED Mar 13, 2026
AT 03:36 pm
BOOK 17889
START PAGE 0119
END PAGE 0124
INSTRUMENT # 05700
EXCISE TAX \$0.00
MNS

This space reserved for recording purposes
Prepared by and Return: Douglas L. Hall, County Attorney & General Counsel, Cabarrus County

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

CABARRUS COUNTY PLANNING
AND ZONING COMMISSION
BOARD OF ADJUSTMENT
VARN 2025-00005
PIN 5589-95-0742-0000

In Re:

Gary W. Almond
And Wife, Kathy T. Almond

)
)
)

ORDER GRANTING VARIANCE

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on October 14, 2025; January 13, 2026, and February 10, 2026 upon the application of Co-Applicants Gary W. Almond and Wife, Kathy T. Almond for a variance on the above identified property.

Notice was given to the Co-Applicants and to adjacent Property owners as required by law.

Nine Board members were able to hear this variance application on February 10, 2026, to wit Chair Michael Bywaletz, Charles Paxton, Adam Dagenhart, Ingrid Nurse, Mohammed Idlibi, Keith Conrade, Heather James, Holly Edwards, and Stephen Wise. This constituted a quorum of the nine seat Board.

Attending from the Planning Department were Phil Collins, Planning Supervisor; Susie Morris, Planning & Development Director; Lisa Johnson, Clerk to the Commission; and Douglas Hall, County Attorney. The Applicants were represented in the preparation of their application and in all hearings by Brian P. Hayes, Esq.

6/26

All of the witnesses were duly sworn and documents were received in evidence. No witnesses testified in opposition to the variance request; the Applicants and their soil scientist testified in support of the variance request. No third parties appeared at the public hearing on this matter on October 14, 2025.

After hearing and receiving the evidence, the Board makes the following

FINDINGS OF FACT:

1. 3077 Pickens Rd., Mt. Pleasant, N.C. 28124 (PIN 5589-95-0742-0000) is parcel that is bisected by the common County line between Cabarrus County and Stanly County. Approximately half or 39.394 acres of the total parcel is located in Cabarrus County;
2. The property is accessed by entry on the Cabarrus side of the line, namely Pickens Road which dead ends at this property. There is no public road access on the Stanly side of the property;
3. The Applicants inherited the property, which has been in the Almond family since at least 1971;
4. A homeplace was established many decades ago on the property. The prior home itself was bisected by the County line, and has been demolished due to age and condition. The Applicants desire to construct a new home in generally the same location and footprint as the original house, so as to take advantage of the topography of the land, and the accessory structures which still exist, such as a garage.
5. The County's Planning and Development Ordinance requires a 30-foot setback from all "rear" property lines.
6. The County's Planning and Development Ordinance requires that a County line be treated as a property line;
7. Therefore, the Applicants filed their application seeking a variance from this setback. The original plan submitted by the Applicants called for locating the new house within two (2) feet of the County line which bisects the property;
8. Documents submitted with the application from the Applicants' soil scientist, Wendell Overby of Soil & Forestry Services of the Carolinas, P.A., indicated that 24 test borings on the Cabarrus side of the line were made. The majority or 15 of them were deemed unsuitable. In addition, the desired location for the house (and the location of the former house) is a high point of the overall parcel;
9. For a new septic tank and drain field to function correctly, they need to be located downhill from the house unless a significantly more expensive engineered or

packaged septic system is used. Since the footprint of the historic home and desired location for the new home is a high point of the parcel, this limits the available septic layout options;

10. At the October 14, 2025 meeting of the Zoning Board of Adjustment, this matter came on for initial hearing. After hearing from the Staff, the Applicants, and their attorney, the members of the Board of Adjustment instructed the Applicants to work with their soil scientist to determine if the new home could be moved further away from the County line, so that less of a variance was needed. The Board indicated it was not inclined to allow over a 90% variance from the setback as requested;
11. The Applicants testified that they hired a soil scientist because they had been seeking a septic plan approval since 2021, without success. The Board was concerned given this history that the proposed septic layout had not yet been approved by Cabarrus Health Alliance, so the Board asked for proof of CHA approval at the next hearing;
12. The matter was continued to the December 9, 2025 meeting of the Zoning Board of Adjustment for the Applicants to return with this information, and they were specifically asked by the Board of Adjustment to have their soil scientist present at that meeting. The Applicants were not ready to proceed at that session, so the matter was continued again at their attorney's request to the January 13, 2026 meeting;
13. At the January 13, 2026 hearing, the Applicants had secured Cabarrus Health Alliance approval of the proposed septic system. However, the Applicants did not have their soil scientist present as the Board had specifically requested at the October 2025 setting of the matter, and the Applicants were seeking the same 28-foot variance;
14. The Applicants were again told the Board of Adjustment wanted to hear testimony from their soil scientist that there was no other placement option for the new home, or, the Board at least needed a report from the soil scientist stating that fact before they could make a decision on the variance;
15. The matter was then continued to the February 10, 2026 meeting of the Board of Adjustment for this reason. At the February 10, 2026 meeting the soil scientist, Wendell Overby, was present. He testified that Almonds instructed him that they wanted the new house sited two (2) feet off the County line, and they asked him to design the septic layout around that;
16. However, in his professional opinion, the proposed home site was indeed the most viable option for placement of a home on the Cabarrus side of the line, between the soil conditions and topography of the parcel, unless a very expensive packaged or engineered system was used.
17. Overby was able to revise the planned septic repair area layout enough to

accommodate the home being 12 feet away from the Stanly line, thereby reducing the amount of variance needed;

18. Unnecessary hardship would result from the strict application of the Ordinance. It is not reasonable or economically feasible to require placement of the new home thirty (30) feet away from the Stanly line, due to the conditions of the soil which dictate the placement of the drain field and repaid area. It is not necessary to demonstrate that in the absence of a variance, no reasonable use can be made of the property;
19. The hardship results from conditions that are peculiar to the property, namely the soil conditions, the topography, and lack of public road access on the Stanly side of the parcel;
20. The hardship did not result from actions taken by the applicant or the property owner;
21. The requested variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured, and substantial justice is achieved. The Applicants have exhausted all options with regards to placement of the home in compliance with the Planning and Development Ordinance;
22. The property was posted with regards to this variance application as required by law, and no persons have appeared at any of the three hearings in opposition of the requested variance.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW:

This matter is properly before the Board, and the Board adopts and incorporates by reference the above Findings of Fact;

The Applicants have provided substantial, material and competent evidence to support the variance request.

Based on the foregoing Findings of Fact and Conclusions of Law, the Cabarrus County Planning and Zoning Commission sitting as the Board of Adjustment hereby enters into the following

ORDER:

The requirement that the proposed home be located thirty (30) feet away from the Stanly County line when said line is interpreted as a rear property line, is hereby varied for this application to a requirement that the proposed home be located no less than twelve (12) feet away from the Stanly County line, thereby granting an eighteen (18) foot variance to the Applicants.

The vote by the Board on this variance was unanimous. The special conditions for approval

of the variance are attached as Exhibit A and incorporated by reference. This variance Order shall be appurtenant and run with the land with reference to the Property, and shall be recorded in the Cabarrus County Public Registry.

This 13 day of March, 2026, *nunc pro tunc* to February 10, 2026.

Michael Bywaletz
Chair, Cabarrus County Planning and Zoning
Commission
Sitting as the Board of Adjustment

ATTEST:

Lisa Johnson,
Clerk to the Planning Board

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, Lisa Johnson, a Notary Public in and for the said State and County do hereby certify that Michael Bywaletz as Chair of the Cabarrus County Board of Adjustment personally appeared before me this day and acknowledged the due execution of the foregoing Order.

Witness my hand and notarial seal, this 13th day of March, 2026.

Notary Public
My Commission Expires: 4-15-27

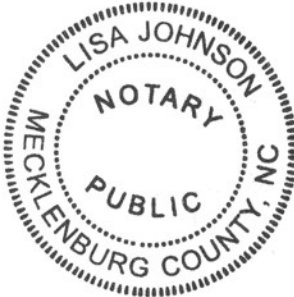


EXHIBIT A
SPECIAL CONDITIONS

1. The Applicant or Board must record this granting order, stating any conditions of approval;
2. The Applicants shall build the residence entirely on the Cabarrus side of the common boundary between Cabarrus and Stanly Counties, consistent with a minimum 12-foot setback as granted herein;
3. The County line must be delineated in the field and clearly marked before and during construction of the new home.

Memo

To: Cabarrus County Planning and Zoning Commission
From: Phillip Collins, Planning Supervisor
CC: File
Date: February 3, 2026
Re: Almond Property Variance Request

As you will recall, a variance request was brought before the Board at its October and January meetings. The purpose of the request was to permit relief from the requirement of treating the County line as a property line for setback configuration and to allow relief from the rear setback requirements so the proposed residence can be placed within the setbacks from the County line. The applicant requested to continue the request in order to gather more information about the soil's suitability both in October and January.

The applicant has submitted information from the Soil Scientist that performed the analysis. The study shows that the repair area and house can be shifted 10 feet from the property line providing a 12-foot rear setback. The applicant is now requesting to continue consideration of this matter. The case has been advertised, the sign has been posted and adjacent property owners notified.



www.soilandforestry.com

January 23, 2026

Cabarrus County Planning and Zoning Commission
Attn: Susie Morris
Via email-SAMorris@cabarruscounty.us

RE: Variance: VARN2025-00005

Beginning in 2017 Soil & Forestry Services of the Carolinas (S&FS) has been contracted by Mr. Gary Almond regarding soil and septic suitability of his property at 3077 Pickens Road in Cabarrus County. The evaluated parcel, 39.49 acres, is listed as PIN #55899507420000 with the Cabarrus County Tax Office. The purpose of our work has involved evaluating soil conditions for supporting subsurface wastewater disposal systems.

S&FS initially evaluated soil conditions on portions of the parcel in 2017. Additional visits were made in 2022 and 2024. The 2017 fieldwork resulted in identifying two areas of suitable soil with potential to support septic systems on the property. One of the usable soil areas occurred in the area of a desired home west of the old farm house. The other suitable soil area identified has been used by Mr. Almond's son for building a home. The 2024 evaluation was performed at Mr. Almonds request for tax purposes. That evaluation identified a few suitable soil borings on the parcel. However, the borings were not in close proximity of the desired house location.

Soils on the parcel formed from weathering of slate rock. These soils are known for variable depths to channery slate rock, a limiting soil condition. The depth to limiting conditions determine suitability of the soil for supporting septic systems. The overwhelming majority of the soils on the property are too shallow to limiting soil conditions (rock or soil wetness) for supporting conventional systems.

Due to suitable soil identified during the preliminary evaluation located near the preferred house location, S&FS revisited the site to perform a more detailed soil evaluation via backhoe pits. In total, 8 pits with soil depths suitable for supporting conventional type trenches were identified in the area of the proposed house location just west of the County line (see map). A layout of proposed conventional trenches was performed to demonstrate sufficient drain line could be supported for a 3-bedroom home in the area of the pits. The proposed trenches were laid out on contour as per state septic rules via use of a rotating laser. For your information the trenches shown on the attachment cannot be rotated 90 degrees to the direction shown and

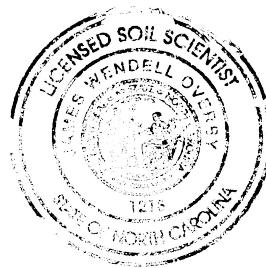
meet the state septic rules. Based on Mr. Almond's desire for a 3-bedroom home and a Long-Term Acceptance Rate (LTAR) of .25gpd/ft² assigned to the soil, 360 linear feet of quick4 infiltrator chambers was required for both the proposed system and repair fields (720lf total). As per state rules the layout maintains a 10ft setback to the property line and 10ft from the proposed house box (for crawl space if a foundation drain is installed).

Specific to your questions emailed to us, the proposed house could be located at another location on the property and utilize the usable soil area identified. Individual suitable soil borings were identified at other locations on the property during the 2024 site visit. However, more fieldwork would be needed to determine if those borings could be expanded in size to meet the necessary area required to support the required system and repair fields. At this time, we do not know if other potential soil areas would in fact be able to be permitted. Other potential drain field areas would be at significant distances from the preferred house location, cost more, and likely involve creek crossings. Please note, the landowner and not us (S&FS) determine the number of bedrooms proposed as well as the preferred house location. In reference to your second question, the only area of usable soil of sufficient depth and size in the area of the desired house location is that which has been laid out and permitted by CHA. Note, after review of our soil notes and drain field layout, we believe an additional trench can be added to the repair field (uphill) resulting in the proposed repair lines to be shortened. More specifically, a 60ft trench can be added to the permitted repair field allowing the proposed house to be shifted 10' further to the west away from the County line (see attached). If the additional trench is added to the repair area the house can be moved 12ft from the County line and satisfy the septic rules.

Sincerely,



Wendell Overby, RF LSS SC



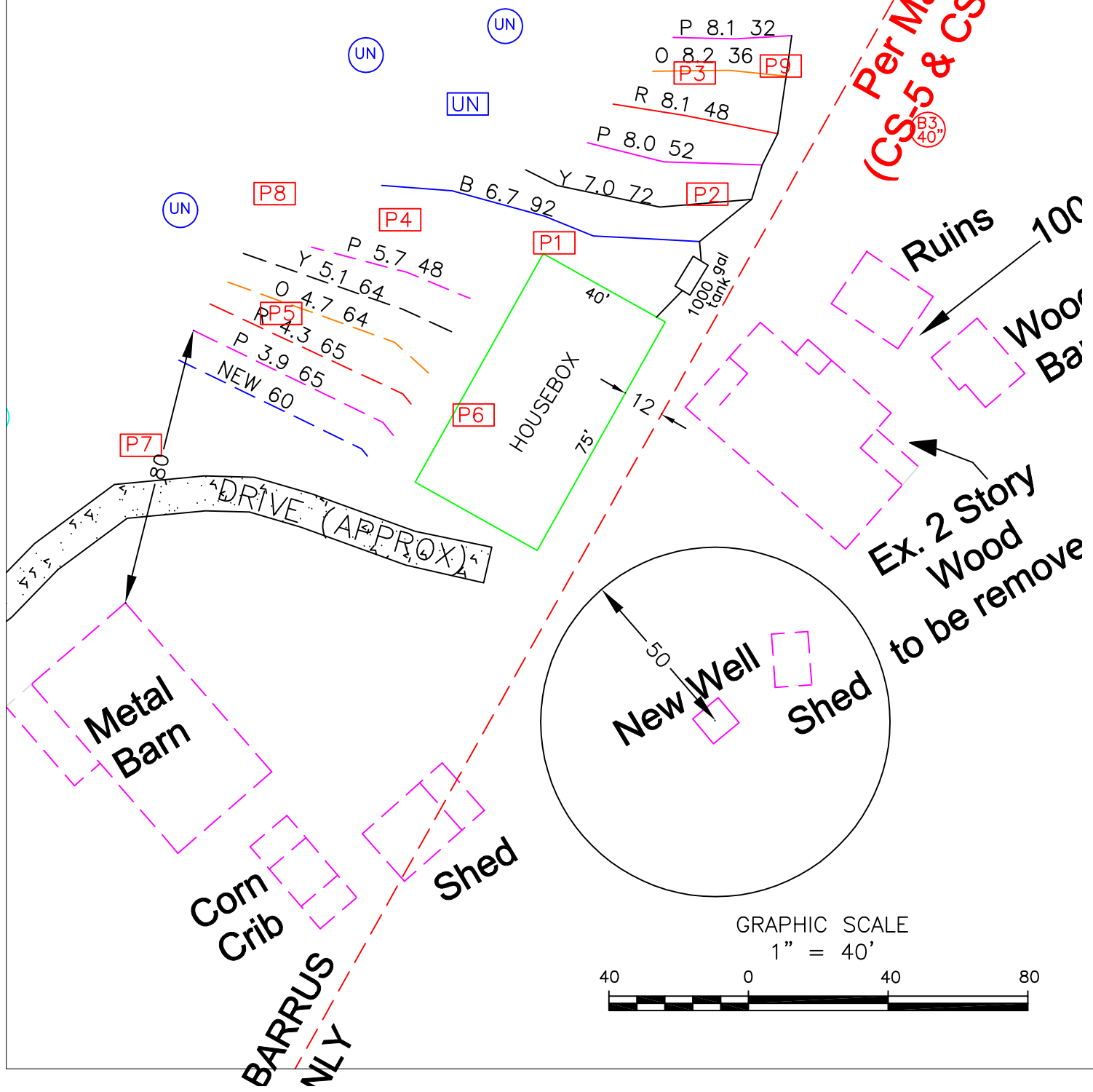
Attachments



LEGEND

- Pit or boring with suitable soil ≥ 24 inches. Suitable for conventional system.
- Boring with suitable soil 18 to 24 inches Suitable for drip irrigation system.
- Pit or boring with < 18 inches. Unsuitable

