

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE PLANNING BOARD MEETING

January 22, 2019

6:00 PM

Commissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Swearing in of New Members

Approval of Minutes

Minutes from the 11-27-18 Planning Board Meeting

Cases

Case 18-10: Cell Tower Text Amendment

Case 18-12: Garages and Carports Text Amendment

Case 18-13: Request to rezone property at 1650 North Post Road from Restricted Residential to General Business

Case 19-01: Request to rezone property at 134 Shady Lane from Rural Agriculture to Residential

Case 19-02: Request to rezone property at 823 Old Stubbs Road from Residential to Light Industrial Conditional District

Case 19-03: Cleveland County Solar Facility Ordinance

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Swearing in of new member

Department:

Agenda Title:

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the 11-27-18 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 11-27-18_PB_Minutes.pdf	Minutes



CLEVELAND COUNTY PLANNING BOARD
Cleveland County Administrative Building – Commission Chambers
311 E. Marion Street, Shelby, NC
November 27, 2018 - 6:00 p.m.

Present:

Max Hopper, Chairman
Tom Spurling, Vice-Chairman
Lucas Shires
Darryl Crawford
Ronnie Whetstine
Susan Scruggs

Absent:

Charles Christenbury

Others

Chris Martin, Senior Planner
Anna Parker, Administrative Assist.
Henry Earle, Planner

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Max Hopper called the meeting to order at 6:05 pm. It was determined that a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE,

Chairman Hopper led the invocation, followed by the Pledge of Allegiance.

APPROVAL OF THE OCTOBER 23, 2018 MINUTES

Vice Chairman Spurling made a motion to approve the October 23, 2018 minutes. It was seconded by Darryl Crawford and unanimously carried.

CASE 18-12: TEXT AMENDMENT FOR CARPORTS & GARAGES IN FRONT SIDE YARDS

Chris Martin stated that the Planning Department received a request to allow for carports in the front side-yards of properties. The applicant requested for a minimum of 2 acres and 150 feet from the right-of-way. The request is for the convenience of parking in the front near the home. Staff presented two options: the applicant's request and a draft re-worded by Staff. The applicant's request was for a 2 acre size minimum with a minimum of 150' from right-of-way. Staff presented some example aerial images of possible locations allowed based on setbacks from property lines and the home. A Public Hearing date has not been set yet so there is time to discuss the proposal.

For definition purposes, the "front" is considered the road side of the property, and if it is a corner lot it would be the road that the driveway is off of. Staff has also proposed a 50'

maximum setback from the front plane of the house. Susan Scruggs asked about situations where it is needed for handicap access, she is in favor of that 100%.

Any structure of 12' will need a permit, unless it is agricultural use. The Board discusses the possibility of using a Conditional Use Permit, but thought it would be expensive and time consuming.

The Staff version of the text amendment does not have an acreage minimum, since the front setback of 30' must be met. The size limit of the structure is debatable though since 2-3 automobiles is vague and open to interpretation on how the cars are laid out. Susan Scruggs pointed out that the current 5' setback from property lines might upset the neighbors if it is that close to their front yard. She would like to see that increased. As far as the size of the structure is concerned, it could be change to not be more than 30% or 50% of the primary residence. This could be applied for the front side yard only.

Chairman Hopper suggested contacting local carport retailers and provide them a copy of the ordinance.

Mr. Martin summarized the list of things that Staff to look into:

- A 30% or 50% size of the home requirement if the carport/garage is in the front side yard
- Special Needs accommodations
- Setbacks from the side property lines: 5, 10, or 15 feet.
- Clear up the language about planes/front yard
- Change #4 to front side yard.
- Add "Garage" and "Carport" to definitions

The next step will be the Commissioners setting a Public Hearing date. The general consensus of the Planning Board was that they feel that the applicant's situation would be okay but overall it would be hard to enforce a county-wide ordinance.

CASE 18-10 CELL TOWER ORDINANCE TEXT AMENDMENT

Staff added "maintenance of screening" into the amendment. Darryl Crawford reviewed some material he provided; endangered species was left out, and putting the list of requirements in the same order as the FCC uses. Chris Martin said the Planning Board can do the final review in January.

Board Dinner

Staff would like to host the annual Board member dinner as a thank you. The proposed date is December 11th, the second Tuesday in December, at Newgrass in Shelby.

Miscellaneous Business

Ronnie Whetstine said he will be stepping down from the Planning Board in January since he was re-elected to the Board of Commissioners

ADJOURNMENT

There being no further business, **Chairman Hopper** adjourned the meeting at 7:30 pm.

ATTEST:

Max Hopper, Chairman

Anna Parker, Administrative Assistant

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-10 Cell Tower Text Amendment

Department:

Agenda Title: Case 18-10: Cell Tower Text Amendment

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Working_Cell_Tower_Document_January_3_2019.pdf	Working Cell Tower Document
<input type="checkbox"/> 18-10_Staff_Report.pdf	Staff Report

OBJECTIVES:

- (Land Use Plan Strategy C-B7) Strengthen the zoning regulations pertaining to the location of telecommunication towers.
- Plan for and regulate the siting or modification of wireless support structures and wireless facilities in accordance with NCGS Article 18 of Chapter 153A, Part 3B. Wireless Telecommunications Facilities.
- Land use, public safety, and zoning considerations include aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
- Encourage colocation of antennas.

PROPOSED TEXT AMENDMENT**ARTICLE II. GENERAL DEFINITIONS****Sec. 12-21. Definitions of basic terms.**

Alternative Support Structure: A new or existing structure, excluding monopoles, lattice towers, or guyed towers, that is designed to support or capable of supporting wireless facilities. A utility pole is not an alternative support structure.

Antenna: Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless communication services

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

Eligible Facilities Request: A request for modification of an existing wireless tower or base station that involves colocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Fall Zone: The area in which a wireless support structure may fall in the event of a structural failure, as measured by engineering standards.

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 and requires consultant review. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

1. Increasing the existing vertical height of the structure by the greater of more than ten percent (10%) of the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.
2. Except where necessary to shelter the antenna from inclement weather or to connect 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 more than twenty (20) feet or the width of the wireless support structure at the level of appurtenance.
3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

The burden is on the local government to demonstrate that a change not listed above constitutes a substantial change to the physical dimensions of the wireless support structure.

Third-Party Consultant: A professional engineer who provides expert advice or services professionally.

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 geographical area, as provided in NCGS 153A-349.51(9).

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. (2007-S26, s. 2; 2013-185, s. 2.)

ARTICLE VIII. ZONING DISTRICTS AND ZONING MAP DIVISION 2. ZONING DISTRICTS

Sec. 12-124. Table of Permitted Uses.

