

Section 8-1 Introduction

The purpose of this Chapter is to set forth those land uses termed "conditional" which are generally land uses with the potential for more far reaching effects than uses based on administrative standards (PBS). They require special regulations to insure their compatibility with other permitted development and often, require large land areas. These uses are such that their effects on the surrounding environment cannot be fully determined in advance of their being proposed for a specific area.

Section 8-2 How to use this chapter

Conditional uses are set forth below. At the beginning of each section is a statement showing which zoning districts allow the conditional use. Specific standards that must be met to permit the use are then listed. While all conditional uses require submittal of a site plan meeting the established general standards of the ordinance (described in Chapter Twelve), some require additional information to be shown on the site plan or to be submitted as part of the application.

Section 8-3 Petitioning for a Conditional Use

Because of their potential for affecting neighboring landowners, conditional uses warrant review in a public forum. The Planning and Zoning Commission, acting as Board of Adjustment, hears the request for a conditional use permit. Eighty percent of the Commission must vote in favor of the use and the issuance of a conditional use permit. If a conditional use permit request is denied by the Board of Adjustment, the applicant may appeal the decision to the Superior Court of Cabarrus County, North Carolina.

In general, the process for seeking a conditional use is as follows (Please see Chapter 12 for more details regarding the conditional use permit process):

Step 1 Prior to filing a Conditional Use Permit Application, the Applicant is required to attend a pre-application meeting with Planning and Development Staff. At that time, the proposed project will be discussed and required submittal materials will be determined. Examples of items that may be required, in addition to a complete application and site plan, include but are not limited to:

- Traffic Impact Analysis Documents (See Appendix A)
- Intent to Serve Letters
- NCDOT Driveway Permits
- Post-Construction Stormwater Permits

Step 2 The Applicant files a complete application with Cabarrus County Planning and Development. This includes filing the required number of copies of the proposed site plan and any other materials required for the application to be considered complete, as determined during the pre-application meeting (See Step 1).

Step 3 The project is distributed to review agents and comments are returned by Staff to the Applicant regarding changes or revisions needed to the proposed plan and/or application materials.

Step 4 When revisions are submitted, approved, and the plan and application materials conform to the applicable ordinances, the revised complete application is presented to the Planning and Zoning Commission, acting as Board of Adjustment, for consideration.

Applications for a Conditional Use must demonstrate compliance with the general standards of review. Additionally, Conditional Uses must:

- a. Maintain or enhance the public health, safety and general welfare if located where proposed, developed and operated according to the plan as submitted;
- b. Maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not do so);
- c. Assure the adequacy of:
 - o Sewage disposal facilities
 - o Solid waste and water facilities
 - o Police, fire and rescue squad protection
 - o Schools
 - o Transportation systems (within and around the site) and
 - o other public facilities
- d. Comply with the general plans for the physical development of the County as embodied in these regulations or in the Land Use Plans adopted by the Cabarrus County Board of Commissioners.

Special conditions arrived at by the Planning and Zoning Commission

When the Commission finds that circumstances relating to a particular use warrant more requirements, in addition to those listed in connection with the use, the Commission may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated or permits obtained and/or conditions of a continuing nature. These may include other requirements such as screening, landscaping, lighting, size and location of signs, etc.

To summarize, conditional uses are subject to both general and specific requirements, rather than being automatically permitted. The review process of a conditional use assures that County government is meeting its responsibility of providing for the general health, safety and welfare of the residents of Cabarrus County.

Section 8-4 Conditional Uses

1. Adult Use

General Commercial district

- a. Site plan should show all surrounding land uses within 500 feet of the proposed site boundary lines.
- b. All windows, doors, openings, entries, etc. for all adult uses shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible.
- c. No adult use shall be established within three thousand (3,000) feet of the proposed property boundary from the following:
 - o Any residentially zoned or used land
 - o Religious institutions
 - o Schools, parks, playgrounds, libraries or other areas where minors regularly congregate
 - o Another adult use

2. Airport, Commercial

General Commercial, Limited Industrial and General Industrial districts

- a. A diagram depicting the layout of runways, taxiways, approach zones and overrun areas. These diagrams should also be on aerial photographs showing a five mile radius from the proposed site.
- b. A description of the number and type of aircraft proposed to be stored including the storage areas for aircraft, fuel and motor vehicles, and service areas for aircraft.
- c. A listing of the land uses within the final approach zones of the airport.
- d. Documentation must be submitted showing that the proposed site meets the standards of both the Federal Aviation Administration and the North Carolina Department of Transportation.
- e. Setback, buffer yard, fencing and parking requirements appropriate to the specific nature of the use proposed will be established during the conditional use permit process and approved by the Board of Adjustment. In no case, however, shall the minimum level buffer between the proposed project and adjacent residentially used or zoned properties be less than a Level Two buffer yard.
- f. The number, size, weight and type of aircraft may be limited in the Conditional Use Permit if required for public safety and welfare.

3. Airstrip, as Accessory

Agricultural/Open, General Commercial, Limited Industrial and General Industrial districts

- a. A site plan showing all surrounding land use and a listing of the land uses within the final approach zones of the airstrip.
- b. A general description of how the airstrip will be used including but not limited to:
 - o Frequency of landings/takeoffs
 - o Size of aircraft accommodated
 - o Length of runway
 - o Any other relevant information
- c. A copy of certification documentation and/or any other documentation or permits required by the Federal Aviation Administration (FAA) and the State of North Carolina (if applicable).

4. Amusement, Outdoor

General Commercial district

- a. Site must be a minimum of 15 acres
- b. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- c. Where the proposed project abuts residentially used or zoned property, a Level Two buffer yard shall be provided.
- d. No parking or amenity area shall be located closer than 100 feet to any residentially zoned or used property.

- e. Other conditions may be placed on the site during the conditional use process as deemed necessary by the Board of Adjustment in relation to hours of operation, noise, traffic, etc.