County Line
Per Map Bk. 66, Pg. 2
(CS-5 & CS-6 Monuments)

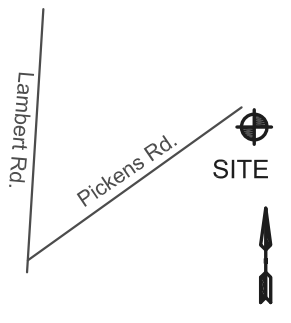


Memo

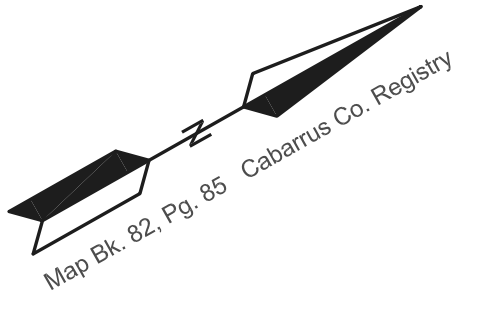
To: Cabarrus County Planning and Zoning Commission
From: Phillip Collins, Planning Supervisor
CC: File
Date: January 6, 2026
Re: Almond Property Variance Request

As you will recall, a variance request was brought before the Board at its October meeting. The purpose of the request was to permit relief from the requirement of treating the County line as a property line for setback configuration and to allow relief from the rear setback requirements so the proposed residence can be placed within the setbacks from the County line. The applicant requested to table the request in order to gather more information about the soil suitability of the property for a septic system. The request was to table the matter until the December meeting. However, the applicant subsequently requested to table until the January meeting as they were still gathering information.

The applicant has included an updated survey to show where the site will support a septic system and is now requesting to continue the consideration of this matter. The case has been advertised, the sign has been posted and adjacent property owners notified.



VICINITY MAP
(Not to Scale)



Map Bk. 82, Pg. 85 Cabarrus Co. Registry

NOW OR FORMERLY
Glenn R. Allman & Wf. Sattle J.
Deed Bk. 577, Pg. 85
PIN #55889740548
Cabarrus Co. Registry

I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 9820 page 322, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book a/s, page a/s; that the ratio of precision as calculated is 1:65,669; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCA 56, 1600). Witness my original signature, registration number and seal this 19th day of March, A.D., 2025.

R. Scott Dyer, PLS #4444

PRELIMINARY
Not for Conveyances,
Sales or Recordation



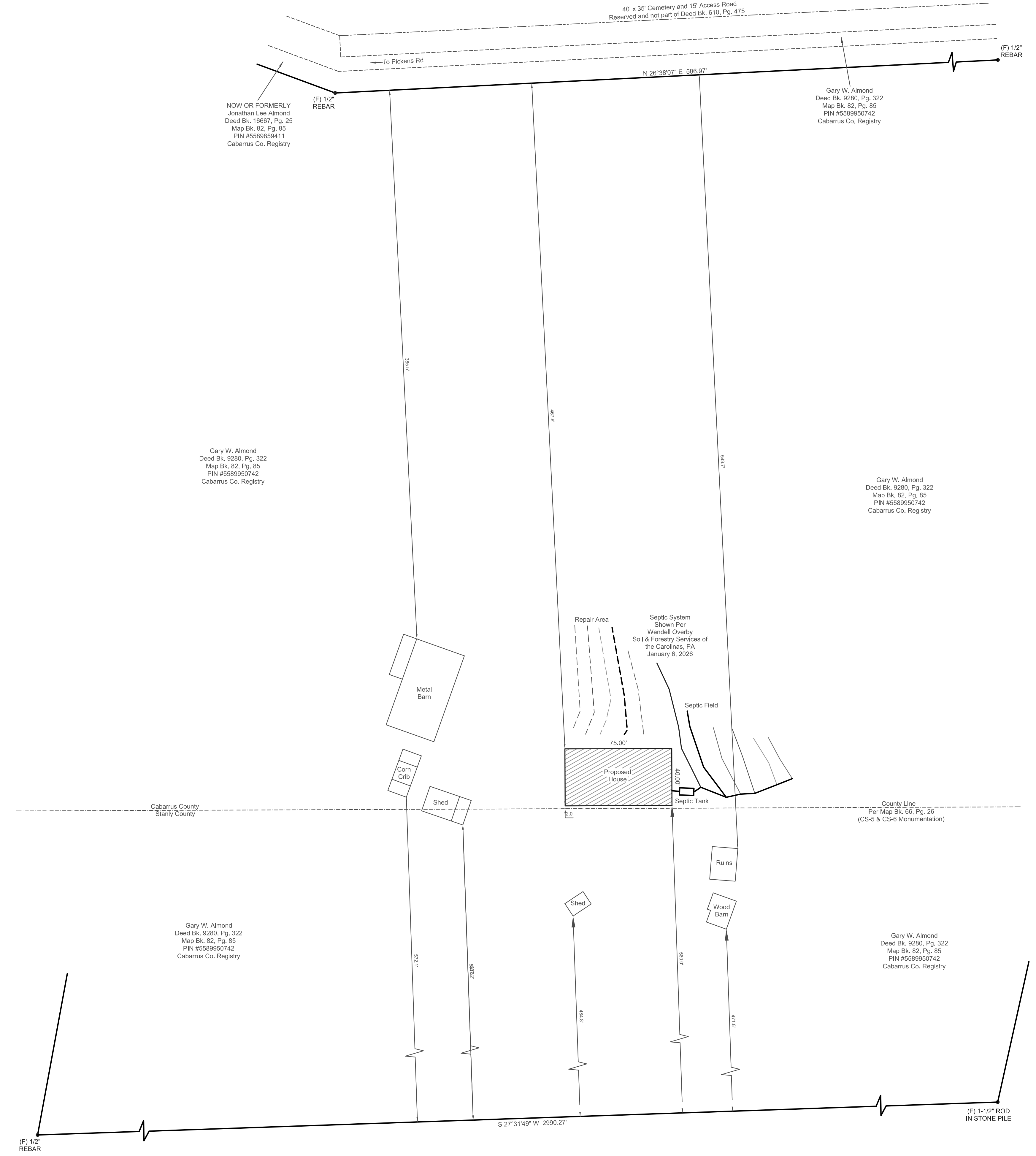
NORSTAR LAND SURVEYING, INC.
552-B Newell Street NW
Concord, NC 28025
Ph 704 721 6651
Fax 704 721 6653
Firm Lic. # C-2294

Prepared for: Gary W. Almond
Township No. 8
Cabarrus & Stanly County, NC

3077 Pickens Road

EXHIBIT MAP

LEGEND
RW - RIGHT OF WAY
(F) - FOUND
(B) - BENT
a/s - AS SHOWN
[Hatched Box] PROPOSED APPROX. 3000 sf House



NOW OR FORMERLY
Jonathan Lee Almond
Deed Bk. 16687, Pg. 25
Map Bk. 82, Pg. 85
PIN #5588959411
Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5588950742
Cabarrus Co. Registry

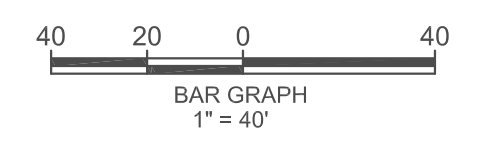
Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5588950742
Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5588950742
Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5588950742
Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5588950742
Cabarrus Co. Registry

NOW OR FORMERLY
George F. Eury & Wf. Larvene H.
Deed Bk. 252, Pg. 546
PIN #55889047239
Stanly Co. Registry



BAR GRAPH
1" = 40'

DATE	February 21, 2025
SCALE	1" = 40'
NLS NO.	09095
DRAWN BY	S. Kimrey
CHECKED BY	S. Dyer
BY	
REVISION	
DATE	

NOTES:
* Deed Reference - Deed Bk. 9280, Pg. 322 Gary W. Almond
Dated September 7, 2010 Recorded in Cabarrus Co. Registry
* Map Reference - 2.671 AC - Pickens Road Dated June 12, 2019
Map Bk. 82, Pg. 85 Recorded in Cabarrus Co. Registry
Performed by R. Scott Dyer, PLS
* Property subject to recorded and unrecorded right of ways, easements and agreements as may appear. A complete and full title search was not performed for this survey.

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 10/14/2025

Staff Use Only:
 Approved: _____
 Denied: _____
 Tabled _____

Variance: VARN2025-00005

Applicant Information: Brian P. Hayes (Agent)
 Ferguson, Hayes, Hawkins, PLLC
 45 Church St S
 Concord, NC 28025

Gary and Kathy Almond
 PO Box 847
 Mt. Pleasant, NC 28124

Owner Information: Gary and Kathy Almond
 PO Box 847
 Mt. Pleasant, NC 28124

PIN: 5589-95-0742

Area in Acres: +/- 39.394

Purpose of Request:

The applicant is proposing construction of a new residence near the County line.

The applicant is seeking relief from Chapter 6, Sections 6.18 and Chapter 5, Section 5-5. B of the Cabarrus Development Ordinance.

- Section 6.18 designates that the County line be treated as a property line.
- Section 5-5. B requires a rear setback of 30 feet for parcels in the Agricultural Open (AO) zoning district.

Site Description:

The subject property is divided by a flag lot traversing the west side of the property and divides it near the center of the property. An intermittent stream traverses the subject property from west to east near the proposed site of construction. A barn and a carport currently occupy the subject property. The subject property is accessed by Pickens Road.

Current Land Uses: The subject property is currently occupied by a barn and a carport.

Adjacent Land Uses: Agricultural, Residential and Vacant

Permitted Uses: Any use permitted within the AO zoning district would be allowed on the subject property.

Existing Zoning: Agricultural/ Open Space (AO)

Surrounding Zoning: North: Agricultural/Open Space (AO)

East: Stanly County Residential Agriculture (RA)
South: Stanly County Residential Agriculture (RA)
West: Agricultural/Open Space (AO)

Signs Posted: September 16, 2025
Newspaper Notification 1: September 30, 2025
Newspaper Notification 2: October 7, 2025
Notification Letters: September 15, 2005

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
 1. GIS Aerial
 2. Survey
 3. Deed
 4. CDO Chapter 5 & 6
 5. CDO Chapter 4
 6. Land Records Information
 7. Site Plan
 8. Septic Plan
 9. Neighborhood Meeting Information
- Exhibit C – Staff Maps
- Exhibit D – Appraisal Card
- Exhibit E – Adjacent Property Owner Information

Agency Review Comments

Emergency Services Review:

No comments. *(per Justin Brines, Deputy Chief EMS).*

Fire Review:

No Comments. *(per Ashleigh Ennis, Assistant Fire Marshal).*

NCDOT Review:

No Comments. *(per Jason Faulkner, Assistant District Engineer, NCDOT)*

Sherriff's Department Review:

Comments for the Almond property, being close to the county line. Routing of 911 calls is handled through GIS, so the physical location that is reported as part of that process would determine where 911 calls get routed to. Just need to make sure that the 911 call location gets reported to the correct county. *(per Travis McGhee, Lieutenant Sherriff).*

Soil & Water Conservation Review:

No comments. *(per Abby Weinshenker, Resource Education Coordinator, Cabarrus County Soil and Water Conservation District)*

Cabarrus Health Alliance:

No comment. *(Jacob Snyder, Cabarrus Health Alliance)*

Stormwater:

Depending on the extents of the project, it may need a post construction permit from us. The Cabarrus County portion would be considered a Phase II area, so if BUA is being added and the project is over 1 acre in disturbed area, we would need to permit. *(Brianna Holland, NCDEQ)*

Zoning Review:

See staff report *(per Phillip Collins, Planning Supervisor)*

History / Other Information

- The subject property is approximately 39.39 acres in size.
 - Pursuant to the legal description in the deed, the entire tract is approximately 77.591 acres with the remaining acreage located in Stanly County.
- Pursuant to Chapter 6, Section 6.18, Effect of County Line and Municipal ETJ Boundary, the Cabarrus County line must be treated as a property line.

Section 6-18 Effect of county line and municipal ETJ boundary

- *When an existing lot of record is located near the county line or a municipal ETJ boundary or extends across the county line or into the municipal ETJ boundary, the county line or ETJ boundary shall be recognized as the property line. The same shall apply for existing lots of record being subdivided.*
- *Proposed structures must be located on either side of the county line or the municipal ETJ boundary. Structures that straddle the county line or the municipal ETJ boundary are not permitted.*
 - The applicant wishes to construct a new home near the county line, in the required rear setback for AO zoning district which is 30 feet. This setback established from the county line.
 - The requested encroachment into the required setback is 28 feet.
- The application states that:
 - The reason for seeking the variance is that the desired construction location is within 30 feet of the County line due to the location of existing structures.

- The home would be placed within the required setback due to the locations of the existing structures and suitable soils (well and septic) areas.

Conditions of Approval

Should the Board of Adjustment grant approval of the variances, the following conditions should be considered as part of the approval and case record:

- The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
- The applicant shall build the residence entirely on the Cabarrus County side of the subject property.
- County line must be delineated in the field and clearly marked before and during construction of the new home.