Table of Permitted Uses										
RA-Rural Agricultural RR-Restricted Residential R-Residential RM-Manufactured Home & Parks	NB-Neighborhood Business GB-General Business CP-Corridor Protection					LI-Light Industrial HI-Heavy Industrial				
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
INFORMATION										
Wireless Support Structures	51721	C	C	C	C	Z	Z	C	Z	Z
Substantial Modifications of Wireless Support Structure	6000	Z	Z	Z	Z	Z	Z	Z	Z	Z
Eligible Facilities Request	6000	Z	Z	Z	Z	Z	Z	Z	Z	Z

ARTICLE IX. DEVELOPMENT STANDARDS

Sec. 12-159 Wireless Facilities Support Structure.

The following application procedures and standards shall apply to wireless facilities and wireless support structures:

A. Application Procedures:

1. Zoning Permit or Conditional Use Permit (reference sec. 12-124)
2. All applications for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure will be reviewed for the following:
 - a. Applicable public safety, land use, or zoning regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
 - b. Evidence is to be provided by the applicant:
 1. That no existing or previously approved wireless support structure can

- reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, or
2. That, where applicable, historic, and designated scenic areas cannot be served from outside the area.
 - c. Applicants for new wireless facilities shall evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring of not less than one and one half (1.5) miles. The applicant shall include with the application sufficient information to determine whether collocation on existing wireless support structures is reasonably feasible.
3. Third-Party Consultation and Review:
 - a. The County will engage the services of a third-party consultant for technical consultation and review of all applications for new wireless support structures and substantial modifications that are located within a one and a half (1.5) mile radius of an existing tower.
 - b. The applicant shall pay a review fee. The fee for a third-party consultant shall be paid prior to review and is listed in the Cleveland County fee schedule.
 - c. The results of the consultant review will be considered in the County's decision to approve or deny the application.
 4. Eligible Facilities Request: Applications for an eligible facilities request not deemed to be a substantial modification shall receive written "by right" approval from the Planning Director if there is found to be sufficient evidence provided by the applicant to show that the proposed eligible facilities request will comply with this Chapter and federal, State, and local safety, land use, and zoning requirements.
 5. Colocation Request: Applications for collocation not deemed to be a substantial modification shall receive written "by right" approval from the Planning Director if there is found to be sufficient evidence provided by the applicant to show that the proposed collocation request will comply with this Chapter and federal, State, and local safety, land use, and zoning requirements.
- B. Site Plan (reference Sec. 12-33).
1. The site plan does not require a boundary survey as described in section 12-33(a)(1).
 2. In addition to the requirements of Article III Sec.12-33 (a), the site plan and accompanying documents shall include the following:
 - a. All setbacks, fall zones, the equipment compound area, location and use of structures on adjacent properties, elevation view of the wireless support structure and the wireless facilities showing the location of the proposed antennas, structure type (e.g. monopole, guyed, etc.) and height, antenna type (e.g. panel, stick, dish, etc.) and antenna height.
 - b. Measurement of a wireless support structure height for the purpose of determining compliance with the requirements of this Chapter shall include the support structure, foundation, and any facilities attached thereto which extend above the top of the support structure.
 - c. The site plan must be signed and sealed by a qualified professional engineer licensed in the State of North Carolina, along with certification by a qualified structural engineer licensed in the State of North Carolina that the structural design of the wireless support structure and wireless facilities meet the applicable structural standards required for the use or uses proposed.
- C. Design and Appearance:
- The requirements for siting, design and construction of all wireless support structures and wireless facilities regulated by this Chapter shall include the following:
1. Wireless support structures shall maintain a galvanized steel finish unless required to be painted in accordance with FAA guidelines. Antennas shall be of a neutral, non-reflective

color with no logos. Under certain circumstances, the County may request that the wireless support structure and ancillary equipment be painted in order to conform the structure and facilities to the surrounding environment and architecture.

2. The design of wireless support structures and wireless facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.
3. Antennas and ancillary equipment installed on an adapted support structure shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Wireless support structures, antennas and ancillary equipment installed on the structures shall not be artificially lighted, unless required by the FAA or other regulatory authority. If lighting is required, the County may require the applicant to install special design lighting systems, such as red strobes, to minimize the visual impacts on surrounding properties.
5. No advertising of any type may be placed on the antenna support structure or other components comprising the wireless support structure or facility.
6. A sign displaying the facility owner's name, address, FCC antenna support registration number and emergency contact phone number shall be posted. The sign shall not exceed four (4) square feet in size and shall be located on the security fence or other approved location.
7. Signs pursuant to FCC regulations shall be posted at wireless support structures and facilities.

D. Setbacks:

1. A wireless support structure shall be set back from all property lines a distance equal to the height of the wireless support structure, unless an easement encumbering the affected property is recorded with the Register of Deeds office.
2. A wireless support structure shall be set back a minimum distance of one hundred fifty percent (150%) of the height, from any habitable structure.

E. Securing of Telecommunications Facilities:

1. Wireless telecommunications facilities, support structures, and ground-mounted accessory equipment shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device unless determined by the County not to be warranted.
2. If a wireless facility is mounted on an alternative support structure, the security fencing shall not be required unless the County determines that its safety requirements are not met without it.
3. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

F. Screening:

1. The Board of Adjustment may require screening around the perimeter of the site's equipment compound in accordance with Article XV – Screening and Trees as a condition of the Conditional Use Permit.
2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
3. Any required screening shall be maintained as approved by the permit issuing authority.

G. Structural Requirements:

1. Prior to the use of any new support structure or facility, or substantially modified existing support structure or facility, the applicant shall provide an "as built" certification by a qualified structural professional engineer licensed in the State of North Carolina of the structural integrity of the wireless support structure and wireless facilities and that they meet the applicable structural standards required for the use or uses approved.
2. Owners of wireless telecommunications support structures and wireless facilities shall maintain said facilities such that they are in compliance with structural standards contained in applicable federal, state and local building codes and structural regulations.

H. Federal and State Requirements:

1. Prior to construction of new wireless support structures and facilities, the applicant shall supply documentation to the Planning Director that appropriate federal and state approvals have been obtained and notifications have been made pursuant to applicable federal and state requirements for building a new tower or making substantial modifications to an antenna on an existing structure. At a minimum, these shall include:
 - a. Notification(s) to the National Federal Communications Commission (FCC) compliant with the Commission's rules for environmental review including;
 1. Compliance with the National Environmental Policy Act (NEPA);
 2. Compliance with the Endangered Species Act (ESA);
 3. Compliance with the National Historic Preservation Act (NHPA);
 - b. If applicable, an approved Antenna Structure Registration (ASR) with the FCC.
 - c. Notification(s) to the Federal Aviation Administration (FAA) and, if applicable, an FAA Navigation Hazard Report.
2. The initial Conditional Use or Zoning Permit shall not be denied based on documentation required above.
3. Once constructed or modified, all wireless support structures and wireless facilities shall meet or exceed all applicable federal and state standards and regulations set forth by the FCC, FAA, and other federal and state agencies with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the wireless support structures and facilities shall bring such wireless support structures and wireless facilities into compliance as required.