5. Coliseums, Stadiums

General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - o Types of events, days and hours of operation
 - o The projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - o Total number of seats
 - o Types of accessory uses, if any, envisioned on the site (initially or in the future)
 - o Total number of employees, both full-time and part-time
 - o Any and all other relevant information that will help describe the facility
- b. The site shall contain at least 20 acres.
- c. All structures, viewing and seating areas shall be set back at least one hundred (100) feet from any street, street right-of-way or property boundary line.
- d. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - o Playground
 - o Refreshment stands or booths
 - o Souvenir stands or booths
- e. All access ways shall be lit so that sidewalks, pedestrian pathways, etc. are clearly visible. The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residentially used or zoned properties.
- f. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the Conditional Use Permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscaping treatment and berms.

6. Colleges and Universities

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential and High Density Residential/Mixed Use districts

- a. A complete description of the facility including but not limited to:
 - o Hours of operation
 - o Projected student enrollment years one through five
 - o Description of curriculum
 - o Degrees, certificates offered
 - o Total number of employees, both full-time and part-time
- b. In the event the facility abuts residential property, Level Two buffering is required.
- c. In no case shall any parking area or student amenity area be located less than 100 feet from a residentially zoned or used property.

7. Communications Tower, 911 Communications Tower

Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts

- a. The tower must be designed to land upon its own property in the event of a fall and shall be certified by a North Carolina registered Professional Engineer (PE).
- b. Certification is waived if the tower is located on the property such that the radial distance to the nearest structure or property line is equal to the height of the tower plus 50 feet.
- c. Towers shall be enclosed by a security fence not less than six (6) feet and no taller than eight (8) feet in height.
- d. The tower and any accessory buildings must be screened from public view by a buffer that is a minimum of four (4) feet wide and located immediately adjacent to the perimeter of the compound. Plantings shall effectively screen the compound from adjacent residential properties.

8. Convention Center Facility

Office/Institutional and General Commercial districts

- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of five (5) acres
- c. Amenity and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially used or zoned property line.
- d. Where adjacent to residentially zoned or used property, a Level Two buffer shall be installed.

9. Correctional Facility

Agriculture/Open, Limited Industrial, General Industrial districts

- a. A complete description of the facility including but not limited to:
 - o Total number of employees, both full-time and part-time
 - o Total number of offenders to be housed
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of ten (10) acres
- c. Any recreation areas or housing unit yard areas shall be located interior to the site where feasible and must be located a minimum of one thousand feet (1,000) from any adjacent residentially used or zoned property line.
- d. Where adjacent to residentially zoned or used property, a Level One Buffer shall be installed.
- e. Outside security measures shall be shown on the site plan, including fences, guard towers, manned entry points, gates, etc.
- f. Any anticipated future additions or phases shall be shown on the site plan. This includes future building expansions, accessory buildings, recreation facilities, parking expansions, classroom areas, etc.

10. Day Camp, Summer Camp, Civic Group Camp Facility

Agriculture/Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of six (6) acres in the AO district and four (4) acres in the CR district
- c. Play areas, sports fields and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially zoned or used property line.
- d. Where adjacent to residentially zoned or used property, a Level Two Buffer shall be installed.
- e. Where overnight accommodations are provided, facilities shall be located interior to the site and shall have a residential appearance.

11. Elementary, Middle and High Schools

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office Institutional districts

- a. A complete description of the facility including but not limited to:
 - o Total square footage all buildings
 - o Site plan showing layout of all buildings, playgrounds, parking areas, etc.
 - o Projected student enrollment
 - o Grades taught
 - o Total number of employees, both full-time and part-time
- b. School sites shall have frontage on a minimum of two roads providing at least two access points to the site. Sites having frontage on only one road shall provide a minimum of two access points on that road.
- c. Drop off and pick up areas shall be designed such that internal circulation is not disturbed nor is access on adjacent roads or streets.
- d. Stacking distances for cars and buses shall be incorporated onto the school site through a series of driveways or internal access roads and shall not impact adjacent right-of-ways.
- e. Alternate transportation routes and connectivity shall be incorporated into the site, including sidewalks to adjacent neighborhoods and multi-use paths for bicyclists or walkers.
- f. Locations of temporary trailers or potential expansions shall be incorporated into the master plan for the school and shall be shown on the site plan.

See Cabarrus County School Site Design Guidelines for additional information.

In the event the facility abuts residential property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.

12. Extraction of Earth Products

General Industrial district

- a. Extent of area to be excavated or mined
- b. Locations, width and elevation of all easements and rights of-way within or adjacent to the extraction site.
- c. Location of all existing or proposed structures on site.
- d. Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map.
- e. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
- f. Existing topography at a contour interval of two (2) feet based on mean sea level datum.
- g. Proposed handling and storage areas for overburden, by-products and excavated materials.
- h. Proposed fencing, screening and gates, parking, service and other areas.
- i. Any areas proposed for ponding.
- j. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site.
- k. An Operations Plan including:
 - o The date operations begin and their expected duration
 - o Proposed hours and days of operations
 - o Estimated type and volume of extraction
 - o Description of method of operation, including the disposition of topsoil, overburden and by-products
 - o Description of equipment to be used in the extraction process
 - o Any phasing of the operation and the relationship among the various phases
- l. A Rehabilitation Plan which shall include:
 - o Accomplishment and planned future use of the rehabilitated land
 - o A map showing the final topography, after rehabilitation, to the same scale as the site plan. It shall also depict any water areas and methods for preventing stagnation and pollution, landscaping and ground cover proposed to be installed and the amount and type of back fill, if any, to be employed
 - o A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date to be completed
 - o The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations
 - o The name, address and signature of land owners and applicants
 - o A written legal description of survey of the property, prepared by a North Carolina registered land surveyor or engineer

All operations associated with extraction shall conform to the following performance standards:

- a. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
- b. Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:
 - o Between 7:00 am and 7:00 pm 60 DBA
 - o Between 7:00 pm and 7:00 am 55 DBA

- c. Vibration levels at the boundaries of the extraction site shall not exceed the following standards:

- Maximum Peak Particle Velocity:
- o Steady state 1.0 inches/second
 - o Impact 2.0 inches/second

NOTE: The maximum particle velocity shall be the product of two times the frequency in cycles per second times the sum of three mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty per minute. Discrete impulses which do not exceed sixty per minute shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be one hundred and twenty-five decibels on the linear scale.

The rehabilitation plan shall be referred to the Cabarrus County Soil and Water Conservation District for review and recommendation. In particular, its review should focus on the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and, the acceptability of the proposals for the handling of lakes, ponds, etc. The District's report is not necessarily binding upon the Commission.