**CABARRUS COUNTY
VARIANCE APPLICATION**

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for variance requests.
2. Submit a complete application 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.
 - Required number of copies of the proposed site plan (determined at pre-app meeting).
At a minimum, the site plan must show the following:
 - The subject property and any adjacent properties.
 - All existing buildings, including setbacks from property lines.
 - All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
 - The location and type of screening and buffering proposed (if applicable).
 - Impervious surface ratio (if applicable).
 - Waterbody buffers (if applicable).
 - Delineation of the proposed variance on the site plan so that the type and nature of the variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
 - Any additional item(s) that must be illustrated on the plan as determined during the pre-application meeting.
 - Neighborhood meeting documentation (minutes and list of attendees)
 - Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.
 Fees: Residential Variance request = \$500.00 first acre + \$15.00 each additional acre
 Non-residential Variance request = \$600.00 first acre + \$15.00 each additional acre
 (Plus cost of advertising and engineering fees if applicable)

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 2:00 p.m. that day.

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 request and the variance process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
3. When the complete application is received, Staff and appropriate agents will review the application and site plan and will make comments on the proposed request.
 - Depending on the comments received, the applicant may be required to address the comments and/or revise the site plan prior to proceeding with the variance process.
4. Staff will begin to 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 the variance request.

Meeting Information: Meetings are held the second Tuesday of each month at 6:30 p.m. in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE or an alternative location as announced.

Variance: Variance requests are considered by the Board of Adjustment during a quasi-judicial hearing. This means that anyone wishing to speak regarding the application must be sworn in. The vote requirement for the variance request to pass is 80% or greater. Additional conditions may be added as part of the variance approval process.

Questions: Any questions related to the variance process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

APPLICANT

PROPERTY OWNER

Gary W. Almond and Kathy Almond

Gary W. Almond

NAME

NAME

PO Box 847

PO Box 847

ADDRESS

ADDRESS

Mt. Pleasant, NC 28124

Mt. Pleasant, NC 28124

CITY, STATE, ZIP CODE

CITY, STATE, ZIP CODE

980-622-0256

980-622-0256

PHONE NUMBER

PHONE NUMBER

FAX NUMBER

FAX NUMBER

E-MAIL ADDRESS

E-MAIL ADDRESS

Is Applicant the designated Point Of Contact for comments and for billing? Yes _____ No X _____

If no, provide POC name, email, phone and address:

Brian P. Hayes, Ferguson Hayes Hawkins, PLLC 704-788-3211

45 Church St. S., PO Box 444 Concord, NC 28025

hayes@concordlawyers.com

Legal Relationship of Applicant to Property Owner

Same - POC is Attorney for Applicants/Owner

Existing Use of Property

Residential/Farm Use - barn/old house/field

Existing Zoning

AO

Property Location

3077 Pickens Rd., Mt. Pleasant, NC

Tax Map and Parcel Identification Number (PIN)

Cabarrus: 08-030-0004310 5589-95-0742-0000

TO THE BOARD OF ADJUSTMENT

I, Gary W. Almond, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A **VARIANCE** FROM THE LITERAL PROVISIONS OF THE **ZONING ORDINANCE**. UNDER THE INTERPRETATION GIVEN TO ME BY THE ZONING ADMINISTRATOR, I AM PROHIBITED FROM USING THE AFOREMENTIONED PARCEL OF LAND. I REQUEST A **VARIANCE** FROM THE FOLLOWING PROVISION(S) OF THE ORDINANCE.

The following information shall be completed by applicant(s) seeking a variance:

1. Variance Request Including Related Zoning Ordinance Section(s)

Section: Primary - Section 6-18 Effect of County Line and Municipal ETJ Boundary

Second - Section 5-5, B. AO Front Yard 75 ft./50 ft.; Side Yard 20 Ft.; Rear Yard 30 Ft.

2. Reason(s) for Seeking a Variance

Existing structures and desired construction site for new residence would involve placement of

residence within 30 feet of the county line, in violation of current terms of Section 6-18 and 5-5, B.

Entire tract consists of 75 acres +/- with approximately 39.39 acres being located in Cabarrus County

and 35.35 acres in Stanly County. Zoning set back impedes best homesite location and use.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. State law and local ordinance provide strict requirements on standards for granting a variance. Pursuant to G.S. 160D-705(d) and Cabarrus County Development Ordinance § 12-20, the Board must make the following four conclusions before issuing a variance:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

In order to make its determination, the Board will review the evidence submitted in this application as well as receive public comment during the scheduled public hearing. This application will be entered into the official record of the public hearing.

THE RESPONSIBILITY FOR PRESENTING EVIDENCE TO SUPPORT THE VARIANCE REQUEST, AS DESCRIBED DURING THE MEETING AND TO THE BOARD OF ADJUSTMENT, LIES COMPLETELY WITH THE APPLICANT.

FINDING OF FACT CHECKLIST

Please provide an explanation to each point in the space provided.

1. ***Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.***

(This often will be the most difficult area in which to make a determination. The issue, as established by court decisions, deals with the nebulous term of "reasonableness." Generally, if the variance is sought to make a greater profit on this property at the expense of others in the area, this point cannot be met. This item is best reviewed with the concept of, "is the property barred from a reasonable use if the strict terms of the ordinance are adhered to"?)

Access tot the subject property is solely through Cabarrus County roads. Existing structures on the property and the preferential buld site for geographical, septic, and water/well purposes would place the residence within the stipulated set back area from the county line (which is treated as a property boundary per the ordinance.) Construction in Stanly would likely limit to Stanly services, with limited means for acces to emergency (and other) services.

2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

(The problem must be unique to the property and not a public hardship and must apply to the property, not the property owner).

The present hardship exists based upon the nature and characto of the land including the situation of the property in relation to the county line. The character of the soil and topography limit reasonable septic locations. Further, the limited road acces to the property from the Stanly Co. side impacts safety.

3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

(The hardship must not be caused by the action or inaction of the applicant, such as failure to exercise reasonable due diligence before buying a property or building without a permit.)

Applicant inherited the subject property. Applicant has no control over access roads or the situation of the county line. Applicant seeks only to enjoy the best use of the property given its location and condition. Applicant played no role in circumstance of the hardship.

4. **The requested variance is consistent with the spirit, purpose, and intent of the, ordinance, such that public safety is secured, and substantial justice is achieved.**

(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance requests are not in accord with the general intent and purpose of the ordinance and therefore must be cautiously reviewed. These often include extending a non-conforming use in scope, a use variance (not allowed), and modifying a dimensional standard to the detriment of a neighborhood or area. Also, does the variance make sense? Will its approval or denial endanger any one? Will the essential character of the area be altered if approved or denied?)

The allowance of the vaiance will not change the nature of the zoning district character, affect other residents, impact zoning, increase density in a material manner, no otherwise impair either the County nor other persons. Variance from the set back from the property line, given that applicant owns and controls 35.35 acres across the Cabarrus Co. line will have not negative impact.

POSSIBLE CONDITIONS, SUGGESTED BY THE APPLICANT:

If the Board of Adjustment finds that a variance may be in order but the Board still has concerns in granting the variance, reasonable conditions can be imposed to assure that any of the four points will continue to be met and not violated. In your review of the four points, are there any conditions that you believe would clarify the justification of a variance? If so, suggest these conditions in the space below.

Disallowance of the requested variance only perpetuates the hardship on the applicant by reducing the applicants enjoyment and use of the property. The grant of the variance will have no material impact on other persons, and does not set a precedence that will result in a general disregard of the existing zoning provisions. On the balance of the equities, the variance should be allowed.

I CERTIFY THAT ALL OF THE INFORMATION PRESENTED BY ME IN THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE OF OWNER: Gary W. Almond DATE: 8-19-2025
Gary W. Almond

SIGNATURE OF APPLICANT: Gary W. Almond DATE: 8-19-2025
Gary W. Almond

SIGNATURE OF APPLICANT: Kathy T. Almond DATE: 8-19-2025
Kathy T. Almond

SIGNATURE OF APPLICANT: Brian P. Hayes DATE: 8/19/2025
Brian P. Hayes (NC Bar No. 27017)
Ferguson Hayes Hawkins, PLLC
45 Church St. S.
PO Box 444
Concord, NC 28025
hayes@concordlawyers.com

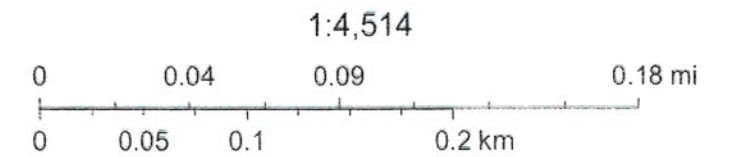
Exhibit B.1
GIS Aerial

ArcGIS Web Map



7/8/2025, 10:41:23 AM

- Annotations
- Roads
- Parcels
- Address Points



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community. Sources: Esri, Maxar, Airbus DS, USGS.

589871250

PIN 5589973118

PIN 5589979363

PIN 5589864793

PIN 5589864236

PIN 5589950742

PIN 5589867117

PIN 5589859411

PIN 0



40555



Exhibit B.2 Survey

Exhibit B.3
Deed

9280
0322

NOTARY SEALS ON ORIGINAL DOCUMENT
ARE READABLE BUT NOT REPRODUCIBLE
SEALS STATE: SHARON O CARTER
NOTARY PUBLIC
CABARRUS COUNTY, NC

STARLA A WELLS
NOTARY PUBLIC
ROWAN COUNTY, NC

REGISTER OF DEEDS/jw

FILED
CABARRUS COUNTY NC
LINDA F. McABEE
REGISTER OF DEEDS

FILED Sep 07, 2010
AT 04:17 pm
BOOK 09280
START PAGE 0322
END PAGE 0324
INSTRUMENT # 18979
EXCISE TAX *mkl* \$0.00

Excise Tax \$ 0.00

Recording Time, Book and Page

NORTH CAROLINA SPECIAL WARRANTY DEED

Tax Lot No. Parcel Identifier No. P/O 55899506830000

Verified by _____ County on the _____ day of _____

FILE # 08-1050

by *[Signature]*

Mail after recording to Ferguson, Scarborough, Hayes, Hawkins & DeMay, P.A., PO BOX 444, Concord, NC 28026
This instrument was prepared by Brian P. Hayes

NO TITLE OPINION REQUESTED, EXPRESSED OR IMPLIED

Brief Description for the index 77.591 Acres +/-

THIS DEED made this _____ day of **July 2010**, by and between

GRANTOR

GRANTEE

Gary W. Almond, as Co-Executor of the Estate
of Ellen Marie Almond and wife, Kathy T.
Almond

Gary W. Almond, a married man

6727 Bealgray Road
Kannapolis, NC 28081

6727 Bealgray Road
Kannapolis, NC 28081

and

Judy D. Almond, as Co-Executrix of the Estate
of Ellen Marie Almond

4770 Mooresville Road
Kannapolis, NC 28081

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Number Eight (8) Township, of CABARRUS County and Almond Township, of STANLY County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A"

3pfd
25

9280
0323

The property hereinabove described was acquired by Grantors as part of the Estate of Ellen Marie Almond 08-E-534 and is the same property as acquired by recorded in Book 8128, Page 294; and Deed Book 610, Page 475.

All or a portion of the property herein conveyed does or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book __, Page __.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

SUBJECT TO easements and restrictions of record.
SUBJECT TO easements and setback lines as shown on the recorded plat.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

Gary W. Almond (SEAL)
GARY W. ALMOND, Co-Executor of the Estate
Of Ellen Marie Almond

By: _____

Kathy T. Almond (SEAL)
KATHY T. ALMOND

President

Judy D. Almond (SEAL)
JUDY D. ALMOND Co-Executrix of the Estate of
Ellen Marie Almond

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Gary W. Almond and wife Kathy T. Almond



Sharon O Carter Notary Public

Printed or Typed Name: Sharon O. Carter

My commission expires: 7/9/2012

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Judy D. Almond

Date: 8/24/2012



Stella A Wells Notary Public

Printed or Typed Name: Stella A. Wells

My commission expires: 8/24/2012

The _____ foregoing _____ Certificate(s) _____ of
is/are certified to be true and correct. This instrument and this certificate are duly registered at the date and in the Book and Page shown on the first
page hereof.

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds.

EXHIBIT A

BEGINNING at the NCGS Mon. "Reggie" (being located N: 597811.445; E: 1589901.033; NAD 83; and with said point being located N. 60-15-34 E. 1447.50 feet from NCGS Mon. "Sheffield" N: 597093.474; E: 1588644.365; NAD 83) and Thence S. 35-22-36 W. 809.24 feet to a 1" rod (located N: 597151.705; E: 1589432.584; NAD 83), and being at the southwestern corner of Reggie A. Hatley and wife, Vickie B. Hatley, (now or formerly, Deed Book 8128, Page 294; PIN 5599071358, Cabarrus County), and the northeastern corner of Ellen Marie Almond (Deed Book 610, Page 475; PIN 5589950683, Cabarrus County), with said 1" rod marking THE POINT AND PLACE OF BEGINNING: Thence, S. 60-23-50 E. 701.50 feet to a 2" pipe crossing the Cabarrus County Stanly County line; Thence, S. 47-59-34 E. 461.74 feet to a 1½" rod in a stone pile; Thence, S. 27-31-49 W. 2990.28 feet to a ½" rebar, said rebar marking a new corner in the property of Ellen Marie Almond (infra); Thence a new line in the property of Ellen Marie Almond, N. 50-04-53 W. 757.96 feet to a ½" rebar, another new corner in the property of Ellen Marie Almond; Thence, another new line N. 71-18-11 W. 437.86 feet to a ½" rebar crossing the Cabarrus County Stanly County line, a new corner in Ellen Marie Almond; Thence, a new line N. 40-17-03 W. 68.19 feet to a ½" rebar, marking a new corner on the existing line for Ellen Marie Almond; Thence, N. 49-42-57 E. 339.79 feet to a ½" pipe; Thence, S. 63-22-33 E. 15 feet to a ½" rebar; Thence, N. 26-38-07 E. 606.71 feet to a ½" rebar; Thence, S. 63-43-35 E. 25.00 feet to a ½" rebar; Thence, N. 26-41-05 E. 35.00 feet to a ½" pipe; Thence, N. 63-43-35 W. 40.00 feet to a ½" pipe; Thence, N. 26-41-05 E. 2054.00 feet BACK TO THE POINT AND PLACE OF BEGINNING.

The foregoing constituting 77.591 acres, more or less, of the property of Ellen Marie Almond, Deed Book 610, Page 475; presently PIN 5589950683 of the Cabarrus County Public Registry, and being identified as Tract Number 2 on the Boundary Survey for the Ellen M. Almond Estate dated October 26, 2009 as prepared by Surveyor David R. Garrott, PLS L-3668, North Carolina, for Gary W. Almond and J. Dianne Almond and located in Township Number 8, Cabarrus County, North Carolina; Stanly County, North Carolina.

Exhibit B.4
CDO Articles 5 & 6

Section 5-1 Intent

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

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

Section 5-2 How to use this Chapter

This Chapter is divided into the following parts:

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

PART I. RESIDENTIAL DISTRICTS

Section 5-3 Subdivision types

Development within the residential districts allows three types of subdivision.