I. Construction and Operation

1. Approved and permitted towers must be constructed and in operation within twenty-four (24) months after issuance of a Zoning or Conditional Use Permit.
 - a. Operation is defined as having at least one carrier using the tower to provide wireless services to the surrounding area.
 - b. Should the tower fail to be in operation within twenty-four (24) months, the tower owner will be responsible for decommissioning the tower according to Section K below

J. Change of ownership / operation and reporting:

1. Owners and licensee operators of wireless support structures shall notify the Planning Director in writing of any change in ownership or licensee operator within forty-five (45) days of such action.
2. All companies owning and/or operating wireless support structures and wireless facilities in the County shall submit by February 1 of each year an inventory of their wireless support structures and wireless facilities identifying the following:
 - a. The structure location (latitude and longitude), street address, structure type (e.g. lattice, monopole, guyed, etc.).
 - b. Structure height and FCC antenna support registration number.
 - c. Each antenna located on the structure by owner and/or operator, antenna type (e.g. panel, stick, dish, etc.) and antenna height (centerline elevation).

K. Decommissioning Plan

1. The tower owner is responsible for decommissioning, however, nothing about the issuance of this permit relieves the landowner of the obligation to remove the equipment as outlined in the Conditional Use Permit, Zoning Permit, or below in section 12-159F(2-4).
 2. If the tower has been out of operation for a period of twelve (12) continuous months, the owner shall remove the structure and all equipment within six (6) months.
 3. If after the allotted time the tower and all equipment has not been removed, the landowner shall be in violation of the Conditional Use or Zoning Permit, and be subject to the penalties set forth in Section 12-94.
 4. Each day that the violation continues after notification to the landowner by the Administrator, shall be considered a separate offense for purposes of penalties and remedies.
- L. Enforcement by Injunction, Abatement and Liens
1. If a violation continues under Section 12-94, the violation may be enforced by an order of abatement issued by the General Court of Justice for failure of the landowner to correct the unlawful condition of the property. Upon issuance of an abatement order by the General Court of Justice, a landowner must comply with the order within the time limit specified. If the landowner fails to do so, the County may take steps necessary to correct the condition of the property. The cost to correct the condition shall be a lien on the property in the nature of a mechanic or material man lien.
 2. The equipment which remains shall be deemed abandoned and salvaged for the cost of decommissioning.
 3. Should the salvage value exceed the cost of decommissioning, the balance shall be placed with the Office of the Clerk of Court for abandoned funds.

STAFF REPORT

To: Cleveland County Board of Commissioners

Date: January 15, 2019

From: Chris Martin, Senior Planner

Subject: Text Amendment Case 18-10 - Cell Towers

Summary Statement: The Planning Board, at the request of the County Commissioners, is submitting Case 18-10, a zoning text amendment to the Cleveland County Unified Development Code.

Review: At their May 1, 2018 regular meeting, the Board of Commissioners asked staff and the Planning Board to evaluate standards and regulations to help guide the development of future towers in the County. Telecommunication towers are currently permitted only in commercial and industrial zoning districts. The demand for more data is driving the need for towers in rural areas to provide more uniform coverage across the county. Also, a large percentage of Emergency 911 calls are being made by cell phones, as opposed to land line phones. New towers in residential areas require Conditional District rezoning and you have seen many rezoning cases of this type in recent years. The Cleveland County Land Use Plan encourages stronger zoning regulations pertaining to the location of telecommunication towers, per Strategy C-B7.

North Carolina General Statutes allow counties to have reasonable standards. The Planning Board has developed a draft tower ordinance, allowing towers in all zoning districts with either a conditional use permit or a zoning permit. It also applied standards such as property line setbacks and decommissioning requirements. This draft ordinance would comply with the Land Use Plan.

Pros:

- This amendment will create standards for cell tower development, including decommissioning and ensuring compliance with all applicable state and federal guidelines.
- By requiring a Conditional Use Permit, this amendment requires the Board of Adjustment to approve requests for towers in residential areas.
- Reduces rezoning requests for tower placement.

Cons:

- Increased staff and Board of Adjustment time dedicated to Cell Towers.

Fiscal Impact:

- None

Recommendations:

- Planning Board:

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-12 Carports and Garages Text Amendment

Department:

Agenda Title: Case 18-12: Garages and Carports Text Amendment

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-12_Staff_Report_Text_Amendment_Section_12-138_Garages_and_Carports.pdf	Staff Report
<input type="checkbox"/> Section_12-138_Accessory_building_update_draft_for_garages_and_carports_for_case_18-12_January_15_2019.pdf	Text Amendment
<input type="checkbox"/> Location_Allowance_for_Garages_and_Carports.pdf	Illustration
<input type="checkbox"/> Section_12-138_Accessory_building_update_draft_from_applicant_for_Case_18-12.pdf	Original Petition

STAFF REPORT

To: The Cleveland County Board of Commissioners Date: January 15, 2019
From: Chris Martin, Senior Planner
Via: Henry Earle, Planner
Subject: Case 18-12

Summary Statement: Britt Bernhardt has submitted a request for an amendment to Section 12-138(a) of the Cleveland County Unified Development Code.

Review: Britt Bernhardt has applied for a text amendment to Section 12-138(a) of the Cleveland County UDO that would allow garages/carports to be placed in the front of a principal dwelling. Section 12-138 of UDO addresses accessory structures and location of said structures. It states that all accessory structures must be located in the rear or side yard of any parcel with a principal dwelling.

The Board of Commissioners has set a public hearing for Tuesday, February 5, 2019 to hear the case.

Pros:

- Allows for greater flexibility of placement for garages/carports on residential lots
- Addresses a common question asked of the zoning department

Cons:

- None

Fiscal Impact:

- None

Recommendations:

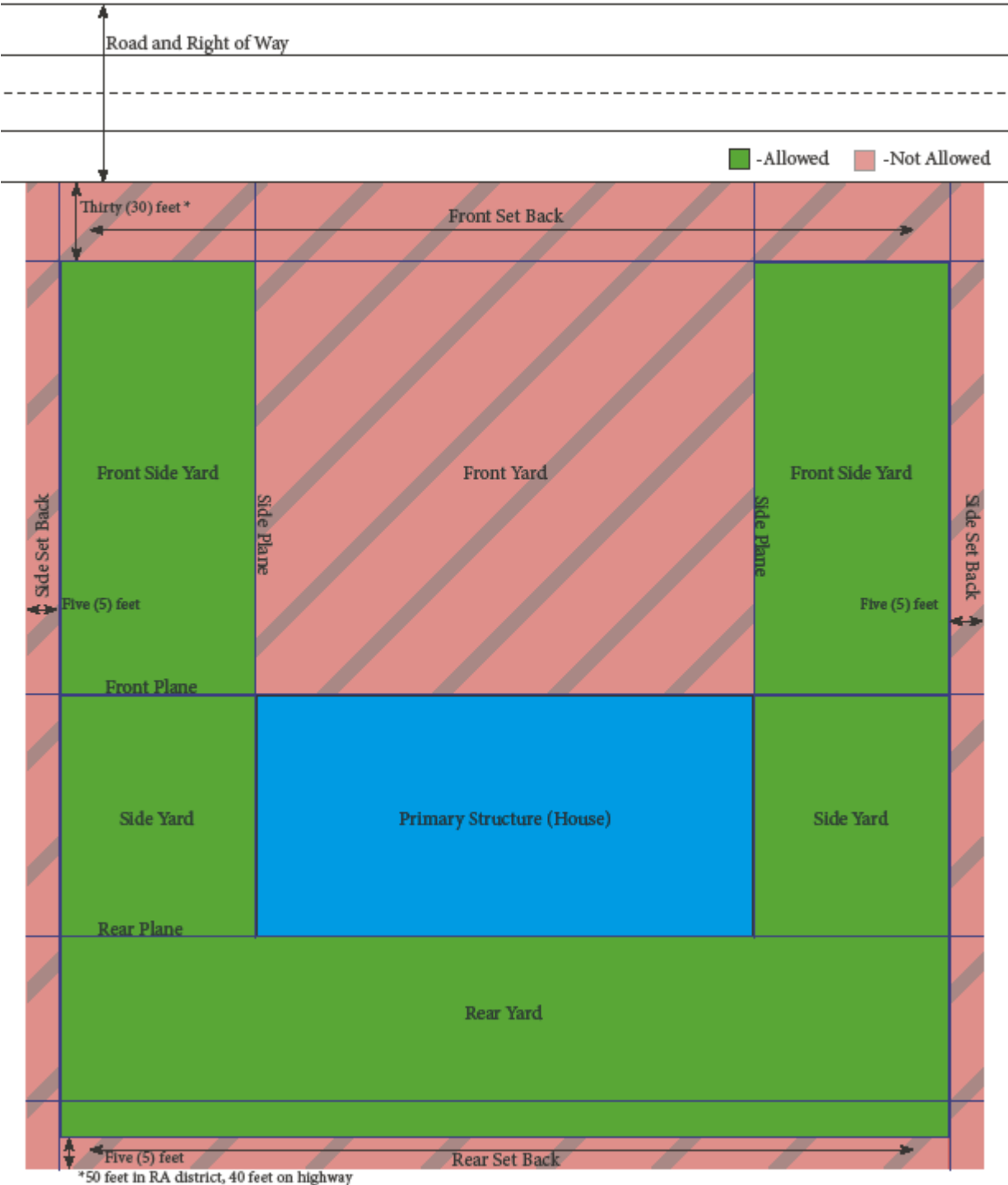
- Planning Board:

Proposed Text Amendment Allowing Garages/Carports within the Front-Side Yard of Residential Lots

Sec. 12-138. - Location of accessory buildings on residential lots.

- (a) On any residential lot, accessory buildings and structures shall not be located in any front yard required for principal buildings, shall not cover more than thirty (30) percent of any rear yard required for the principal building, and shall be at least twenty (20) feet from any building used for human habitation on adjoining lots. [Exceptions to this rule include garages and carports, which are allowed within the front side yard of any principal dwelling, under the following conditions:](#)
 - 1. [Garages and carports may be no larger than 50% of the square footage of the principle building.](#)
 - 2. [The garage or carport may be placed no more than fifty \(50\) feet in front of the front plane of the principal dwelling.](#)
 - 3. [The garage or carport shall comply with principal building setbacks from the street right-of-way, subject to Section 12-173.](#)
 - 4. [Only one \(1\) garage or carport may be placed in the front side yard per parcel.](#)
- (b) Accessory buildings designed or used for human habitation as may be permitted by this chapter shall be located no closer to the principal building than thirty (30) feet and shall meet the side yard requirements for the district in which located.
- (c) A double garage, one-half (½) of which would be located on each of two (2) lots, shall be permitted in any residential district, provided a written request signed by both parties is submitted with the building permit application.
- (d) On any lot or tract in the RA district, accessory buildings and structures shall be at least twenty (20) feet from any building used for human habitation on adjoining lots.
- (e) Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, equipped with a self-locking and positive self-latching gate provided with hardware for permanent locking. This enclosure is intended to protect against potential drowning by restricting access to swimming pools.
- (f) See also section 12-174, accessory building setback requirements.

Location for Detached Garages and/or Carports
Per Section 12-138 of the Cleveland County Unified Development Code



Sec. 12-174. - Accessory building setback requirements.

Accessory buildings in the R, RM, and RR districts shall meet a setback requirement of at least five (5) feet. Accessory buildings located in the RA district shall meet a setback requirement of at least ten (10) feet. These structures shall not be located in any front ~~or side~~ yard and shall not cover more than thirty (30) percent of the rear yard.