- d. The permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust free material such as soil cement, bituminous concrete or Portland Cement concrete from the nearest public road to the yard area. Also, all permanent roads located within three hundred (300) feet of residentially zoned land shall be treated the same.
- e. Roads other than permanent roads shall be treated with dust inhibitors, as specified in the operations plan, to reduce and minimize dust generation from road surfaces from either wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.
- f. Where the proposed extraction shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
- g. Spoil piles and other accumulations of by-products shall not be created to a height more than forty (40) feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of repose.
- h. The operations plan and rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds simultaneous with extraction.
- i. The facility is required to implement Level Two buffering about the perimeter. See Chapter 9, Landscaping and Buffer Requirements.

The Planning and Zoning Commission shall require a performance guarantee, in a form approved by the County Attorney, to insure that the provisions of the rehabilitation plan are met. The amount of such guarantee shall cover the cost of rehabilitation. The applicant's engineer shall certify to the County the costs of rehabilitation on a per acre basis. If the rehabilitation costs exceed the amounts required by the State, then the difference shall be made up in a bond payable to Cabarrus County, that must be posted before commencement of any earth product extraction operations.

13. Landfill, Sanitary or Landfill, Demolition-One Acre or More

Agricultural/Open, Limited Industrial and General Industrial districts

The following additional items shall be included on the site plan:

- a. Extent of area to be filled.
- b. Location, width and elevation of all easements and rights-of-way within or adjacent to extraction site.
- c. Location of all existing or proposed structures on site.
- d. Location of all areas on the site subject to flood hazard or inundation.
- e. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
- f. Existing topography at a contour interval of two feet, based on mean sea level datum.
- g. Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum.
- h. Proposed handling and storage areas for overburden, by-products and fill materials.
- i. Proposed fencing, screening and gates, parking, service and other areas.
- j. Any areas proposed for ponding.
- k. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Site distances on all roads used for access to the site.

An Operations Plan shall be submitted including:

- o The date of commencement of operations and their expected duration
- o Proposed hours and days of operation
- o Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used
- o Any phasing of operations and relationship among phases

A Rehabilitation Plan shall be submitted which shall include:

- o A statement of planned future use of the site, including detailed methods of accomplishment
 - o A map, to the same scale as the site plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed
 - o A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion
- l. Copies of all permits required by all applicable regulating North Carolina and federal government agencies shall be submitted.

All operations associated with the fill shall conform to the following performance standards:

1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
2. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
 - o Between 7:00 am and 7:00 pm 60 DBA
 - o Between 7:00 pm and 7:00 am 55 DBA
3. Vibration levels at the boundaries of the fill site shall not exceed the following standards:
Maximum Peak Particle Velocity

- Steady state 1.0 inches/second
- Impact 2.0 inches/second

NOTE: The maximum particle velocity shall be the maximum displacement sums of three mutually perpendicular components, recorded simultaneously, and multiplied by the frequency in cycles per second.

For purposes of this Ordinance, steady-state vibrations are defined as vibrations which are continuous or vibrations occurring in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

4. The Rehabilitation Plan shall be referred to the Cabarrus County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
5. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland cement concrete.
6. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
7. Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
8. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

14. Manufactured Home Parks

Permitted in Manufactured Home Park Overlay District only

- a. All submissions for a conditional use permit for a Mobile Home Park must meet the standards of this section, the requirements of the Manufactured Home Park Overlay in Chapter 4 as well as Sections 4-49, 4-50 and any applicable subdivision regulations where new individual lots are created.
- b. Must meet the Adequate Public Facility Standards within Chapter 4, Section 17 of the Cabarrus County Subdivision Ordinance.

15. Multimedia Production and Distribution Complex

Agricultural/Open, Countryside Residential districts

- a. A complete description of the proposed facility including but not limited to:
 - Proposed uses envisioned within the complex
 - Type of development allied with the proposed facility likely to occur
 - ⊖ Total number of employees, both full-time and part-time
- b. Setback, buffer yard, fencing and parking requirements appropriate to the specific nature of the use proposed will be established during the conditional use permit process and approved by the Board of Adjustment. In no case, however, shall the

minimum level buffer between the proposed project and adjacent residentially used or zoned properties be less than a Level Two buffer yard.

16. Nursery, Daycare Center

Limited Industrial and General Industrial districts

- a. A copy of the North Carolina State license issued to the facility is required (see NCGS Chapter 110, Child Welfare).
- b. Evidence that the North Carolina Department of Transportation has issued driveway permits for the facility. Applicant shall submit copies with site plan review application.
- c. Adequate access to and from the site, to accommodate traffic generated, including any required roadway improvements.
- d. Drop off and pick up areas shall be interior to the site, out of the public right-of-way, and designed so as to not interfere with internal circulation and ingress/egress to the site.
- e. Outdoor recreation areas must be enclosed with a fence.
- f. There must be direct access to a State maintained road.

17. Public Service Facility

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

- a. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.
- b. A landscape plan (same scale as site plan) showing existing and proposed trees, shrubs, ground cover and all other landscape material.
- c. An emergency plan showing how possible spills, explosions, etc. would be handled.
- d. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- e. The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residentially used or zoned properties, if such exist.
- f. When a building is involved and will be located in a residentially zoned district, it shall have a residential appearance or the appearance of other buildings allowed as a matter of right in this district.
- g. In the event the facility abuts residential property, a Level Two buffer must be implemented.
- h. All outside storage areas shall be sited to the rear and require a Level Two buffer. See Chapter 9, Landscaping and Buffer Requirements.

In addition to the items listed above, the following standards shall be required for any proposed solar farm projects:

1. The height of the system shall not exceed 10 feet measured from the highest natural grade below each solar panel.

2. A map analysis showing a radius of 5 nautical miles from the center of the project area with any airport operations in the area highlighted shall be submitted with the application.
 - a. If a Federal Aviation Administration (FAA) regulated airport falls within the radius, all required documentation and information shall be submitted to the Federal Aviation Administration for review and approval and shall be submitted as part of the application.
3. In addition the FAA review for the project, applicant must demonstrate that any glare created from the project will not adversely impact surrounding properties or vehicles traveling on right of ways near the site.
4. A copy of the executed Decommissioning Plan for the project shall be submitted as part of the application. This plan shall be recorded in the Register of Deeds office.
5. In the event the facility abuts residential property or a street right of way, a Level One buffer must be implemented.