A. Conventional Subdivision

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

B. Open Space Subdivision

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

C. Subdivision Design Type by Planning Tier

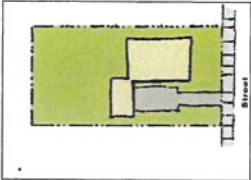

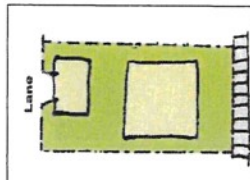
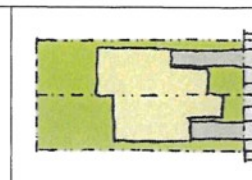
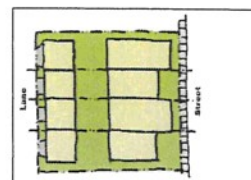
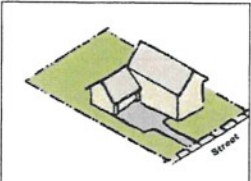
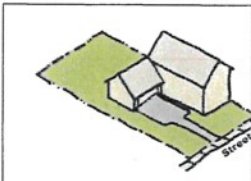
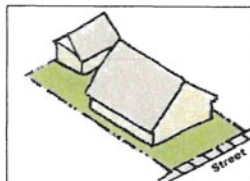
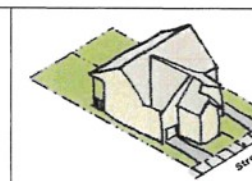
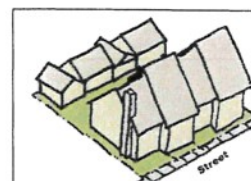
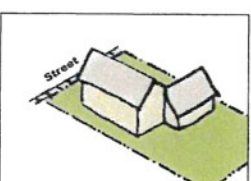
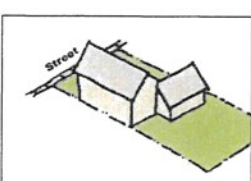
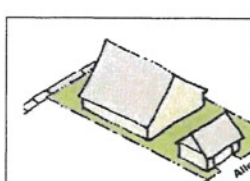
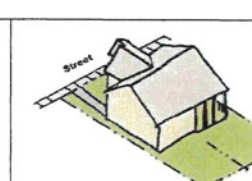
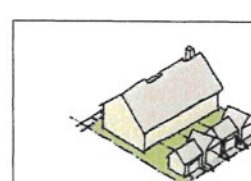
The district standards set forth in this Chapter provide for alternative subdivision types in each planning tier, as follows.

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

Section 5-4 Housing types

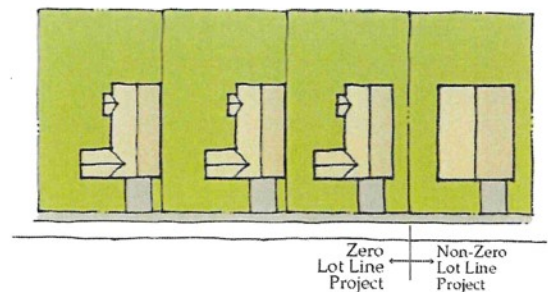
A. Definitions

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

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

B. Special standards for a zero lot line house

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



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

C. Special standards for an alley-loaded house

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

D. Special standards for a townhouse

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




Section 5-5 Conventional subdivision standards

A. Applicability

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

B. Dimensional standards

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

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

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

C. Minor Subdivisions

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

Minor subdivision dimensional standards

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

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

D. Front yard tree planting required for major subdivision lots

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

Section 5-6 Open space subdivision standards

A. Intent

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

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

1. Applicability

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

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

2. Ownership of development site

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

3. Dimensional standards

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

AO

Tract

Density (maximum units/acre) 0.50
 Area (minimum acres) 10
 Open space (minimum) 40%
 Public water and sewer not permitted*

Lot Dimensions (minimum)

Lot area (square feet) **
 Average lot width (feet) 150

Principal (minimum feet)

Front yard (minor collector) 75
 Front yard (local road) 50
 Side yard 20
 Rear yard 30

Height (maximum feet)

40

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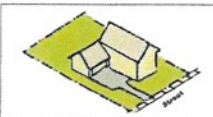
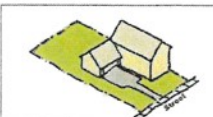
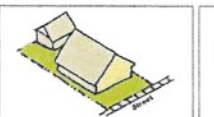
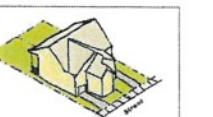
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15%

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	Single-Family Detached	Zero Lot Line House	Alley-Loaded House	Semi-Attached House
				
Density (maximum units/acre)	0.50	--	--	--
Area (minimum acres)	10	--	--	--
Open space (minimum)	40%	--	--	--
Public water and sewer	not permitted*	--	--	--
Lot Dimensions (minimum)				
Lot area (square feet)	**	--	--	--
Average lot width (feet)	150	--	--	--
Principal (minimum feet)				
Front yard (minor collector)	75	--	--	--
Front yard (local road)	50	--	--	--
Side yard	20	--	--	--
Rear yard	30	--	--	--
Height (maximum feet)	40	--	--	--
Lot Coverage (maximum)				
Impervious surface	15%	--	--	--

CR

Tract

Density (maximum units/acre) 1.00
 Area (minimum acres) 5
 Open Space (minimum) 40%
 Public water and sewer not permitted*

Lot Dimensions (minimum)

Lot area (square feet) **
 Average lot width (feet) 125

Principal (minimum feet)

Front yard (minor collector) 75
 Front yard (local road) 50
 Side yard 20
 Rear yard 30

Height (maximum feet)

40

--

--

20%

--

	Single-Family Detached	Zero Lot Line House	Alley-Loaded House	Semi-Attached House
				
Density (maximum units/acre)	1.00	--	--	--
Area (minimum acres)	5	--	--	--
Open Space (minimum)	40%	--	--	--
Public water and sewer	not permitted*	--	--	--
Lot Dimensions (minimum)				
Lot area (square feet)	**	--	--	--
Average lot width (feet)	125	--	--	--
Principal (minimum feet)				
Front yard (minor collector)	75	--	--	--
Front yard (local road)	50	--	--	--
Side yard	20	--	--	--
Rear yard	30	--	--	--
Height (maximum feet)	40	--	--	--
Lot Coverage (maximum)				
Impervious surface	20%	--	--	--

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

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
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OPEN SPACE SUBDIVISION

LDR

Tract

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

Lot Dimensions (minimum)

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

Site Dimensions (minimum feet)

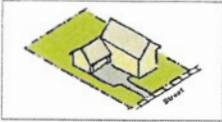
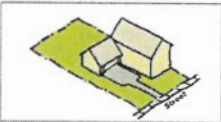
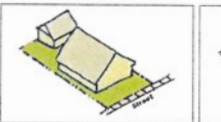

Per building
Per unit
Width

Principal (minimum feet)

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

Height (maximum feet)

Lot Coverage (maximum)
Impervious surface

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
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OPEN SPACE SUBDIVISION

MDR

Tract

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

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

HDR

Tract

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

Lot Dimensions (minimum)

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

Site Dimensions (minimum feet)

Per building
Per unit
Width

Principal (minimum feet)


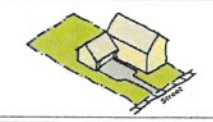
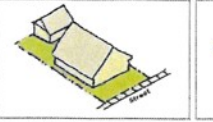
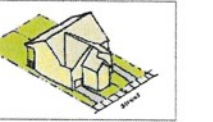
Front yard
Front yard (corner)
Side yard
Rear yard

Height (maximum feet)

Principal
Accessory

Lot Coverage (maximum)

Impervious surface

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

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

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

A. Open space

1. Applicability

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

2. Primary open space

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

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

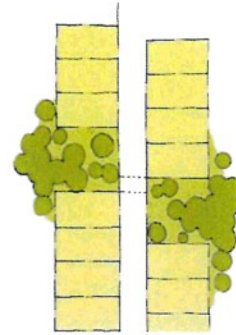
3. Secondary open space

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

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

4. **Configuration of open space**

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



5. **Permitted uses of open space**

Uses of open space may include the following:

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

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

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

6. Prohibited uses of open space

Open space shall not include the following:

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

7. Ownership and management of open space

a. Ownership of open space

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

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

b. Management plan required

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

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

c. Maintenance of open space

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

d. Failure to maintain open space

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

8. Legal instrument for permanent protection

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

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

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

B. Stream buffer and floodplain limitations

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

C. Utilities and Stormwater

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

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

D. Perimeter compatibility

1. Applicability

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

2. Buffer Required

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

a. Project Boundary Buffer

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

b. Minimum Project Boundary Buffer Width

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

c. Arterial Street Buffer Required

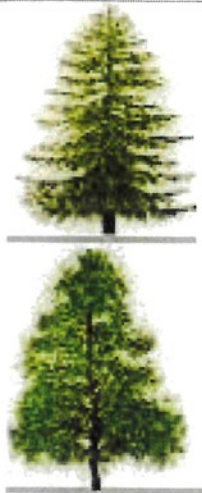


An arterial street buffer shall be provided along any project boundary that abuts an arterial street. The buffer shall be measured perpendicular to the right-of-way line that defines the project area.

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

d. Required Buffer Planting

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

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

e. **Credit for Existing Vegetation**

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

f. **Trails within Required Buffers**

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

PART II. NONRESIDENTIAL DISTRICTS.

Section 5-8. Nonresidential development standards.

Dimensional standards.

Nonresidential development shall meet the following standards.

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

Commercial design standards (Appendix B)

Applicability

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

Purpose

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

Permitted Uses

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

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

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

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

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

Design Review Committee

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

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

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

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

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

Appeal of Design Review

An aggrieved party may appeal a decision of the Planning Administrator in writing within 30 days of a decision. The Cabarrus County Board of Adjustment shall hear all appeals.

An aggrieved party may appeal a decision of the Planning and Zoning Board, sitting as the Design Review Committee, in writing within 30 days of a decision. The Cabarrus County Board of Commissioners shall hear all appeals of Design Review Committee (Planning and Zoning Board) decisions.

Enforcement

Any violation of a permit issued under this section shall be enforced through the provisions of the Cabarrus County Zoning Ordinance.

Section 6-1 Introduction

While land use situations vary widely, there are a number of general regulations that typically apply across the board. These general regulations appear in this Chapter as well as regulations for situations when exceptions may be made to them.

Section 6-2 Zoning affects every structure and use.

Zoning affects every structure and land use throughout Cabarrus County. Accordingly, no structure shall be erected, reconstructed, moved or structurally altered, nor shall any structure or land be used except in compliance with both the general and any other applicable regulations of this Ordinance. Unless specific provisions state otherwise, no structure or use shall:

1. Exceed its height or bulk limitation,
2. Accommodate or house a greater number of families,
3. Occupy a greater percentage of lot area, or
4. Have narrower or smaller rear, side or front yard or other open space.

Section 6-3 Buffer area shall not be encroached upon or mutually claimed

Buffer areas required for one structure shall not be encroached upon by another nor shall it be claimed by a second structure as fulfilling its buffer requirement.

Section 6-4 One principal structure per lot

Residential: Only one principal residential dwelling unit may be constructed per-parcel unless specific Ordinance sections provide otherwise.

Commercial/Industrial: Not applicable.

Bona fide farms: Exempt if all structures are agriculturally related.

Section 6-5 Impact of differing uses within the same building on yard requirements

When two or more uses occur simultaneously within the same structure, the required yard dimensions are the maximum required by the district within which the structure is located.

Section 6-6 Resolution of measurements which result in fractions

When a requirement of this Ordinance results in a fraction, the following rules apply:

1. Fractions of one-half and more are counted as a whole.
2. Fractions less than one-half are disregarded.
3. The above two rules are also applied in the computation of numbers of dwelling units per lot.

Section 6-7 Street access required

All structures must be constructed or placed on land that abuts a street that:

1. Is a dedicated and publicly maintained roadway,
2. Has been approved through the Cabarrus County Subdivision Regulations and is subject to a road maintenance agreement.

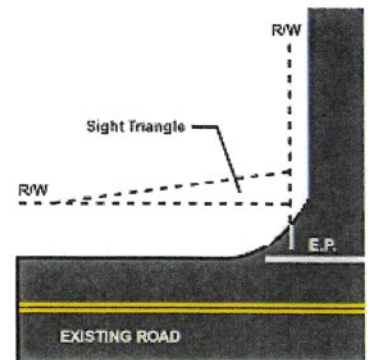
Agricultural uses on a bona fide farm are not subject to this requirement

Additionally, the following configurations may be exempt pending determination by the Zoning Administrator:

- Multifamily units when at least one of the group abuts a street and access is made available to each unit via either a public right-of-way or a private vehicular or pedestrian way.

Sections 6-8 Visibility at intersections

1. Nothing may be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at intersections. The area that must be kept free is known as the sight preservation triangle.
2. The above described area must be kept-clear between a height of two and one half feet (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets.
3. Required sight preservation triangles shall be noted on all site plans and plats. The required site preservation triangle is a 10' x 70' and shall be established at the existing right-of-way or the proposed right-of-way if the street or road is listed in the CTP Index.



Section 6-9 Height limitation on fences in residential districts

Fences and walls are subject to the following limitations:

1. Rear and side yard fences are not to exceed seven (7) feet.
2. Front yard fences are not to exceed five (5) feet.
3. Recreational fences are exempt.

A zoning permit is not required to install a residential fence. However, property lines should be identified prior to installation to prevent encroachments onto adjacent properties and/or into public right-of-ways. Fences installed in the regulated floodway must not impede the flow of water or the natural function of the floodway.

Section 6-10 Fencing Around Swimming Pools

Appendix G of the North Carolina Building Code requires that all outdoor swimming pools be protected by a barrier or fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

Section 6-11 Abandoned and Junk Vehicles

- A. Abandoned and junked motor vehicles constitute a hazard to the health, safety, and general welfare of the citizens of Cabarrus County. Such vehicles can harbor noxious disease, provide shelter and breeding places for vermin, and present physical dangers to the safety of our children as well as the general public. These vehicles also detract from the physical appearance of the community. Therefore, the purpose of this section is to eliminate existing junk and abandoned vehicles and to prevent future storage of these vehicles.
- B. In general. No person may store a junk or abandoned vehicles on any parcel.
- C. Exceptions. Subsection (B) does not apply to any motor vehicle that is:
 - (1) stored in an enclosed building;
 - (2) stored on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the business, such as in a salvage yard; or
 - (3) presently being restored to an operable stage if the vehicle:
 - A. cannot be seen from a public right-of-way;
 - B. cannot be seen from adjacent properties;
 - C. is covered with a car cover when not being actively worked on; and
 - D. is the only junk or abandoned vehicle on the parcel.

Section 6-12 Antennae and Accessory Use of Solar Panels to be treated as accessory building use for setbacks

Antennae and accessory use of solar panels (collections up to 20 panels) are subject to the same placement requirements as accessory buildings set forth in Chapter 7, Section 7-3 #1, Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential.

Section 6-13 Exceptions and modifications

Front setback requirements for dwellings

Setback requirements for dwellings may be modified when the setbacks of contiguous existing buildings are less than required. These decreased setbacks are determined by computing the average setback on adjacent lots 500 feet on either side of the lot of the proposed dwelling.