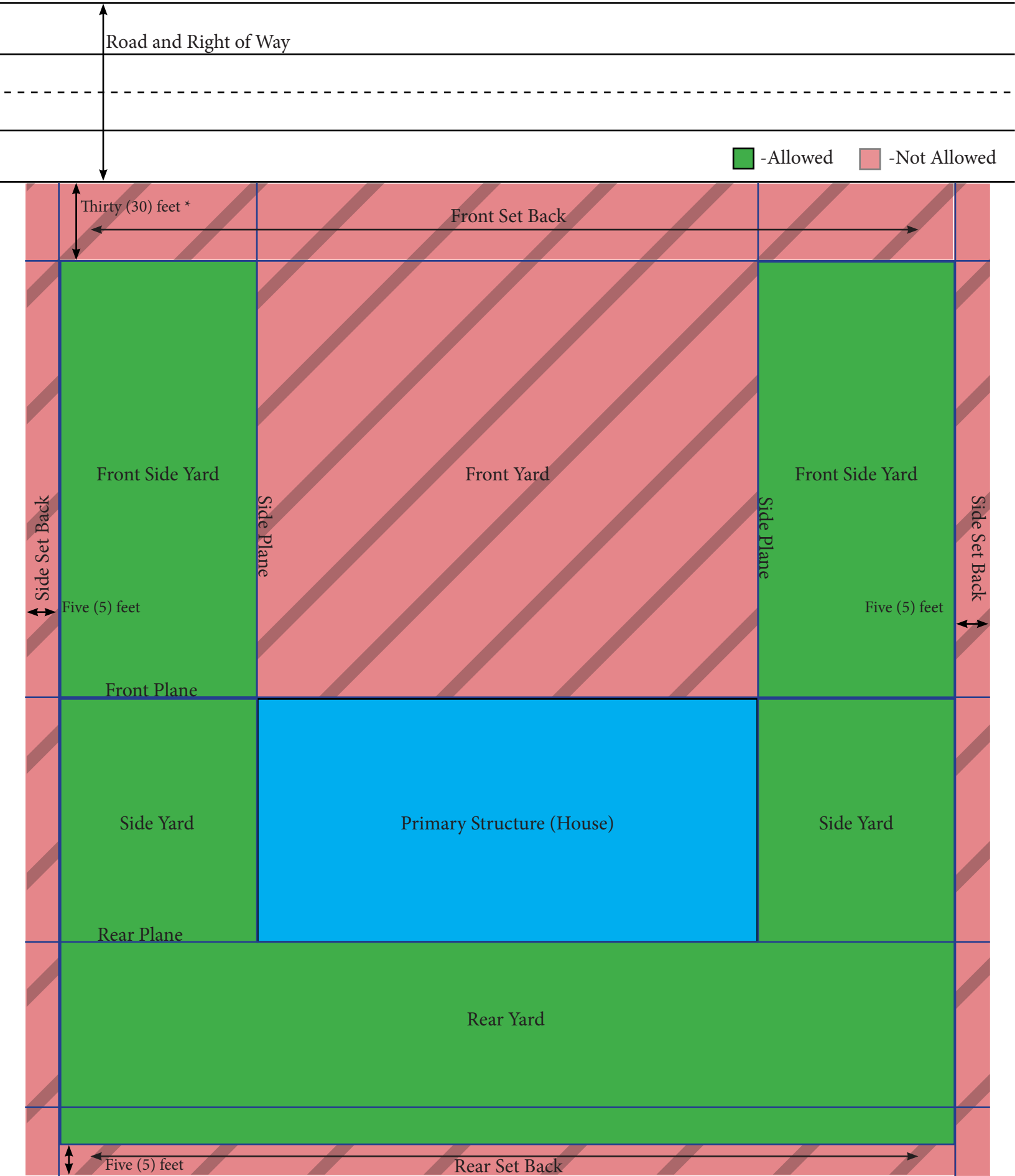
See also section 12-138, location of accessory buildings on residential lots.

Sec. 12-21. - Definitions of basic terms.

- *Carport*: a shelter for a car, or cars, consisting of a roof supported on posts.
- *Front Side Yard*: The area of a lot located between the front plane of a primary structure and the road right of way, while also being between either side plane of the primary structure and the corresponding side property line. See illustration in section 12-138.
- *Garage*: a building used primarily for parking or storing motor vehicles.

Location for Detached Garages and/or Carports

Per Section 12-138 of the Cleveland County Unified Development Code



*50 feet in RA district, 40 feet on highway

Text Amendment Requested by Applicant

Sec. 12-138. - Location of accessory buildings on residential lots.

- (a) On any residential lot, accessory buildings and structures shall not be located in any front yard required for principal buildings, shall not cover more than thirty (30) percent of any rear yard required for the principal building, and shall be at least twenty (20) feet from any building used for human habitation on adjoining lots. **Exceptions to this rule include garages and carports, which are allowed within the front yard of any principal dwelling, under the following conditions:**
 - 1. The parcel on which the garage or carport is to be located is a minimum of two (2) acres.**
 - 2. The garage or carport maintains a 150 foot setback from the front right-of-way.**
- (b) Accessory buildings designed or used for human habitation as may be permitted by this chapter shall be located no closer to the principal building than thirty (30) feet and shall meet the side yard requirements for the district in which located.
- (c) A double garage, one-half ($\frac{1}{2}$) of which would be located on each of two (2) lots, shall be permitted in any residential district, provided a written request signed by both parties is submitted with the building permit application.
- (d) On any lot or tract in the RA district, accessory buildings and structures shall be at least twenty (20) feet from any building used for human habitation on adjoining lots.
- (e) Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, equipped with a self-locking and positive self-latching gate provided with hardware for permanent locking. This enclosure is intended to protect against potential drowning by restricting access to swimming pools.
- (f) See also section 12-174, accessory building setback requirements.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-13: Rezoning at 1650 North Post Road

Department:

Agenda Title: Case 18-13: Request to rezone property at 1650 North Post Road from Restricted Residential to General Business

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-13_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 18-13_Aerial_Map_1650_North_Post_Road.pdf	aerial map
<input type="checkbox"/> 18-13_Zoning_Map_1650_North_Post_Road.pdf	zoning map
<input type="checkbox"/> 18-13_Land_Use_Map_1650_North_Post_Road.pdf	land use map

STAFF REPORT

To: Cleveland County Board of Commissioners Date: January 2, 2019

From: Chris Martin, Senior Planner

Subject: Rezoning Case 18-13

Summary Statement: Challenger Three Golf Club, Inc. has applied to rezone parcels 24702, 48237 and 43150 at 1650 North Post Road, from Restricted Residential Corridor Protection (RRCP) to General Business (GB).

Review: Challenger III is located on Highway 180 North and currently zoned Restricted Residential. The property is used for a golf course and outdoor amusement and recreation which was in use prior to County wide zoning in 2000. The surrounding zoning is mixed with Restricted Residential to the east and north and General Business to the southwest along North Post Road. The surrounding uses are also mixed consisting of commercial and residential. The Land Use Plan calls this area Future Commercial.

Pros:

- The General Business zoning district is compatible with the current use of the property.
- General Business would be compatible with the Land Use Plan.
- Our Code states GB is generally located along arterial streets.

Cons:

- None

Fiscal Impact:

- None

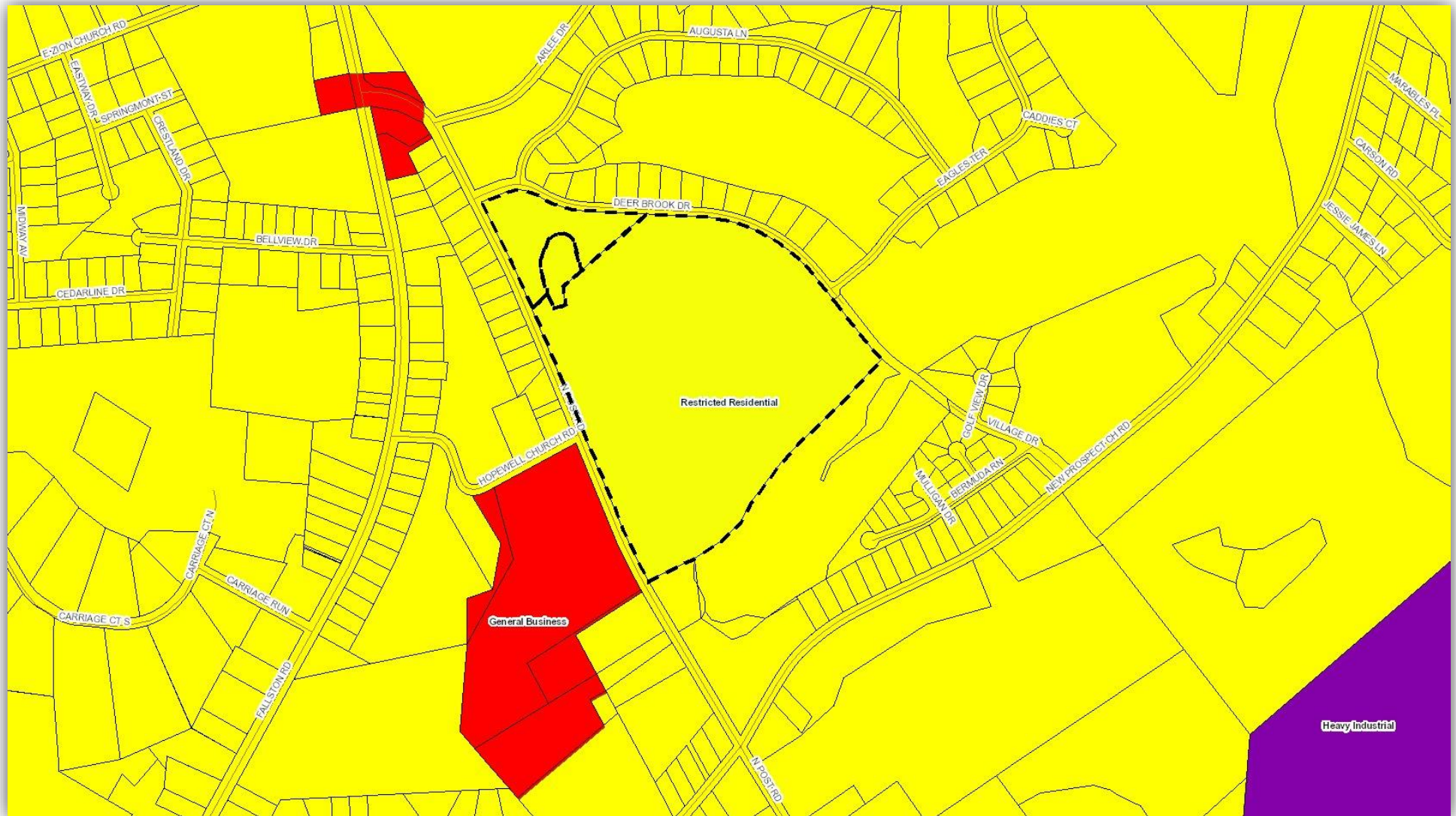
Recommendations:

- Planning Board: The Planning Board will hear this case at its January 22, 2019 meeting.

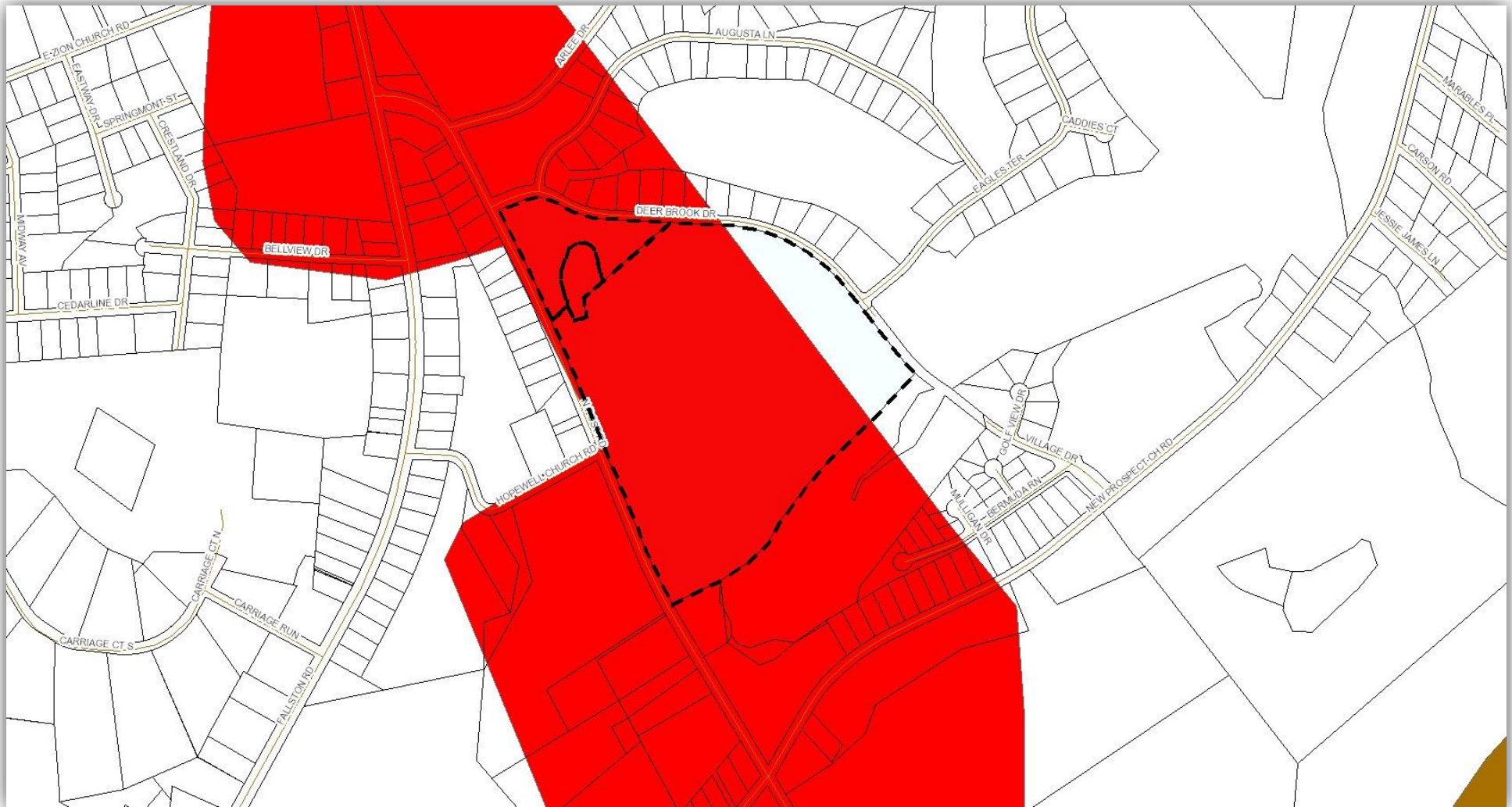
Case # 18-13 Re-Zoning for 1650 North Post Road RR to GB
Aerial Map, Parcel # 24702, 43150 & 48237 61.53 acres



Case # 18-13 Re-Zoning for 1650 North Post Road RR to GB
Zoning Map, Parcel # 24702, 43150 & 48237 61.53 acres



Case # 18-13 Re-Zoning for 1650 North Post Road RR to GB
Land Use Map, Parcel # 24702, 43150 & 48237 61.53 acres



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 19-01: Rezone at 134 Shady Lane

Department:

Agenda Title: Case 19-01: Request to rezone property at 134 Shady Lane from Rural Agriculture to Residential

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-01_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 19-01_Aerial_Map_134_Shady_Lane.pdf	Aerial Map
<input type="checkbox"/> 19-01_Zoning_Map_134_Shady_Lane.pdf	zoning map
<input type="checkbox"/> Capture.pdf	Message from Todd and Ginger Short

STAFF REPORT

To: Cleveland County Board of Commissioners

Date: January 15, 2019

From: Chris Martin, Senior Planner

Subject: Rezoning Case 19-01

Summary Statement: Diana Gillespie is requesting to rezone property at 134 Shady Lane, from Rural Agriculture (RA) to Residential (R).