Any solar facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned and the property owner and other legally responsible party shall be required to decommission the site unless substantial evidence is provided to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility.

Should the property owner or lessee decide to cease producing power for sale or use, or in the event that the system is damaged and will not be repaired or replaced, decommissioning of the site shall occur within 12 months from the time that the facility is deemed to be defunct.

18. Public Use Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential and High Density Residential/Mixed Use Residential

- a. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.
- b. A landscape plan (same scale as site plan) showing existing and proposed trees, shrubs, ground cover and other all other landscape material.
- c. When a building is involved and will be located in a residentially zoned district, it shall have an appearance suitable for a residential district.
- d. In the event the facility abuts residential property, a Level One buffer must be implemented.
- e. All outside storage areas shall be sited to the rear and require a Level One buffer. See Chapter 9, Landscaping and Buffer Requirements.

19. Race Shop, Race Team Complex

Agricultural/Open district

- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Types of accessory uses (see paragraph 2 below) envisioned for the site
 - o Any and all other relevant information that will help describe the facility

Minimum lot area is five (5) acres

- b. The race complex shall be the principal use under the conditional use permit request. Accessory uses may be permitted when necessary for the operation of the complex. Accessory uses include, but are not limited to, the following:
 - o Engine rooms
 - o Conference facilities
 - o Sheet metal shops
 - o Storage of souvenirs
 - o Storage facilities
 - o Housing
 - o Airstrip (See 8-4,3)
 - o Airplane Hangars
 - o Museums
 - o Pit practice training facilities
- c. The site must front on a public road.
- d. The front and side yard setback areas shall be left in an undisturbed, natural setting.
- e. All manufacturing, testing, office and activities shall be conducted within an enclosed building.
- f. Outside storage is permitted but must be completely screened on all sides by a Level Two buffer as described in Chapter 9. Outside storage is not permitted in the front yard.
- g. All driveways shall be paved.
- h. When the site is adjacent to residentially used or zoned property, outside pit practice training areas shall be located interior to the site to minimize noise to adjacent residential properties.
- i. When the site is adjacent to residentially used or zoned property, a Level Two buffer is required on the common boundary line.

The proposed use must be able to comply with the following:

- A. Objectionable noise shall be muffled or eliminated so as not to become a nuisance to adjacent uses. It shall be the responsibility of the applicant to provide proof that all noise for the operation does not exceed the maximum permitted sound levels listed below. Maximum noise levels are as measured from the lot line. The Commission may require more stringent noise restriction if it finds as a fact that noise should be muffled to a greater extent than those sound levels listed below.

7:00 AM to 7:00 PM	60 dbI
7:00 PM to 7:00 AM	55 dbI

- B. Every use shall be operated as to prevent the emission of smoke, dust, and dirt, etc., from any source whatsoever within the bounds of the air pollution standards set by the North Carolina Department of Natural Resources and Community Development. The Department's standards on air pollution for industrial uses are hereby made a part of this Ordinance by reference.
- C. Every use shall be operated as to prevent the emission in the air of dust or other solid matter which may cause damage to property, discomfort to persons or animals beyond the lot line of the property on which the use is located.
- D. Every use shall be operated to prevent discharge of any waste dangerous or a nuisance to persons or animals or damaging to plants, crops or any water supply at or beyond the lot lines of the race shop. The Cabarrus Health Alliance must approve all domestic ground absorption waste water disposal and on site drinking water wells.

- E. Every use shall be separated as to prevent the emissions of objectionable or offensive odors in such concentrations readily perceptible at any point at or beyond the race shop's boundary lines.
- F. Every use shall be so operated as to prevent glare of such intensity as to be readily perceptible from a residential use.
- G. Each use shall be developed to prevent traffic congestion and noise generated by vehicles related to its operation.

20. Race Track, Animal, Automobile or Other

Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of events per year and expected spectator attendance.
 - o Types of accessory uses envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. The minimum site acreage shall be twenty (20) acres.
- c. The racetrack and all buildings, viewing areas, and seating areas shall be located no closer than five hundred (500) feet from any street right-of-way or property line.
- d. All access ways shall be adequately lit. Such lighting must be shielded to prevent light and glare spillover to adjacent residentially used or zoned properties.
- e. Objectionable noise shall be muffled or eliminated so as not to become a nuisance to adjacent uses. It shall be the responsibility of the applicant to provide proof that all noise for the operation can meet the requirements and general performance standards for commercial and industrial uses. The Commission may require more stringent noise restriction if it finds as a fact that noise should be muffled to a greater extent than required under Conditional Use Number 19, Race Complex, specifically section 19-A.
- f. A Level One buffer yard will be provided at the perimeter of the property.
- g. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - o Refreshment stands or booths
 - o Souvenir stands or booths

21. Reception Facilities

Agricultural Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - 1. Types of events, days and hours of operation
 - 2. Projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - 3. Total number of seats
 - 4. Types of accessory uses, if any, envisioned on the site (includes any accessory structures)
 - 5. Total number of employees, both full-time and part-time.
 - 6. Any and all other relevant information that will help describe the facility
 - 7. Building elevations
- b. The site shall contain at least five acres.
- c. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance. Building height and other

dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction must meet commercial design standards.

- d. All structures, viewing areas, and seating areas shall be set back at least one **two** hundred (100) feet from any street or property line.
- e. Where waterbodies exist on or near the property, additional setbacks may be required. See Chapter 4, Waterbody Buffer Zone.
- f. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises but may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- g. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- h. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
- i. The parcel must have frontage on, or have direct access to, a NCDOT maintained road or a privately maintained paved street. Proposed access points on NCDOT roads must be approved by NCDOT. In the event that a privately maintained street is used to gain entry to the site, the applicant shall provide documentation from the private road owner(s) that access to the site for events is permitted.
- j. The facility must provide two parking spaces for the owner/operator, plus one for every four persons in attendance at events. Service providers (staff, caterers, etc.) should be included in this calculation at a rate of one for each employee or contracted staff member. The parking area shall remain grassed (no impervious coverage). However, handicap accessible parking is required to be an improved/hard, stable surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3 of this Ordinance. No on-street parking is permitted.
- k. Other than as part of the reception events, no meals shall be served to the general public on the site.
- l. The following accessory uses may be permitted as incidental to the facility and limited to the patrons of the principal use:
 - o Playground
 - o Bathroom facilities
 - o Aesthetic (gazebo, barn, etc.) features
 - o Amenity areas, gardens
- m. Signs for Reception Facilities shall meet the requirements of Chapter 11 (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Zoning Ordinance

22. Recreational Facility, Outdoor

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial and General Industrial districts.