The modified setback may be equivalent to the average of the existing structures or 25 feet from the street right-of-way line, whichever is greater. For lots on any roadway planned for widening as shown on the approved North Carolina Department of Transportation Comprehensive Transportation Plan, the setback shall be established from the proposed right-of-way line.

Height limitations for certain types of structures

The following are exempt from height limitations unless they are located in the vicinity of an airport. See Airport Overlay District, Chapter Four, for clarification.

Church spires, belfries, cupolas, domes, and other architectural embellishments not intended for human habitation

1. Monuments
2. Towers: water, observation, transmission, radio, television and cellular telephone
3. Chimneys
4. Flag poles and masts
5. Silos, grain elevators and conveyors

Height limitation, general

Any principal or accessory structure (not including signage) may exceed the zoning district's height limitation provided there is a proportional increase in the minimum front, side and rear setback requirements. Each foot of height over the maximum allowed height must be matched

by an increase of one linear ground foot in each direction for the required front, rear, and side setbacks.

Section 6-14 Setback encroachments

The following features may encroach into a required building setback:

1. Chimneys, overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed 2 feet
2. Bay windows, not to exceed 3 feet
3. Heating and cooling units, not to exceed 3 feet but in no case shall any such units be closer than five feet to any property line
4. Uncovered, unenclosed decks, terraces or patios, but in no case shall any such decks, terraces or patio be closer than 5 feet to any property line
5. Unenclosed fire escapes, not to exceed 6 feet
6. Covered, unenclosed porches in a required front yard, not to exceed 8 feet

Building Code Requirements:

The applicable Building Code may require fire-resistant construction for elements located less than 10 feet apart.

Section 6-15 Setbacks for Lots with Multiple Street Frontages

For undeveloped lots with multiple frontages, the developer has the option to determine which side shall be considered the "front" so long as the structure to be constructed has its front facing the same street.

For the purposes of applying setbacks to an existing developed lot, the front setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered side yards.

Section 6-16 Accessory structures on individual lots

Unless specifically allowed by this ordinance, accessory structures shall not be permitted as primary structures. Additionally, no new lot shall be created having an accessory structure as the primary structure unless said structure is specifically allowed by this ordinance and properly permitted.

Section 6-17 Easement encroachment not permitted

In no case shall an encroachment be permitted into an easement of record area unless the applicant provides sufficient evidence from the easement holder that the encroachment is permitted.

Section 6-18 Effect of county line and municipal ETJ boundary

When an existing lot of record is located near the county line or a municipal ETJ boundary or extends across the county line or into the municipal ETJ boundary, the county line or ETJ boundary shall be recognized as the property line. The same shall apply for existing lots of record being subdivided.

Proposed structures must be located on either side of the county line or the municipal ETJ boundary. Structures that straddle the county line or the municipal ETJ boundary are not permitted.

Section 6-19 More stringent requirement applies

When applicable requirements of this ordinance differ or when applicable state and local requirements differ, the more stringent requirement shall apply.

Section 6-20 Recreational Vehicles

- A. Storage on a Residential Parcel. A person may not store a Recreational Vehicle (RV) on a residential parcel unless the recreation vehicle meets the following requirements:
 - 1. The RV is not used as a temporary or permanent dwelling or accessory to a dwelling.
 - 2. The RV is not used to store any personal property unrelated to the Recreational Vehicle, including animals, building materials, business inventory, and agricultural products
 - 3. The RV is not connected to any permanent utility service, such as electric, water, or sewer.
 - 4. The RV is attached to wheels and axels.
 - 5. The RV is properly insured, registered, and licensed for use on public roads and highways.
 - 6. The RV does not support any accessory structures, such as decks, porches, and awnings.

- B. Permanent Habitation Prohibited. A person may not use or occupy a Recreational Vehicle as a dwelling or accessory to a dwelling unless:
 - 1. the Recreational Vehicle is temporarily installed in a Manufactured Home Park in compliance with section 4-26; or
 - 2. the Recreational Vehicle is
 - a. used as a temporary dwelling for no more than 180 days within any one-year period; and

- b. located on a parcel on which the occupant of the Recreational Vehicle is rebuilding or repairing a single-family dwelling or manufactured home due to damage to the dwelling by fire, flood, hurricane, tornado, or other peril.

Exhibit B.5
CDO Article 4

Section 4-1 Introduction

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

Section 4-2 How to use this Chapter

Overlay zones in Cabarrus County are organized as follows:

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

PART I WATERSHED OVERLAY ZONE

Section 4-3 Application of Zone

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

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

WS-II Watershed Areas: Coddle Creek and Dutch Buffalo

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

Coddle Creek: WS-II Critical Area

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

Coddle Creek: WS-II Protected Area

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

Dutch Buffalo Creek: WS-II Critical Area

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

Dutch Buffalo Creek: Watershed II Protected Area

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

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

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

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

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

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

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

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

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

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CHAPTER 4-OVERLAY DISTRICTS AND ZONES

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

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

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

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

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

Section 4-7 Appeals and Variances

Appeal of Zoning Administrator Decision

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

Variance Requests

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

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

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

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

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

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

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

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

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

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

- a. The variance application;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4-7.2 Definitions related to administration of Watershed Overlay Zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4-7.4 Word Interpretation

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

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

PART II WATERBODY BUFFER ZONE

Section 4-8 Intention of Waterbody Buffer Zone

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

Section 4-9 Effect upon bona fide farms

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

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

4.9-1-Impoundments for agricultural purposes

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

Section 4-10 Requirements of the Waterbody Buffer Zone

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

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7. The waterbody buffer shall be maintained as follows and shall be shown on all site plans or subdivision plats related to the project submitted for review, including soil and erosion control plans:
- a. The size of a perennial stream waterbody buffer shall be measured from the annual average stream bank, perpendicularly for a distance of 50 feet plus 4 times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The percent of slope for this distance shall serve as the determining factor. However, the maximum distance shall not exceed 120 feet from the edge of the stream. For Lakes, ponds or impoundments, the buffer shall be computed using the high water elevation in place of the stream bank in the calculation.

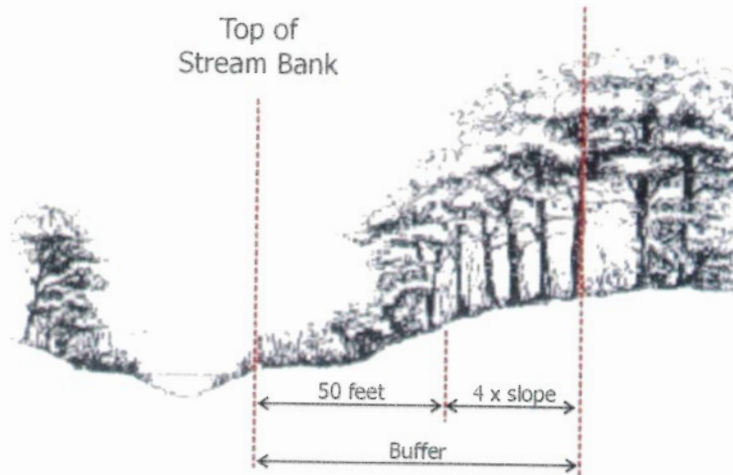


Pre-development elevation of Point 1 in feet = E1

Pre-development elevation of Point 2 in feet = E2

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

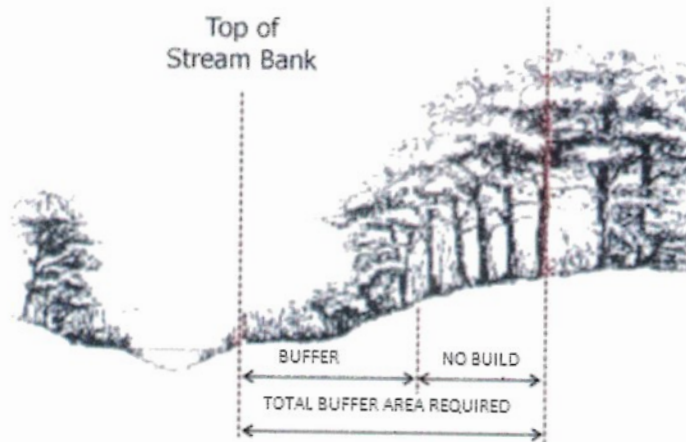
250 feet



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

Minimum width: 50 feet (areas with flat slopes)

Maximum width: 120 feet (areas with steep slopes)



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

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

10. Buffer Encroachments:

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

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

- Cabarrus Soil and Water Conservation District
- A conservation organization

PART III THOROUGHFARE OVERLAY (TOZ) ZONE

Section 4-11 Intention

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

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

Section 4-12 Setback requirements

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

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

Section 4-13 Additional requirements

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

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

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

Section 4-14 Establishment of zone

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

Section 4-15 Site plan requirements

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

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

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

Section 4-16 Thoroughfare Required Landscape Yard

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

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

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

Section 4-17 Additions to existing properties

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

Section 4-18 Access points

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

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

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

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

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

Part IV Airport Overlay (AOD) District

Section 4-19 Purpose

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

a. Location

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

b. Principal, Conditional, and Accessory Uses

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

c. Use Restrictions

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

d. Area Regulations

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

e. General Development Standards

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

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

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

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

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

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

f. Nonconforming Uses

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

g. Additional Review Required

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

PART V MANUFACTURED HOME OVERLAY (MHOD) DISTRICTS

Section 4-20 Purpose

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

A manufactured home is defined as a dwelling unit that:

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

Section 4-21 Modular Homes Exempted

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

Section 4-22 Establishment

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

Section 4-23 Classification of Manufactured Homes

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

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

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

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

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

2. Uses Permitted

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

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

- Manufactured Homes - Type II (permanent installations only)
3. **Design Standards** - See Section 4-28, Design and Installation Standards for Individual Manufactured Homes.

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

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

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

- All uses permitted in the Underlying Zoning District. (See Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
 - Manufactured Homes - Type II (permanent installations only)
3. **Design Standards**
- See Section 4-28, Design and Installation Standards for Individual Manufactured Homes.

Section 4-26 MHP Manufactured Home Park Overlay

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

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

- All uses permitted in the Underlying Zoning District (see Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
- Manufactured Home Park (permanent and/or temporary installation of Type I and/or Type II Manufactured Homes)
- Manufactured Homes - Type I (permanent installations only when not located within a Manufactured Home Park)

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

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

1. The location of two or more Class I or Class II manufactured homes on a parcel of land shall constitute a Manufactured Home Park and shall be subject to the provisions of this Section.
2. Each application for a manufactured home park shall be accompanied by a master plan. The master plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements that may be considered essential. The master plan shall show how all proposed improvements will meet the design and installation standards of Chapter 4, Part VII.
3. The minimum land area for the entire site shall be 5 acres.
4. Dimensional and density requirements for manufactured homes shall comply with the criteria set forth in Table 1 in Chapter 4, Part VI.
5. All manufactured home spaces shall abut upon a paved internal street not less than 24 feet in paved width exclusive of parking.
6. All manufactured home spaces shall be served by at least a three-foot all-weather surface sidewalk.
7. All common spaces must be served by four-foot wide all-weather surface sidewalks.
8. Each space shall be graded as to prevent erosion and provide adequate storm drainage away from the dwelling unit.
9. Two paved off-street parking spaces shall be provided for each manufactured home space. Each parking space shall be at least 210 square feet in area and have a minimum width of 10 feet. No parking shall be permitted on the street.

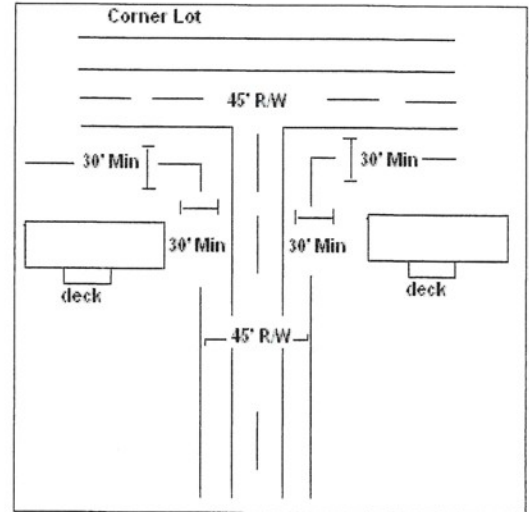
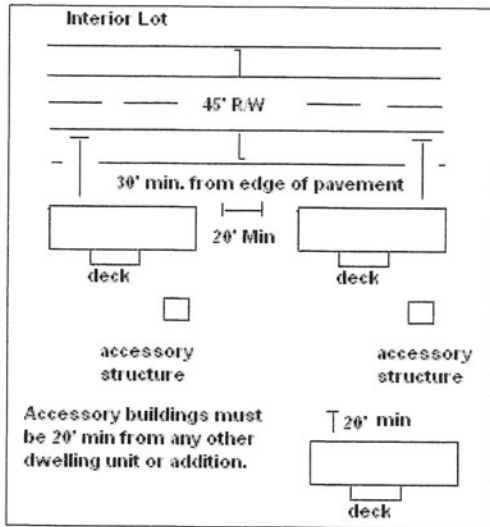
CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 4-OVERLAY DISTRICTS AND ZONES

10. Each manufactured home park shall have a minimum of eight percent of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.
11. Operators of manufactured home parks must provide adequate solid waste refuse and recycling containers. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home unit and at least 10 feet away from internal residential streets. Recycling containers shall be emptied on a regular basis and shall be the responsibility of the park operator.
12. A manufactured home park must be served by an approved public water service or support an individual well on each lot. Approved public sewer or individual septic systems for each lot shall be required.
13. Adequate illumination shall be provided to ensure the safe movement of pedestrians and vehicles at night. Permanent buildings designed for and used by park residents shall remain illuminated to at least the level of 40-foot candles at all times.
14. A level 2 buffer yard shall be installed around the perimeter of the Manufactured Home Park (see Chapter 9 for planting requirements).
15. The park owner shall be responsible for the placement of the dwelling unit on the designated space within the park. This responsibility assures the placement of the dwelling unit adheres to the development standards listed below, including setbacks from lot lines and street as stated in this ordinance.

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

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 4-OVERLAY DISTRICTS AND ZONES



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

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

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 4-OVERLAY DISTRICTS AND ZONES

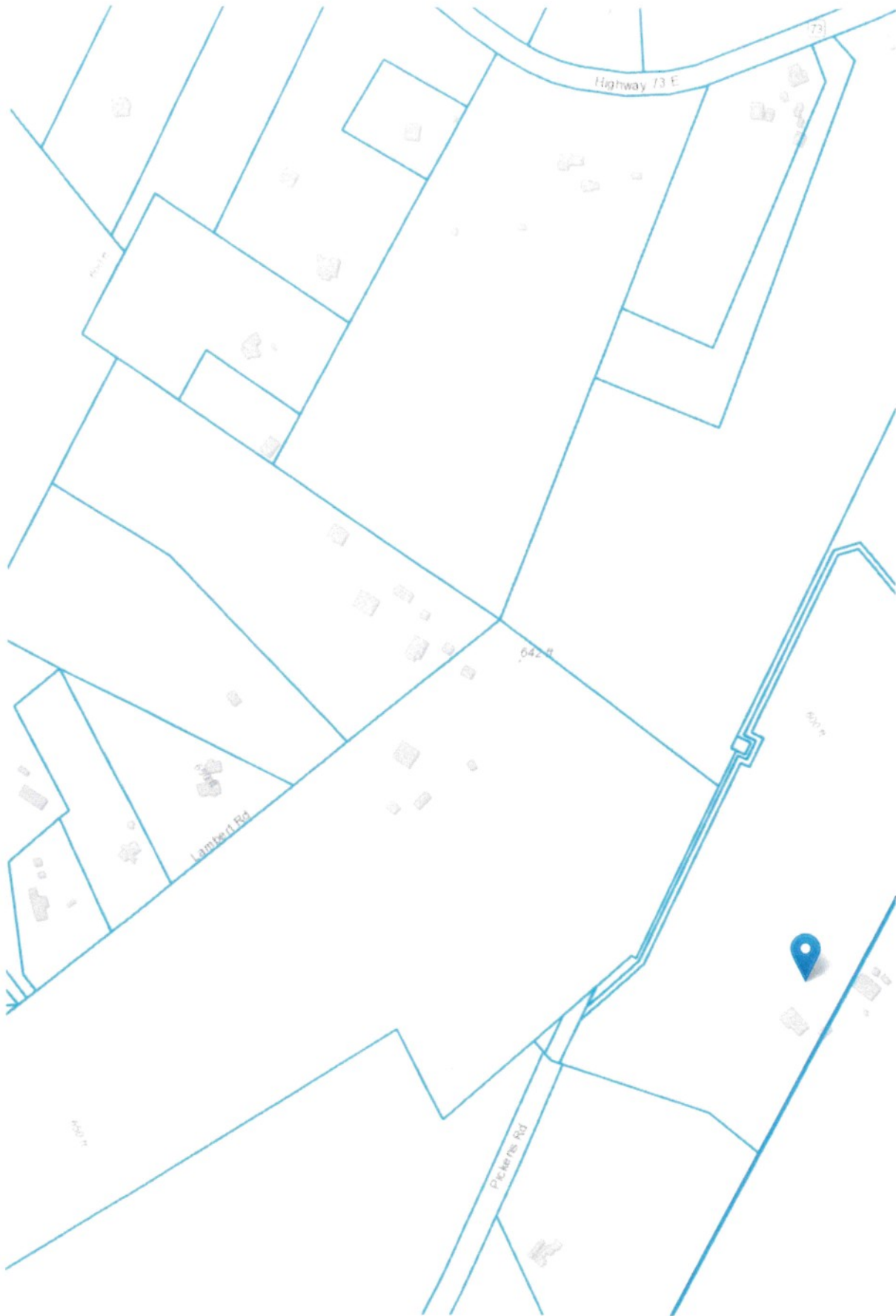
5. All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit. Hitches may remain, but shall be screened from view unless located within a manufactured home park.

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

TABLE 1 (Dimensional Requirements for Manufactured Home Parks)

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

Exhibit B.6
Land Records Information

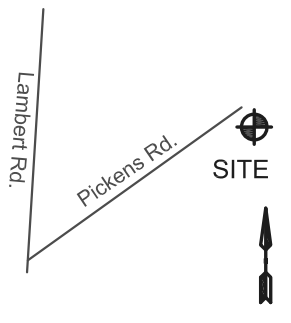


Cabarrus County shall not be held liable for any errors in the data represented on this record. This includes errors of omission, commission, concerning the content of the data, and relative positional accuracy of the data. The data cannot be construed to be a legal document. Primary sources from which this data was compiled must be consulted for verification of information represented on this map document.

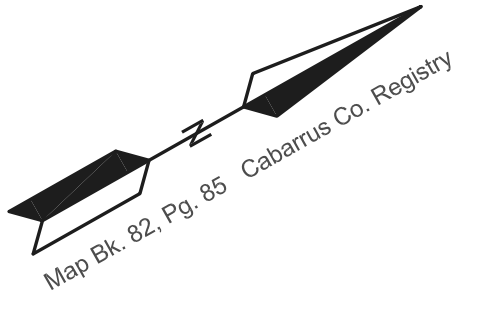
Physical Address:	3077 PICKENS RD MT PLEASANT NC 28124	PIN14:	55899507420000
Account Name 1:	ALMOND GARY W	Account Name 2:	
Mailing Address:	PO BOX 847	Mailing City:	MT PLEASANT
Mailing State:	NC	Mailing Zip Code:	28124
Property Real ID:	08-030 -0004.10	Plat Book:	00082
Plat Page:	00085	Land Units:	39.394
Units Type:	AC	Land Value:	AC
Building Value:	0	OBXF Value:	undefined
Assessed Value:	9320	Market Value:	284430
Sale Year:	2010	Sale Month:	9
Sale Price:	0	Deed Book:	9280
Deed Page:	0322	Fire District:	MtPleasant
Zoning:	AO	Elementary School:	Mt. Pleasant ES
Middle School:	Mt. Pleasant MS	High School:	Mt. Pleasant HS
Precinct Name:	undefined	Legal Description:	undefined
Floodway:	No	100 Yr Flood:	No
500 Yr Flood:	No	Watershed	undefined
FIRM Panel Number	undefined		

PIN14	AcctNumber	AcctName1	AcctName2	MailAddr1	MailAddr2	MailAddr3	MailCity	MailState	MailZipCode
5589-97-9363-0000	59654	VARELA FRANCISCO	VARELA JUANA WF	16111 NC HWY 73 E LOT A			MT PLEASANT	NC	28124
5589-86-7117-0000	772300	BONNY BILLY RAY		11800 HWY 73 E			MT PLEASANT	NC	28124
5589-97-3118-0000	113325	DAVIS JOEL N		11850 HIGHWAY 73 E			MT PLEASANT	NC	28124
5589-85-9411-0000	176886	ALMOND JONATHAN LEE	ALMOND ALISHA M WF	3077 PICKENS RD			MT PLEASANT	NC	28124
5589-95-0742-0000	78102	ALMOND GARY W		PO BOX 847			MT PLEASANT	NC	28124
5589-63-7598-0000	78208	ALMOND JUDY D		4770 MOORESVILLE RD			KANNAPOLIS	NC	28081
5589-74-0548-0000	116100	ALLMAN GLENN R	ALLMAN SABLE J WF	3737 HAHN SCOTT RD	P O BOX 524		MT PLEASANT	NC	28124
5589-84-0555-0000	78102	ALMOND GARY W		PO BOX 847			MT PLEASANT	NC	28124

Exhibit B.7
Site Plan



VICINITY MAP
(Not to Scale)



Map Bk. 82, Pg. 85 Cabarrus Co. Registry

NOW OR FORMERLY
Glenn R. Allman & Wf. Satele J.
Deed Bk. 577, Pg. 85
PIN #5589740548
Cabarrus Co. Registry

40' x 35' Cemetery and 15' Access Road
Reserved and not part of Deed Bk. 610, Pg. 475.

I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 9820 page 322, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book a/s, page a/s; that the ratio of precision as calculated is 1:65,669; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCA 56, 1600). Witness my original signature, registration number and seal this 19th day of March, A.D., 2025.

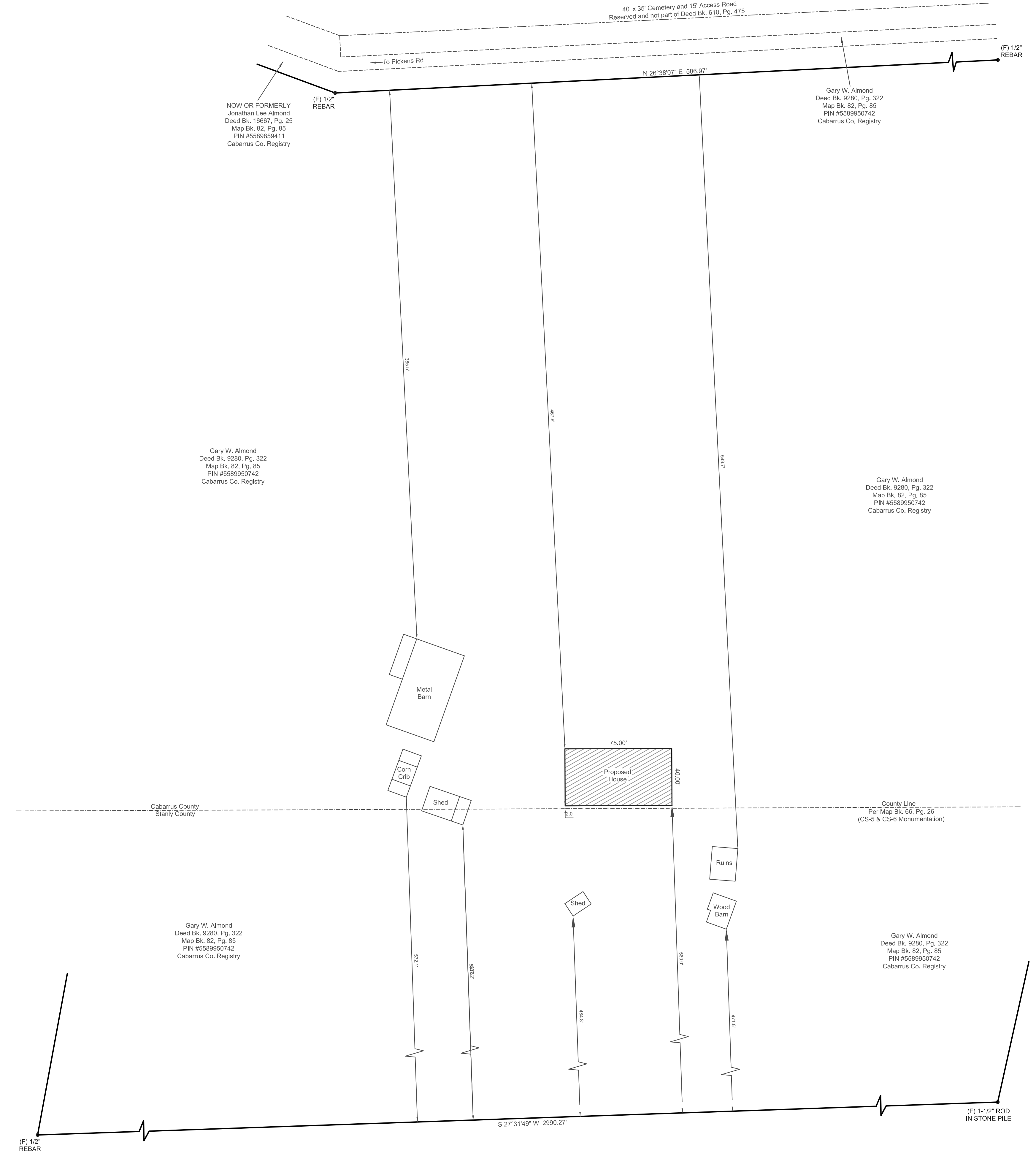
R. Scott Dyer, PLS #4444

PRELIMINARY
Not for Conveyances,
Sales or Recordation



NORSTAR LAND SURVEYING, INC.
552-B Newell Street NW
Concord, NC 28025
Ph 704 721 6651
Fax 704 721 6653
Firm Lic. # C-2294

LEGEND
RW - RIGHT OF WAY
(F) - FOUND
(B) - BENT
a/s - AS SHOWN
[Hatched Box] PROPOSED APPROX. 3000 sf House



NOW OR FORMERLY
Jonathan Lee Almond
Deed Bk. 16687, Pg. 25
Map Bk. 82, Pg. 85
PIN #5589859411
Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5589950742
Cabarrus Co. Registry

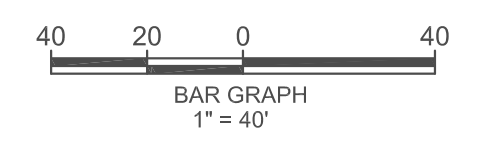
Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
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Cabarrus Co. Registry

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Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5589950742
Cabarrus Co. Registry

NOW OR FORMERLY
George F. Eury & Wf. Larvene H.
Deed Bk. 252, Pg. 546
PIN #558994947239
Stanly Co. Registry



NOTES:
* Deed Reference - Deed Bk. 9280, Pg. 322 Gary W. Almond
Dated September 7, 2010 Recorded in Cabarrus Co. Registry
* Map Reference - 2.671 AC - Pickens Road Dated June 12, 2019
Map Bk. 82, Pg. 85 Recorded in Cabarrus Co. Registry
Performed by R. Scott Dyer, PLS
* Property subject to recorded and unrecorded right of ways, easements and agreements as may appear. A complete and full title search was not performed for this survey.

Prepared for: Gary W. Almond
3077 Pickens Road
Cabarrus & Stanly County, NC
Township No. 8
EXHIBIT MAP

DATE
February 21, 2025

SCALE
1" = 40'