A complete description of the facility including but not limited to:

- o Hours and days of operation
- o Total number of employees, both full-time and part-time
- o Projected number of users per weekday and weekend days
- o Types of accessory uses, if any, envisioned on the site

- Any and all other relevant information that will help describe the facility
- a. The site shall contain a minimum of five acres.
- b. All structures, viewing and seating areas shall be set back at least one hundred and fifty feet (150) from any street or property line.
- c. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - Playground
 - Refreshment stands or booths, and/or
 - Souvenir stands or booths.
- d. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented.

23. Recreational Therapy Facility, Rural Setting

Agricultural Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - 1. Types of events, days and hours of operation
 - 2. Projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - 3. Client profile: projected client enrollment, years of enrollment, age of clients, etc.
 - 4. Description of curriculum/treatment methods
 - 5. Total number of employees, both full-time and part-time (including volunteers)
 - 6. Evidence that the facility has achieved certification from a nationally recognized organization in each therapeutic field of choice
 - 7. Site plan showing layout of all buildings, parking areas, landscape, buffers, play areas, barns, riding trails, abutting properties and the land use for these properties, impervious area calculations, water bodies, etc.
 - 8. Types of accessory structures used or envisioned to be used on the site
 - 9. Building elevations
 - 10. Any and all other relevant information that will help describe the facility
- b. The site shall contain at least twenty-five (25) acres
- c. The parcel must have frontage on a major or minor thoroughfare. Proposed access points must be approved by NCDOT.
- d. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction must meet commercial design standards.
- e. All structures, viewing areas, seating areas, etc. shall be set back at least 100 feet from any property line. All animal enclosures must be 150 feet from parcel boundary lines.
- f. All access ways shall be adequately lighted. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises, but may be of sufficient intensity to encourage security and safety. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- g. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- h. A Level Two Buffer yard is required when the Recreational Therapy use abuts a residential use. However, if residential dwellings are located 200 feet or greater from

the property line, buffering shall not be required. See Chapter 9, Landscaping and Buffer Requirements.

- i. The facility must provide, at a minimum, parking spaces to accommodate the staff, clients and visitors. Service providers and vehicles (buses, tractors, trucks and trailers, caterers, therapy providers, etc) should be included in this calculation. Designated areas for special event parking shall also be included in the parking plan. A maximum of ten (10) parking spaces, including handicap accessible spaces, shall be an improved surface, the remainder must be grassed (no impervious coverage). Handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3 of this Ordinance. No on-street parking is permitted.
- j. Other than as part of special events or therapy sessions, no meals shall be served to the general public on the site.
- k. The following accessory uses may be permitted as incidental to and limited to the clients of the principal use:
 - o Playground
 - o Bathroom facilities
 - o Aesthetic (gazebo, barn, etc.) features
 - o Barns, animal interaction arenas
 - o Physical therapy course/apparatus
 - o Multi-purpose building or room
- l. Signs for Recreational Therapy Facilities shall meet the requirements of Chapter 11 (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Zoning Ordinance:
- m. The number of animals (livestock) boarded outside or partially outside shall not exceed one animal per acre. Those boarded entirely inside shall not be counted as part of this limitation.
- n. Public address systems shall be permitted outside and within a building when the speakers are at least fifty (50) feet from adjacent property lines. Further, noise at any property line shall not exceed thirty-five (35) decibels.

24. Religious Institution with Total Seating Capacity 351 or More

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts.

A complete description of the facility including but not limited to:

- o Hours and days of operation
- o Projected number of users per weekday and weekend days
- o Total number of employees, both full-time and part-time
- o Types of accessory uses, if any, envisioned on the site
- o Any and all other relevant information that will help describe the facility
- a. In the event the facility abuts residential property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
- b. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.

25. Religious Institution with School

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential and Office/Institutional districts

A complete description of the facility including but not limited to:

- Total square footage all buildings
 - Total number of employees, both full-time and part-time
 - Site plan showing layout of all buildings, playgrounds, parking areas, etc.
 - Projected student enrollment
 - Grades taught
- a. Sites shall have frontage on a minimum of two roads providing at least two access points to the site. Sites having frontage on only one road shall provide a minimum of two access points on that road.
 - b. Drop off and pick up areas shall be designed such that internal circulation is not disturbed nor is access on adjacent roads or streets.
 - c. Stacking distances for cars and buses shall be incorporated onto the school site through a series of driveways or internal access roads and shall not impact adjacent right-of-ways.
 - d. Alternate transportation routes and connectivity shall be incorporated into the site, including sidewalks to adjacent neighborhoods and multi-use paths for bicyclists or walkers.
 - e. Locations of temporary trailers or potential expansions shall be incorporated into the master plan and shall be shown on the site plan.
 - f. In the event the facility abuts residential property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
 - g. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.

26. Rest Home, Convalescent Home with More Than 10 Beds

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential and Office/Institutional districts

- a. A complete description of the facility including but not limited to:
 - Total square footage all buildings
 - Site plan showing layout of all buildings including housing and parking areas
 - Number of beds projected year one through five
 - Total number of employees, both full-time and part-time
 - Any accessory uses that may be envisioned in conjunction with the home
- b. In the event the facility abuts residential property, Level Two buffering must be implemented.
- c. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.

27. Restaurant with Drive-Thru Facility

Medium Density Residential and High Density/Mixed Use Residential districts

- a. A complete description of the facility including, but not limited to:
 - Total square footage all buildings
 - Site plan showing layout of all buildings including pick-up windows, and drive through lanes.
 - The estimated number of drive-thru customers at all peak serving times with a correlation between numbers served per 30 minute increment (or industry standard) and corresponding amount of stacking space for vehicles.