NLS NO.
09095

DRAWN BY
S. Kimrey

CHECKED BY
S. Dyer

NO.	REVISION	DATE	BY

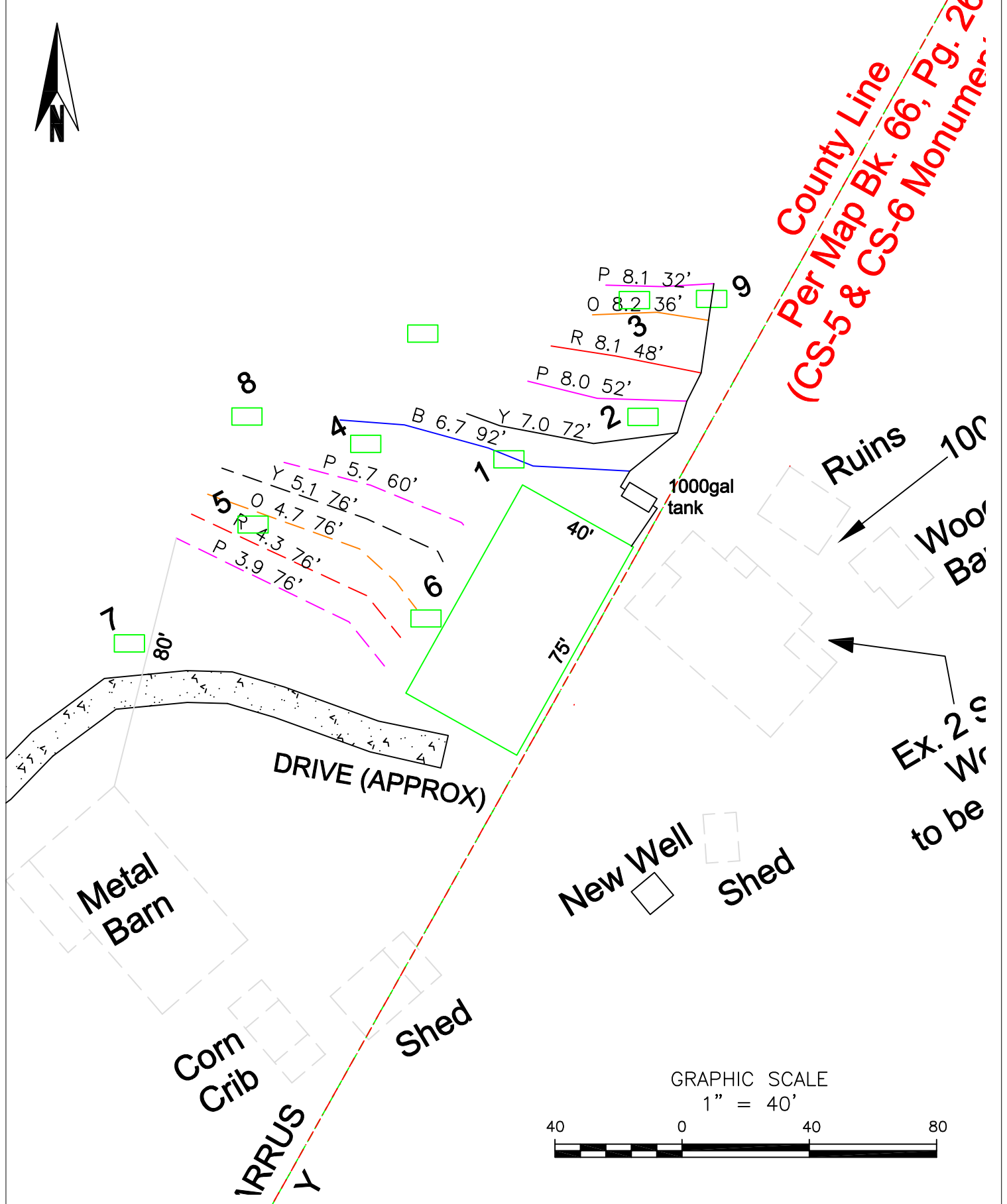
SHEET
1 OF 1

Exhibit B.8
Septic Plan

SHEET 1 OF 1	SHEET TITLE: SEPTIC SYSTEM LAYOUT SKETCH MAP	PROJECT NAME: ALMOND PICKENS RD CABARRUS COUNTY APRIL 2025		Soil & Forestry Services of the Carolinas, PA 813 Davidson Dr NW Concord NC 28025	PROJECT NO. 22-1064	PROJECT MGR.	DRAWN BY	FIELD WORK	SCALE 1" = 40'
				usablesoil@gmail.com 980-439-5007 soilandforestry.com					



County Line
 Per Map Bk. 66, Pg. 26
 (CS-5 & CS-6 Monuments)



SHEET 1 OF 1	SHEET TITLE: SEPTIC SYSTEM LAYOUT SKETCH MAP	PROJECT NAME: ALMOND PICKENS RD CABARRUS COUNTY APRIL 2025		Soil & Forestry Services of the Carolinas, PA 813 Davidson Dr NW Concord NC 28025	PROJECT NO. 22-1064	PROJECT MGR.	DRAWN BY	FIELD WORK	SCALE 1" = 40'
				usablesoil@gmail.com 980-439-5007 soilandforestry.com					



County Line
 Per Map Bk. 66, Pg. 26
 (CS-5 & CS-6 Monuments)

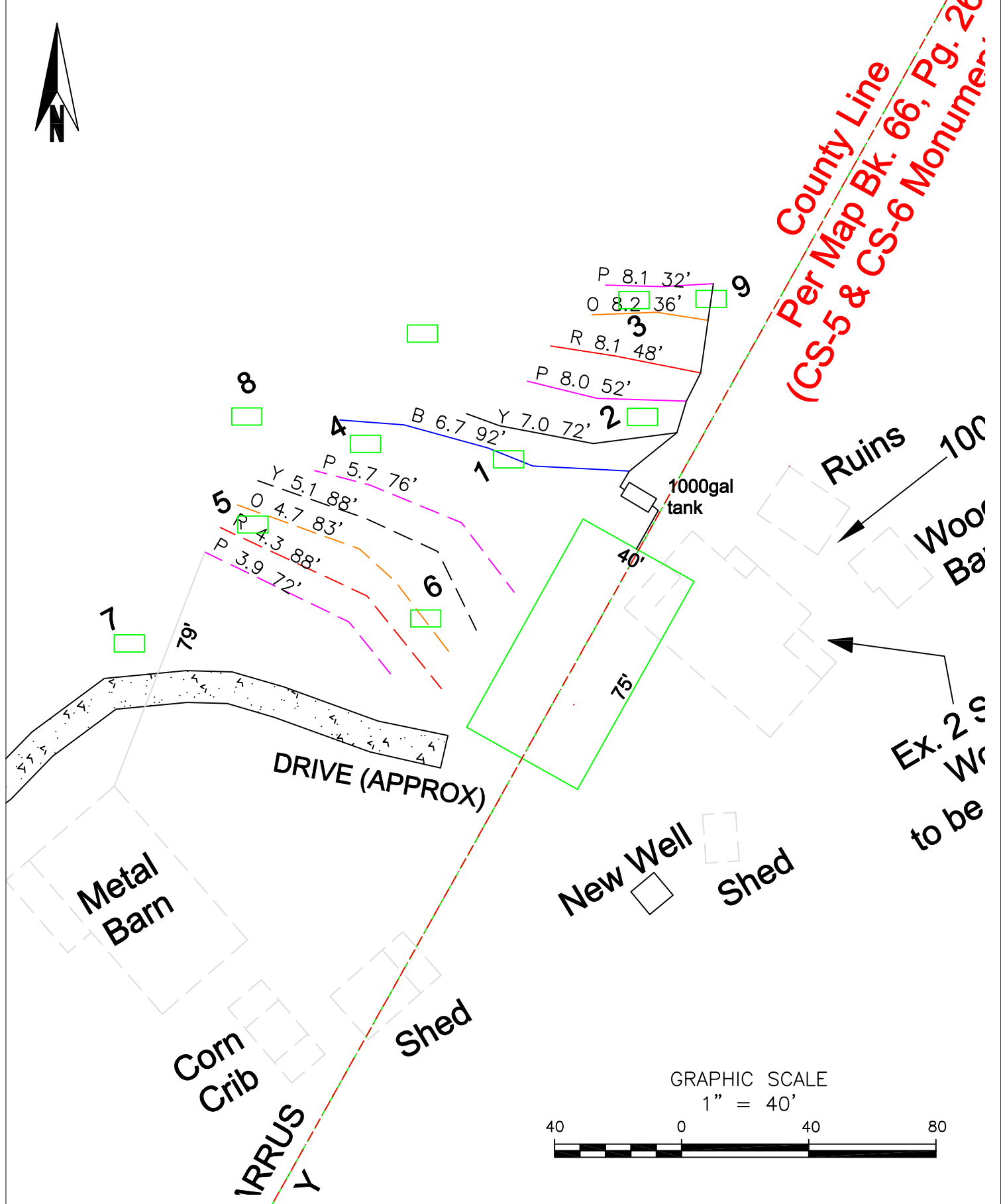


Exhibit B.9

Neighborhood Meeting Information

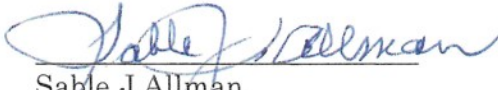
The undersigned, being adjoining owners of the real property of Gary W. Almond and Kathy T. Almond located at 3077 Pickens Rd., Mt. Pleasant, North Carolina, and identified by Cabarrus County PIN 5589-95-0742-0000, state as follows:

I am aware of the community meeting scheduled to take place at the office of Ferguson Hayes Hawkins, PLLC located at 45 Church St. N., Concord, NC at 4:00 p.m. on July 14, 2025.


I have reviewed the proposed variance application prepared by the Almonds requesting to build within the setback established by Sections 5-5(B) and 6-18 of the Cabarrus County Development Ordinance, including the prepared Site Plans.

I have no objection to the proposed and requested variance, and support the allowance of the variance under such terms as may be allowed by Cabarrus County.

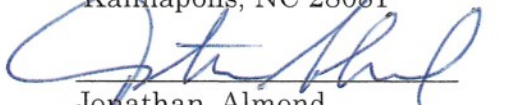
Glenn R Allman
Pin: 55897405480000
3737 Hahn Scott Rd.
Mt Pleasant, Nc 28124



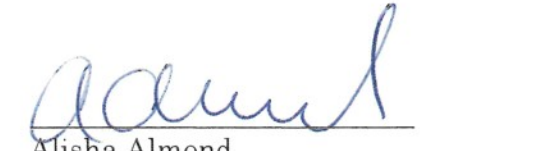
Sable J Allman
Pin: 55897405480000
3737 Hahn Scott Rd.
Mt Pleasant, NC 28124



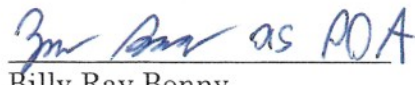
Judy D Almond
Pin: 55896375980000
4770 Mooresville Rd.
Kannapolis, NC 28081



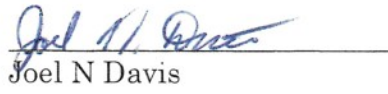
Jonathan Almond
Pin: 55898594110000
~~PO Box 873~~ 3055 Pickens Rd
Mt Pleasant, NC 28124



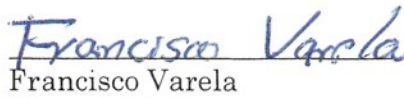
Alisha Almond
Pin: 55898594110000
~~PO Box 873~~ 3055 Pickens Rd
Mt Pleasant, NC 28124



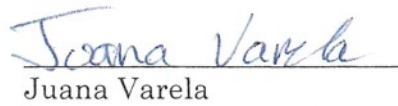
Billy Ray Bonny
Pin: 55898671170000
11800 Hwy 73 E
Mt Pleasant, NC 28124



Joel N Davis
Pin: 55899731180000
11850 Highway 73 E
Mt Pleasant, NC 28124



Francisco Varela
Pin: 55899793630000
16111 NC Hwy 73 E Lot A
Mt Pleasant, NC 28124



Juana Varela
Pin: 55899793630000
16111 NC Hwy 73 E Lot A
Mt Pleasant, NC 28124

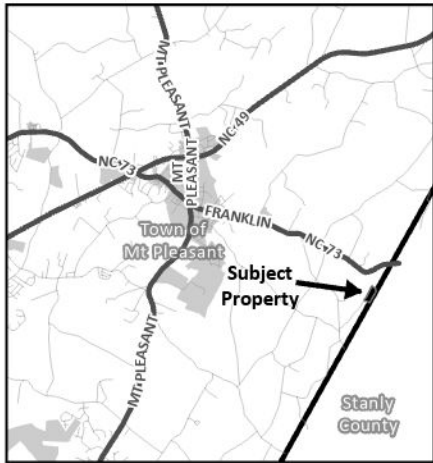
11610

11610

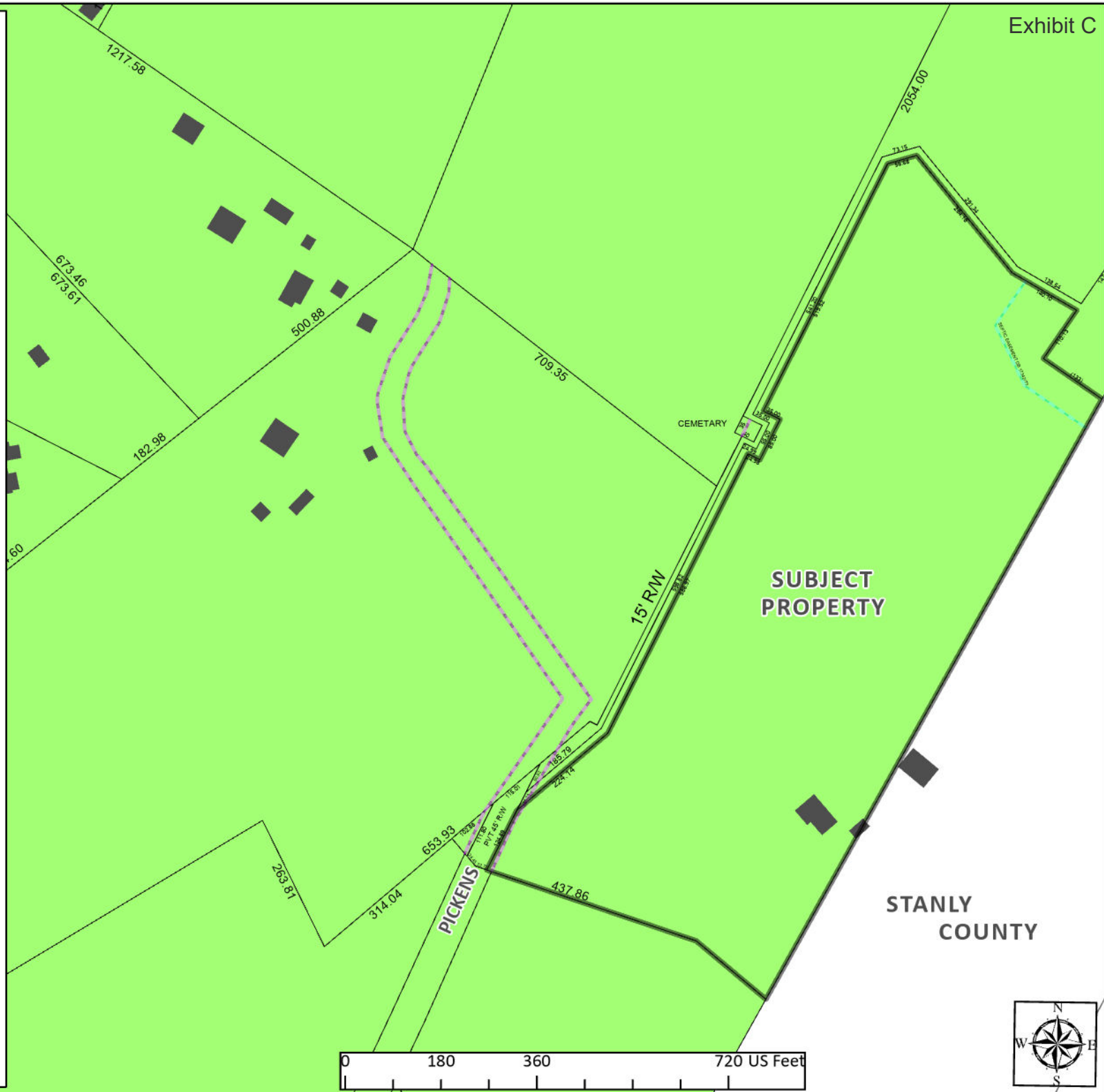
Eastern Planning Area
Zoning Map



Applicant: Brian P. Hayes
Owner: Gary & Kathy Almond
Case: RZON2025-00005
Address: 3077 Pickens Rd
Purpose: Relief from Setback
Requirements
PIN: 5589-95-0742



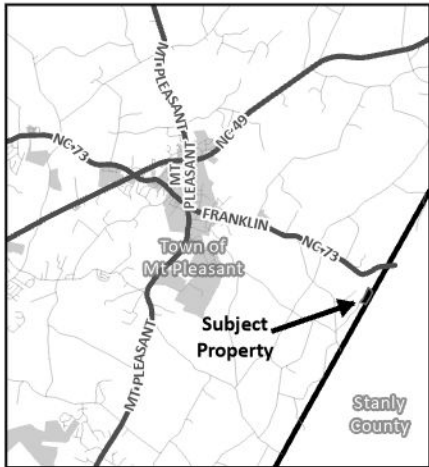
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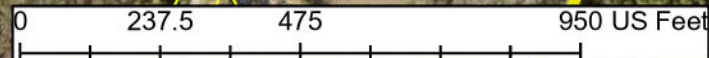
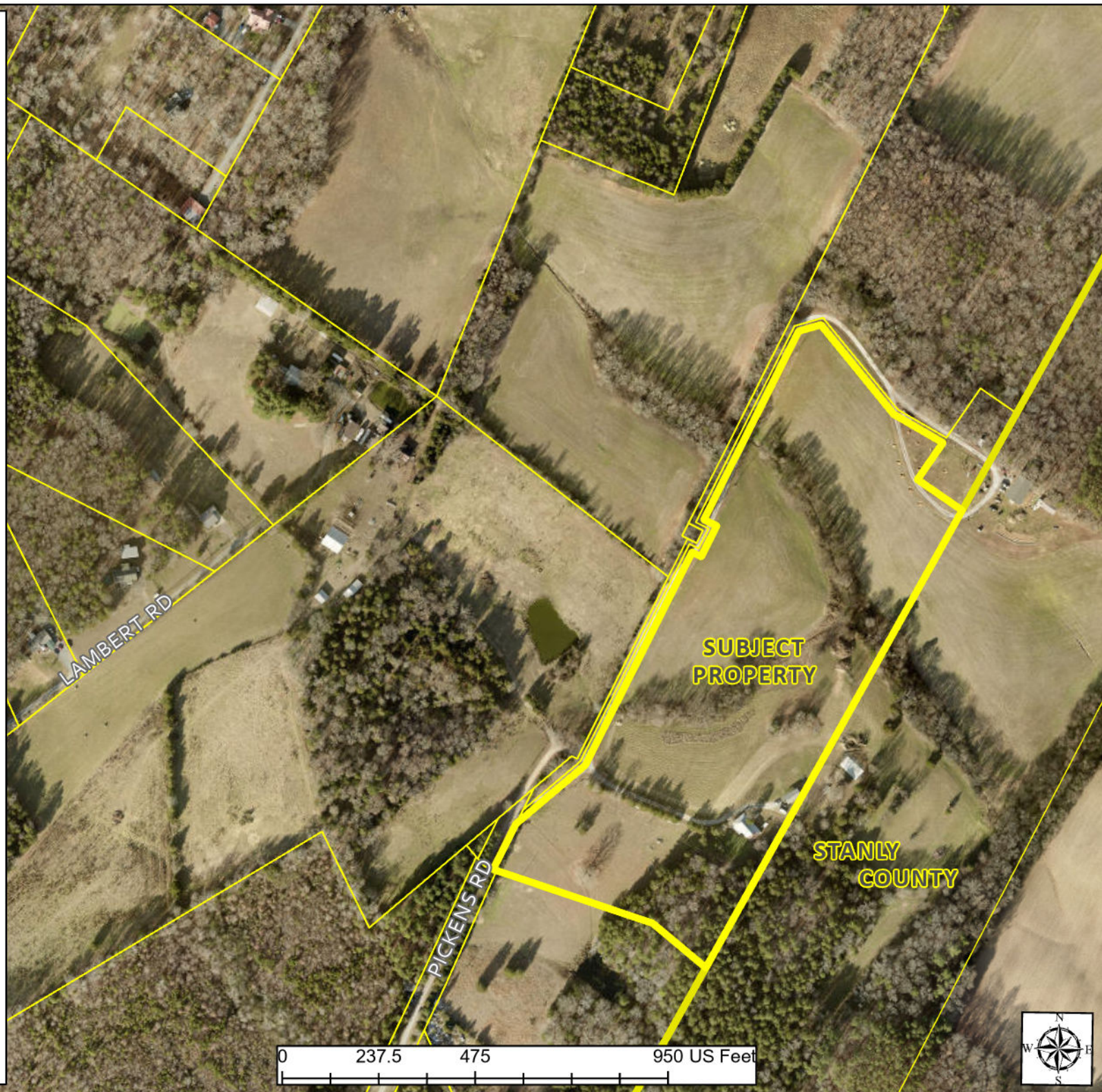
Eastern Planning Area
Aerial Map



Applicant: Brian P. Hayes
Owner: Gary & Kathy Almond
Case: RZON2025-00005
Address: 3077 Pickens Rd
Purpose: Relief from Setback
Requirements
PIN: 5589-95-0742



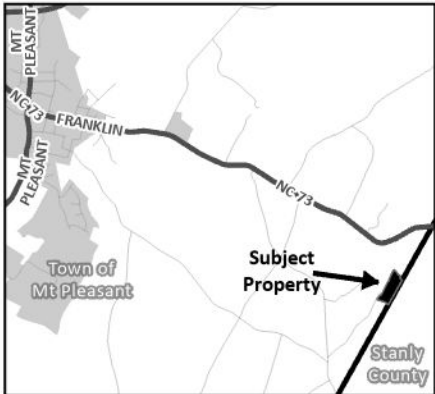
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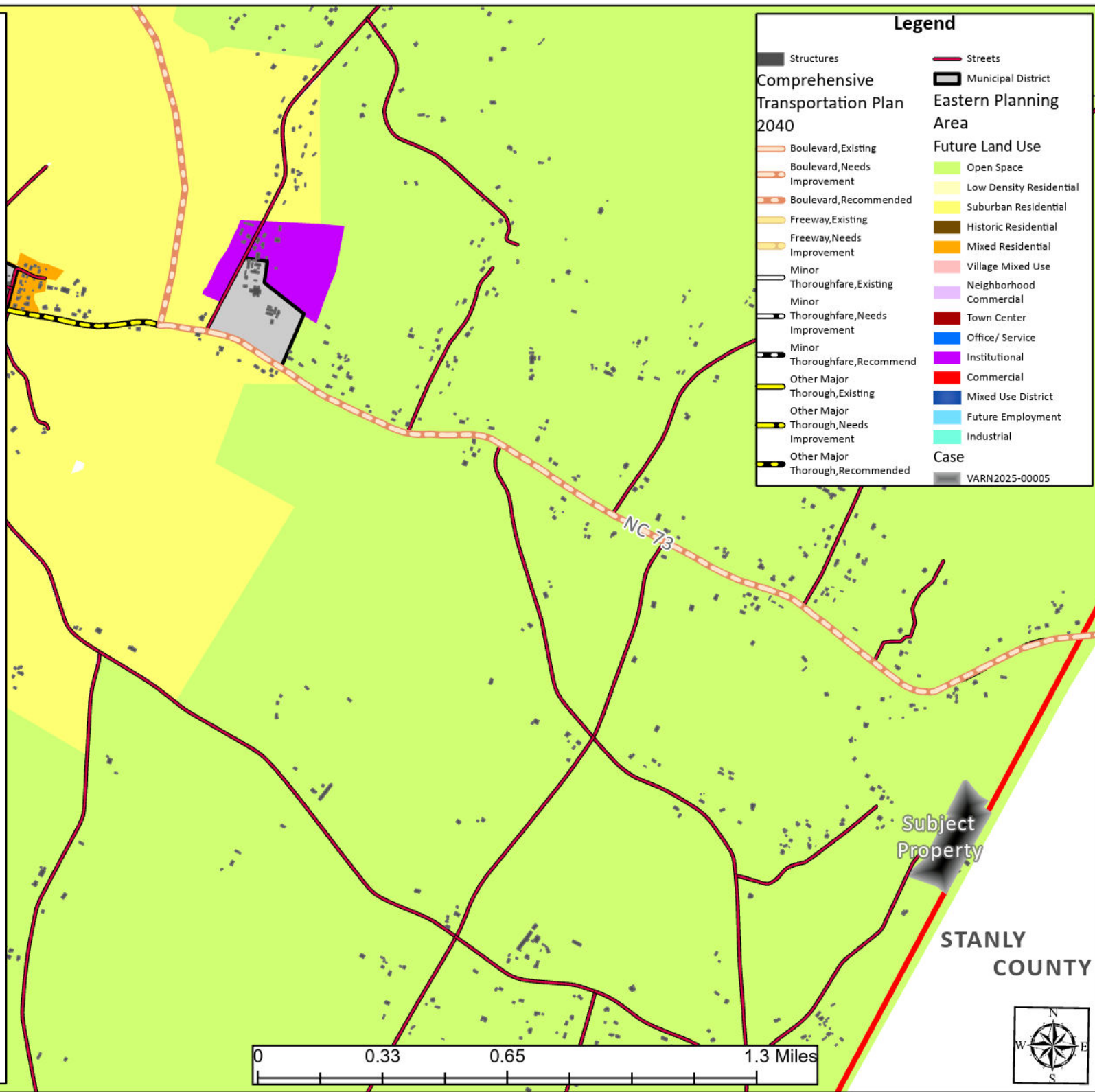
Eastern Planning Area
Future Land Use Map



Applicant: Brian P. Hayes
 Owner: Gary & Kathy Almond
 Case: RZON2025-00005
 Address: 3077 Pickens Rd
 Purpose: Relief from Setback
 Requirements
 PIN: 5589-95-0742



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 and Development October, 2025



Legend

Structures	Streets
Boulevard, Existing	Municipal District
Boulevard, Needs Improvement	Eastern Planning Area
Boulevard, Recommended	Future Land Use
Freeway, Existing	Open Space
Freeway, Needs Improvement	Low Density Residential
Minor Thoroughfare, Existing	Suburban Residential
Minor Thoroughfare, Needs Improvement	Historic Residential
Minor Thoroughfare, Recommended	Mixed Residential
Other Major Thoroughfare, Existing	Village Mixed Use
Other Major Thoroughfare, Needs Improvement	Neighborhood Commercial
Other Major Thoroughfare, Recommended	Town Center
	Office/ Service
	Institutional
	Commercial
	Mixed Use District
	Future Employment
	Industrial
	Case
	VARN2025-00005



STANLY COUNTY

CABARRUS COUNTY, NC

9/23/2025 11:44:06 AM

ALMOND GARY W Return/Appeal Notes: **Parcel: 5589 95 0742 0000**
 3077 PICKENS RD MT PLEASANT NC 28124 PLAT: 00082/00085 UNIQ ID 15660 SPLIT FROM ID 5558
 78102 ID NO: 08 030 0004.10 0000
 COUNTY TAX (100), MT PLEASANT FIRE TAX (100) CARD NO. 1 of 1
 Reval Year: 2024 Tax Year: 2025 NORTH SIDE PICKENS RD 39.3940 AC 39.3940 AC SRC= Estimated
 Appraised by RA on 07/11/2024 17004 HAHN SCOTT RD TW-08 CI-00FR-16 EX- AT- LAST ACTION 20240712

CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION			CORRELATION OF VALUE			
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO					
	01R	00							% GOOD					DEPR. BUILDING VALUE - CARD
TOTAL ADJUSTMENT FACTOR	TYPE: SINGLE FAMILY RURAL													0
TOTAL QUALITY INDEX	STYLE:													DEPR. OB/XF VALUE - CARD
											0			
											MARKET LAND VALUE - CARD			
											284,430			
											TOTAL MARKET VALUE - CARD			
											284,430			
											TOTAL APPRAISED VALUE - CARD			
											284,430			
											TOTAL APPRAISED VALUE - PARCEL			
											284,430			
											TOTAL PRESENT USE VALUE - PARCEL			
											9,320			
											TOTAL VALUE DEFERRED - PARCEL			
											275,110			
											TOTAL TAXABLE VALUE - PARCEL \$			
											9,320			
PRIOR														
											BUILDING VALUE			
											0			
											OBXF VALUE			
											0			
											LAND VALUE			
											259,580			
											PRESENT USE VALUE			
											9,010			
											DEFERRED VALUE			
											250,570			
											TOTAL VALUE			
											259,580			
PERMIT														
CODE			DATE			NOTE			NUMBER			AMOUNT		
ROUT: WTRSHD:														
SALES DATA														
OFF. RECORD		DATE		DEED TYPE		Q/U		V/I		INDICATE SALES PRICE				
BOOK	PAGE	MO	YR	SW	SW	E	E	V	V					
17589	0137	8	2025	SW	SW	E	E	V	V	0				
9280	0322	9	2010	SW	SW	E	E	V	V	0				
HEATED AREA														
NOTES														
STANLY COUNTY ASSESSING 36.59 ACS														

SUBAREA				CODE	QUALITY	DESCRIPTION	COUNT	LT	WT	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE	
FIREPLACE																					0
SUBAREA TOTALS																					0

BUILDING DIMENSIONS

LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	_OVERRIDE VALUE	LAND NOTES	
RURAL AC	0120	AO	340		0.9740	4	0.3900	-06	-05	+00	+00	-50	RD	19,000.00	39.394	AC	0.380	7,220.00	284425	
NO PERK LETTER																				

TOTAL MARKET LAND DATA													39.394	284,430
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Agricultural III	5310	AO			1.0000	5	1.0000				RD	420.00	11.140	AC	1.000	420.00	4679	
Agricultural IV	5410	AO			1.0000	5	1.0000				RD	40.00	12.964	AC	1.000	40.00	519	
Forestry II	6210	AO			1.0000	5	1.0000				RD	280.00	14.160	AC	1.000	280.00	3965	
Forestry V	6510	AO			1.0000	5	1.0000				RD	135.00	1.130	AC	1.000	135.00	153	
TOTAL PRESENT USE DATA													39.394	9,320				

Property Owner
5589-95-0742
Gary & Kathy Almond
PO Box 847
Mt Pleasant, NC 28124

Adjacent Property Owners
5589-85-9411
Jonathan & Alisha Almond
3077 Pickens Rd
Mt Pleasant, NC 28124

5589-84-0555
Gary Almond
PO Box 847
Mt Pleasant, NC 28124

5589-74-0548
Glenn & Sable Allman
3737 Hahn Scott Rd
PO Box 524
Mt Pleasant, NC 28124

5589-63-7598
Judy Almond
4770 Mooresville Rd
Kannapolis, NC 28081

5589-97-9363
Francisco & Juana Varela
16111 NC Hwy 73 E Lot A
Mt Pleasant, NC 28124

5599-07-4612
Carl & Nancy Eudy
640 Fox Hollow Ln
Salisbury, NC 28146

5589-04-94-7239
Randy & Lisa Almond
32342 Bridge Rd
Mt Pleasant, NC 28124

5599-03-04-9825
Jeffrey & Lana Bunting
32390 Bridge Rd
Mt Pleasant, NC 28214

5599-01-06-0960
Francisco & Juana Varela

3124 Barr Rd
Concord, NC 28027

5599-01-06-5930
Carl & Nancy Eudy
640 Fox Hollow Ln
Salisbury, NC 28146