- b. Sufficient stacking and circulation must be provided on site and shall not interfere with circulation of traffic on adjacent streets or road right-of-ways.
- c. The use must front on an arterial or collector road.
- d. Drive-thru entrances and exits must be at least 250 feet from any intersection
- e. Drive-thrus abutting residential property must:
 - o Provide a Level Two buffer yard along their common boundary line
 - o Position outdoor speakers at least 50 feet from property lines bordering residential development
 - o Position lights so that illumination will not spill over onto residential property

28. Retail Sales, Shopping Centers 100,000 Square Feet or More

General Commercial district

- a. The shopping center must have direct access to either an arterial or major collector road.
- b. When located adjacent to residentially zoned or used property, a Level One buffer yard shall be installed at the common boundary between the parcels.
- c. A complete description of the facility including but not limited to:
 - o Days and hours of operation
 - o Projected number of users per weekday and weekend days
 - o Total number of employees, both full-time and part-time.
 - o Any and all other relevant information that will help describe the facility

29. Single Family Detached Residential and Manufactured Home, Single Section

General Commercial, Light Industrial and General Industrial districts

Single family detached residences and single section manufactured homes are permitted on a hardship basis if the following conditions can be met:

- a. No more than two additional homes may be added to parcels less than ten acres in size. Parcels greater than ten acres may not exceed one dwelling unit/5 acres.
- b. Applicant must prove that some form of hardship has brought about the request.
- c. Preference shall be given to homes that may be relocated when the property is developed for non-residential purposes.
- d. Dwelling unit sites must be screened from adjacent non-residential uses using a Level One buffer yard.

30. Shooting Range, with Outdoor Target Practice

Agriculture/Open, Countryside Residential, Light Industrial and General Industrial district

- a. The minimum lot size shall be 5 acres.
- b. Shooting ranges may not be located accessory to a residence.
- c. No portion of the range or associated Safety Fan shall be closer than 1500 feet to any exterior property line.
- d. No portion of the range or associated Safety Fan shall be closer than 2500 feet to any existing residential dwelling, institutional use or building.
- e. Ingress and egress to the site and to the range area shall be secured and controlled to prevent unregulated entrance to the facility and the target area.

- f. The entire property shall be posted every 100 feet at the property line with signage indicating there is a shooting range located on the property.
- g. Elevations for the range area, from shooter to target, shall be constructed to prevent rounds from being fired over the berm, and shall be shown on the site plan.
- h. The complete layout of each range, including, shooting stations or firing lines, target areas, shot-fall zones, backstops, and berms, shall be shown on the site development plan.
- i. The development plan shall also identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based on evidence and address the design effectiveness of berms, overhead baffles or other safety barriers to contain projectiles to the Safety Fan area.
- j. Shots fired on site, whether on range or in air, shall be contained entirely on the site. Clay pieces associated with in air target practice shall also be contained entirely on the site.
- k. All local, state and federal permits shall be issued prior to zoning permitting.
- l. The owner/operator of the range shall be required to carry liability insurance with a minimum policy limit of \$3,000,000.00 per occurrence. Such insurance shall name Cabarrus County as an additional insured and shall contain a provision that the insurance may not be cancelled or modified except upon 30 days prior written notice to the County. Such policy shall provide coverage that holds the County and its elected and appointed officials and its employees harmless from and against all claims, demands, losses and expenses of any kind or nature, including the costs of defense and attorney fees, in favor of any person, arising from the ownership, operation or existence of the range.
- m. Ranges shall be designed in accordance with industry standards as described in *The National Rifle Association (NRA) Range Source Book*.
- n. Ranges shall use Best Management Practices for Lead Management. See *EPA Best Management Practices for Lead at Outdoor Shooting Ranges (EPA-902-B-01-001)*.
- o. Must comply with Chapter 46, Section 46-2, Use of Firearms, of the Cabarrus County Code of Ordinances.

31. Sports and Recreation Instruction or Camps

Agriculture/Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- b. Site shall be a minimum of six (6) acres in the AO district and four (4) acres in the CR district
- c. Practice areas, fields and parking areas must be a minimum of five hundred feet (500) from any adjacent property line.
- d. Where adjacent to residentially zoned or used property, a Level Two Buffer yard shall be installed.
- e. Where overnight accommodations are provided, facilities shall be located interior to the site and shall have a residential appearance.

32. Slaughter House, Meat Packing

Agricultural/Open and Countryside Residential districts

Submit a report addressing the following:

- The appropriateness of the site selected.
 - The proposed plant operation and how it may affect public health.
 - The proposed operation of the plant including total number of employees, both full-time and part-time.
 - The method of collection, handling, disposal and storage of all waste and by-products.
- a. No building, structure, storage or animal holding area shall be located within one hundred and fifty (150) feet of any lot line.
 - b. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented.
 - c. Before beginning operation of any slaughterhouse or meat packing facility, copies of all license or permits required from other governmental agencies shall be submitted to the County Zoning Administrator.

33. Trade and Vocational Schools

Agricultural/Open, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including:
 - Hours of operation
 - Total number of employees, both full-time and part-time
 - Projected student enrollment years one through five
 - Description of curriculum
 - Degrees, certificates offered
- b. In the event the facility is to be located in a residential zone, all setbacks shall be doubled.
- c. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented at the common parcel boundary.

34. Trucking Company, Heavy Equipment Company, Dispatch Facility with Storage

General Commercial and Limited Industrial districts

- a. Submit a complete description of the facility including but not limited to:
 - Days and hours of operation
 - Total number of employees, both full-time and part-time
 - Expected number of trips to be generated per day
- b. In the event the facility is to be located next to residentially used or zoned property, all setbacks shall be doubled.
- c. Fuel storage areas shall be shown on the site plan
- d. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented.

35. Truck Stop or Truck Terminal

General Commercial and Limited Industrial districts

- a. Submit a complete description of the facility including but not limited to:
 - o Days/hours of operation
 - o Total number of employees, both full-time and part-time
- b. In the event the facility is to be located next to residentially used or zoned property, all setbacks shall be doubled.
- c. Fuel storage areas and lines, and driveways shall be shown on the site plan
- d. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented.

36. Wireless Telecommunications Services

All zones

Section I Purpose

The purpose of this Section 36 is to:

- o Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- o Encourage the location of towers in non-residential and less developed areas;
- o Strongly encourage joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- o Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- o Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- o Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- o Consider the public's health and safety in regard to communication towers; and
- o Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Section 2 Definitions

The words, terms and phrases shall have the meanings assigned below provided, however, any words, terms or phrases not defined herein shall have the meaning assigned in Chapter 2 of this Ordinance:

ACCESSORY EQUIPMENT STRUCTURE- A building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

ALTERNATIVE TOWER STRUCTURE- Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA – Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

ANTENNA, STEALTH- Wireless telecommunication antenna and related equipment designed to blend into the surrounding environment or integrated into the physical structure to which it is attached.

APPLICATION – A formal request submitted to the county to construct or modify a wireless support structure or a wireless facility.

BASE STATION – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

COLLOCATION– The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

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

ELIGIBLE FACILITIES REQUEST– A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT – Antennas, transmitters, receivers, cables, wires, transformers, power supplies, electric and communication lines necessary for the provision of television broadcast signals, radio wave signals, wireless data or wireless telecommunication services to a discrete geographic area, and all other apparatuses and appurtenances, including shelters, cabinets, buildings, platforms, and ice bridges used to house or otherwise protect equipment.

EQUIPMENT COMPOUND– An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

FALL ZONE – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

GROUND AREA – The area of real property surrounding the base of towers on which the equipment and appurtenances necessary for the operation and stability of the towers, including guy wires and security fencing, are constructed or installed.

LAND DEVELOPMENT REGULATION– Any ordinance enacted pursuant to this Section 36.

REPEATER-A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

SATELLITE DISH ANTENNA OR SATELLITE DISH- A parabolic antenna designed to receive electromagnetic transmissions from a satellite.

SEARCH RING. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SUBSTANTIAL MODIFICATION– The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the County to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

TOWER- Any ground-mounted, pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, to which a telecommunications antenna is attached or affixed.

TOWER, LATTICE- Three- or -four-legged steel girded structures typically supporting multiple communications users and services generally ranging from 60 to 200 feet in height.

TOWER, MONOPOLE- Single pole design, approximately three feet in diameter at the base narrowing to approximately one and a half feet at the top, generally ranging from 25 to 150 feet in height.

UTILITY POLE– A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

WATER TOWER– A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS FACILITY– The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.

WIRELESS SUPPORT STRUCTURE. – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

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

Section 3 Applicability

The provisions of Section 36 shall apply to any new Wireless Telecommunications Tower, Antenna or substantial modification, except as provided below. The use of land for wireless telecommunication service antenna or tower shall be permitted as set forth in Chapter 3, Section 3.8 subject to the criteria below.

Section 4 General Guidelines and Requirements

- a. PRINCIPAL OR ACCESSORY USE- Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. LOT SIZE- In the event that a tower or antenna is installed and/or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subjected to; including but not limited to setback, lot coverage, and other such requirements.
- c. INVENTORY OF EXISTING SITES- Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of Cabarrus County, the City of Kannapolis, the City of Concord, the Town of Harrisburg, the Town of Mt. Pleasant, the City of Locust or the Town of Midland. Such information shall include specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the County. The Zoning Administrator, and/or his or her designee, may share such information with other applicants applying for administrative approvals or conditional use permits under this Ordinance or with other organizations seeking to locate towers or antennas within the jurisdiction of this Ordinance provided, however that the Zoning Administrator, and/or his or her designee, is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. Notwithstanding, the applicant is not required to provide proprietary, confidential or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies.

Section 5 Aesthetics

- Towers shall either maintain a galvanized steel finish or be painted a neutral color to blend in with the surrounding area and to reduce visual obtrusiveness.
- The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the tower or antenna site.

- If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.
- LIGHTS- No tower or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC or the County. This restriction against lights shall not apply to towers which have been combined with light standards for illumination of ball field, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the Lot or Parcel.
- STATE OR FEDERAL REQUIREMENTS- All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- BUILDING CODES, SAFETY STANDARDS- To ensure the structural integrity of towers and antennas, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.
- FALL ZONE- Towers shall be designed so that in the event of a structural failure, the tower falls on the subject parcel or within the leased area of the subject parcel. No tower or antenna shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any tower or antenna, shall be designed to withstand the maximum forces expected from wind and ice when the tower is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.
- ESSENTIAL SERVICES- Wireless telecommunications towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- SIGNS- Signs on a tower, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of Chapter 11, Signage.

Section 6 Permit Requirements

No wireless telecommunications tower, antennae, or substantial modification shall be erected or established unless and until a Zoning Clearance Permit has been issued pursuant to this Ordinance.

- A Stealth Antenna or Repeater which does not exceed sixty-five (65) feet in height is permitted as of right and does not require a conditional use permit.

- Repeaters shall either maintain a galvanized steel finish or be painted a neutral color to blend in with the surrounding area and/or structure and to reduce visual obtrusiveness. Where a pole frame is used, the frame shall be similar and compatible with existing light poles and fixtures in the area.
 - a. Where repeaters are proposed to be located in a public or private right-of-way, encroachment agreements shall be submitted as part of the site plan review application package.

In addition to procedures, standards and criteria set forth in this Ordinance, Conditional Use Permits for towers, antennas, and substantial modifications shall be issued in accordance with the following provisions:

- Towers or antennas sixty-five (65) feet or more from the average ground level shall require a conditional use permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antennas.
- Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.
- In addition to any other information required pursuant to this Ordinance, applications for conditional use permits for towers shall include the following information:
 - a. A site plan consistent with the procedures of this Ordinance which clearly indicates the location, type, and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning (including when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines elevation drawings of the proposed tower and any other structures; and other information deemed by the Administrator to be necessary to assess compliance with this Section.
 - b. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
 - c. The availability of suitable existing towers, other structures, or alternative technology.
 - d. The separation distance from other towers pursuant to Table 1 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - e. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
 - f. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
 - g. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - h. A description of the feasible alternative location(s) of future towers or antennas within the County based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 - i. A statement of compliance with the Federal Communications Act 47 U.S.C §332 as amended and the applicable rules promulgated by the Federal Communications Act.

Section 7 Approval Criteria

All non-stealth and stealth towers and mounted antennas are permitted by right or as a conditional use as listed in Chapter 3, Section 3-8.

Factors Considered in Granting Conditional Use Permits for Towers

In determining whether to issue a conditional use permit, the Board of Adjustments shall consider, in addition to any other standards in this Ordinance governing conditional use permits, the following factors:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residentially zoned district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and vegetation;
- f. Design of the tower, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 8 below.

Section 8 Availability of Suitable Existing Towers, other Structures, or Alternative Technology

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Administrator, or Board of Adjustment (if conditional use permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the applicant's proposed tower or antenna. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any or all of the following:

1. No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that alternative technologies, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, that does not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development cost shall not be presumed to render the technology unsuitable.

- a. SEPARATION- Towers shall be separated a distance, as measured from the base, equal to at least the minimum standards established in Table 2. The separation distances shall be measured by drawing or following a straight line between the base of the preexisting tower and the base location, pursuant to a site plan, of the proposed tower.
- b. SECURITY FENCING- Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, constructed of block or masonry or wood material, and shall be equipped in such a manner as to deter climbing.
- c. LANDSCAPING- Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Administrator may waive these requirements in locations where the view of the tower base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

Section 9 Buildings or Other Equipment Storage

Structures used in association with towers or antennas shall comply with the following provisions:

- a. Equipment cabinets and/or other structures shall comply with all applicable building codes.
- b. Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.
- c. Equipment cabinets and/or structures shall be no greater than fourteen (14) feet in height or three hundred (300) square feet in gross floor area. The entry or access side of a cabinet and/or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet and/or structure. Such access way shall not face residentially zoned property.

Section 10 Collocation

- a. GOOD FAITH- Applicants shall make a good faith effort to share wireless communication structures, facilities and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation, and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith.
- b. THIRD PARTY TECHNICAL REVIEW- In the event a dispute arises as to whether an Applicant has exercised good faith in accommodating other users, the Administrator may require the applicant to obtain a third party technical study at the Applicant's expense. The Administrator may review any information submitted by the Applicant in determining whether good faith has been exercised.
- c. EXCEPTIONS- No collocation may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.

- d. VIOLATION, PENALTY- Failure to comply with collocation requirements may result in denial of a permit request or revocation of an existing permit.

Section 11 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner of such facility shall remove the antenna or tower within ninety (90) days of receipt of notice from the Board of Adjustment notifying the owner of such abandonment. If there are two or more users of a single tower or antenna, then this provision shall not become effective until all users cease using the tower or antenna for the prescribed period. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

A performance bond shall be set for 1.25 times the estimated cost of removal of all towers, antennas, and accessory equipment structures that are approved. The performance bond shall be filed prior to issuance of a zoning clearance. This amount will be determined by a removal company and certified by a North Carolina licensed engineer. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI) Index. A revised bond shall be provided every 5th year that a tower is in place.

Section 12 Non-Conforming Uses

- a. NO EXPANSION OF NONCONFORMING USE- Towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter, shall not be deemed to constitute the expansion of a nonconforming use or structure. In addition, a change to a tower that does not constitute a substantial modification must be permitted.
- b. PREEXISTING TOWERS- Towers constructed prior to the adoption of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Chapter.
- c. REBUILDING DAMAGED OR DESTROYED NONCONFORMING TOWERS OR ANTENNAS- Notwithstanding this Section, bona fide nonconforming towers or antennas that are damaged or destroyed by weather events or other non-manmade causes are not required to conform to the requirements of this Ordinance provided the type, height, and location if the tower onsite shall be of the same type and intensity as the original facility; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. If no permit is obtained or if such permit expires, the tower or antenna shall be deemed abandoned.

SECTION 13 Duration of Permit

The county may condition a permit on a requirement to construct the facility within a reasonable period of time, which shall be no less than two (2) years.

Table 1 Separation Requirements from Offsite Uses/Areas	
Single-family residential units [1]	Tower shall be located a minimum of the tower height plus 50' from any property line or residential structure. In no case shall a tower be located less than 100' from any property line or residential structure.
Vacant residentially zoned land which is either platted or has preliminary plat approval which is not expired	
Vacant residentially zoned land	
Existing multi-family residential units	
Non-residentially zoned lands or non-residential uses	None, only setbacks apply
<p>[1] Includes modular homes, manufactured homes, townhome units, group home facilities and family care homes.</p> <p>Separation measured from edge of lease area or compound (fenced in area) to closest property line or structure.</p>	

Table 2 Separation Distances Between Towers		
	Monopole 65 ft. in height or greater	Monopole less than 65 ft. in height
Monopole 65 feet in height or greater	1,500 feet	750 feet
Monopole less than 65 feet in height	750 feet	750 feet
Separation measured from the base of the tower.		

37. Veterinarian, Animal Hospital, Animal Shelter, Commercial Kennel, Agricultural/Open, Countryside Residential, Office/Limited Commercial, General Commercial and Limited Industrial districts
- a. Official County Health Alliance approval of water and sewer services provided to the facility must be copied to the office of the Zoning Administrator.
 - b. The minimum distance between the outer edge of any buildings or fenced area must be at least 300 feet from the parcel boundary of any residentially zoned or used properties. In addition, all animal enclosures must meet the same distance/buffer requirements.
 - c. The number of animals boarded outside or partially outside in the facility shall not exceed 25 animals. Those boarded entirely inside shall not be counted as part of this limitation.

- d. The primary use, including all outside boarding areas, shall meet the Level Two buffer standards of Chapter 9 of this Ordinance.
- e. This use shall be required to be separated from educational institutions and places of worship by a distance of 1,000 feet. This distance shall be measured from the exterior property lines of the facility to the nearest property line of the educational institution or place of worship.
- f. All outdoor lights must be shielded to direct light and glare onto the facility's premises and may be of sufficient intensity to ensure security.
- g. Lighting and glare must be deflected, shaded and focused away from any adjoining residential or institutional property.
- h. All storage areas including dumpsters must be sited to the rear of the building, within the setbacks required of the building's underlying zone; and, made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- i. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.