Review: Parcel 42784, at 134 Shady Lane, is currently zoned Rural Agriculture. Property to the immediate north and south along Shady Lane are zoned Residential as is property across the street to the east. To the west is Rural Agriculture. The surrounding area is comprised of Residential uses.

Pros:

- The Residential zoning district is compatible with the current use on the property.
- Rezoning this property to Residential would be an extension of an already existing zoning district.

Cons:

- None

Fiscal Impact:

- None

Recommendations:

- Planning Board:

Case # 19-01 Re-Zoning for 134 Shady Lane RA to R
Aerial Map, Parcel # 42784 3.62 acres



Case # 19-01 Re-Zoning for 134 Shady Lane RA to R
Zoning Map, Parcel # 42784 3.62 acres



FILE MESSAGE McAfee E-mail Scan

Ignore
Junk
Delete

Reply
Reply All
Forward

Meeting
IM
More

Move
OneNote
Actions

Rules
Mark Unread
Categorize
Follow Up

Translate
Find
Related
Select

Zoom


Delete Respond Move Tags Editing Zoom



Sun 1/20/2019 12:21 PM

Diana Gillespie <dgillespie1987@yahoo.com>

Re: 134 Shady Lane

To  Henry Earle

Todd Wayne short and ginger bryson short approve of the rezoning needed for [134 shady lane](#) Mooresboro n.c. address.

This rezoning is needed for a new addition of a mobile home added to the property with our permission.(we owner finance this property).

Any questions or paperwork needed by us will be no problem

Todd and ginger short

[828-305-0811](#) Todd

[704-692-6380](#) ginger

Sent from my Verizon 4G LTE Tablet

[Sent from Yahoo Mail for iPad](#)

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 19-02: Rezone at 823 Old Stubbs Road

Department:

Agenda Title: Case 19-02: Request to rezone property at 823 Old Stubbs Road from Residential to Light Industrial Conditional District

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-02_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 19-02_Aerial_Map_823_Stubbs_Road.pdf	Aerial Map
<input type="checkbox"/> 19-02_Land_Use_Map_823_Stubbs_Road.pdf	Land Use Map
<input type="checkbox"/> 19-02_Zoning_Map_823_Stubbs_Road.pdf	Zoning map
<input type="checkbox"/> HPSCANNER0051.pdf	Site Plan

STAFF REPORT

To: Cleveland County Board of Commissioners Date: January 17, 2019
From: Chris Martin, Senior Planner
Subject: Rezoning Case 19-02

Summary Statement: Jason Hamrick is requesting to rezone property at 823 Old Stubbs Rd, from Residential (R) to Light Industrial-Conditional Use District (LI-CD).

Review: The property is 2 acres and located on Old Stubbs Rd north of Moss Lake, about 0.2 of a mile from the Highway 150 intersection. Mr. Hamrick has acquired the property and wishes to operate a metal fabrication business at this location. He has submitted an application and site plan showing how the property will be used. There is an existing building on the property that was historically used as a yarn and knitting business and has since closed. The previous business was established prior to zoning adoption in this area.

The property is zoned Residential along with the surrounding properties. The surrounding area is comprised of residential uses, and a storage facility further down Old Stubbs Rd, and some retail businesses at the intersection of Old Stubbs Rd and Highway 150. The Land Use Plan designates the intersection future commercial, with the designation reaching Mr. Hamrick's property. The Land Use Plan encourages the redevelopment of vacant buildings

Pros:

- General Business is compatible with the Land Use Plan's commercial designation.
- The Land Use Plan encourages the redevelopment of vacant buildings.

Cons:

- Could be considered spot zoning.

Fiscal Impact:

- None

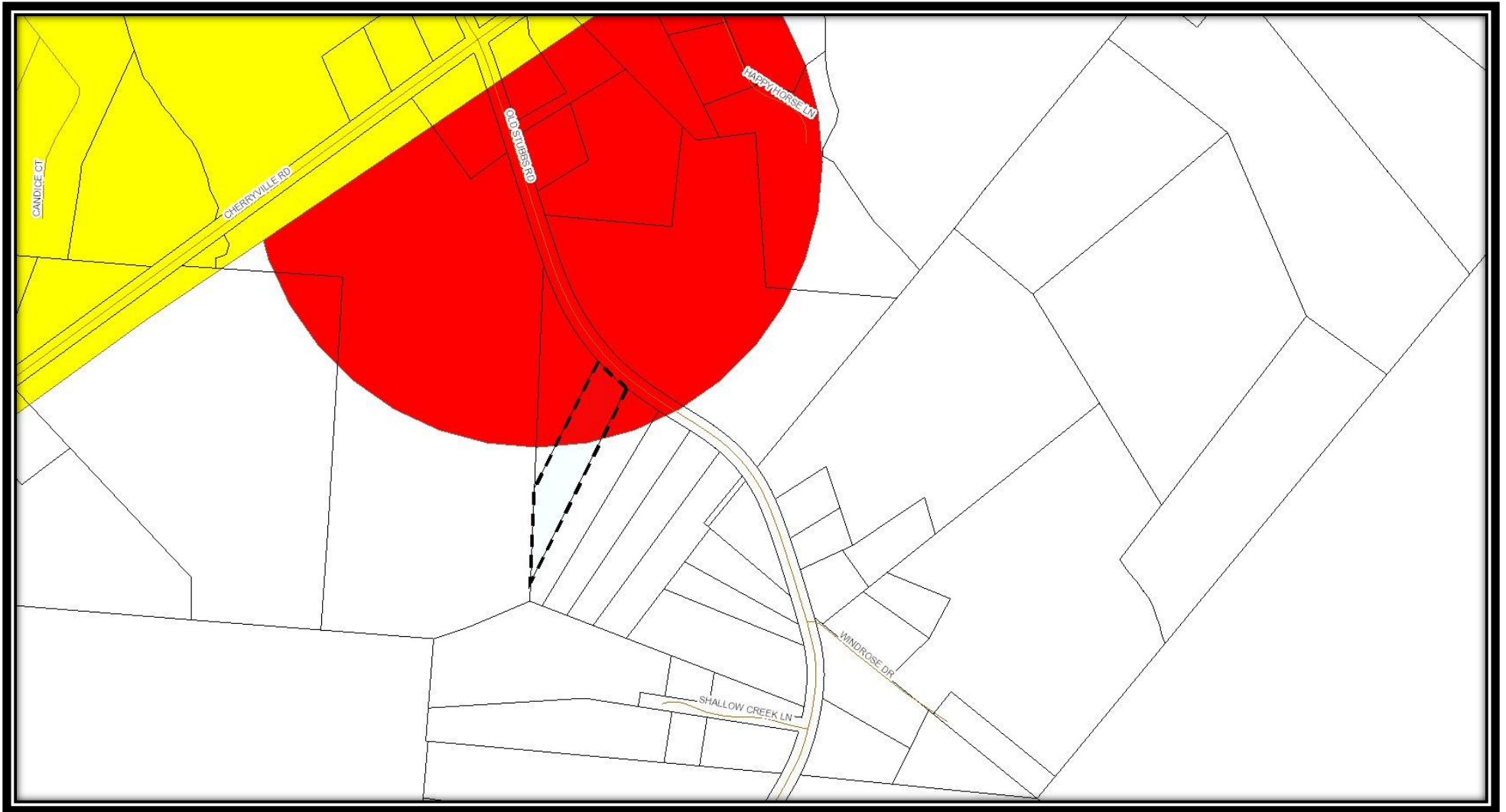
Recommendations:

- Planning Board:

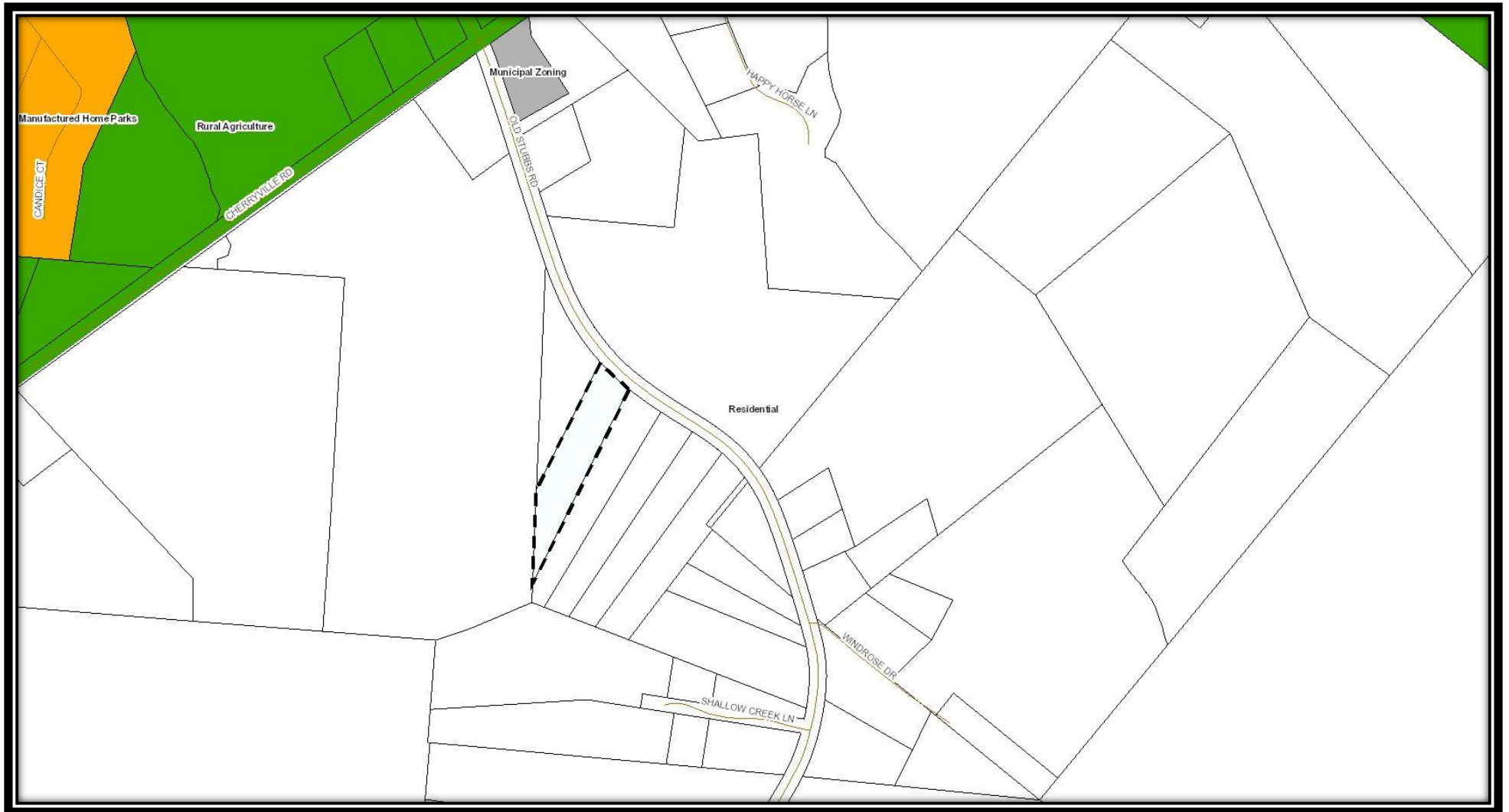
Case # 19-02 Re-Zoning for 823 Stubbs Road R to LI-CD
Aerial Map, Parcel # 44164, 1.9 acres



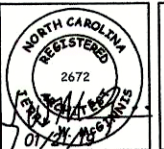
Case # 19-02 Re-Zoning for 823 Stubbs Road R to LI-CD
Land Use Map, Parcel # 44164, 1.9 acres



Case # 19-02 Re-Zoning for 823 Stubbs Road R to LI-CD
Zoning Map, Parcel # 44164, 1.9 acres



Jerry W. McGinnis, Arch.
211 Cedar Street
Shelby, North Carolina 28152
Phone: 704-482-7883
Mobile: 704-692-4953
Email: jmcginnis42@gmail.com



Project Manager: Jerry W. McGinnis, AIA
Project Architect: Jerry W. McGinnis, AIA
drawn by: YHM
checked by: JWM / LMC

This drawing and the design shown is the property of Jerry W. McGinnis, Arch. The reproduction or use of this property without the written consent of the Architect is prohibited and any infringement of the ownership rights will be subject to legal action. All copies of this drawing must be returned to the Architect at the completion of the contract.

no.	description	date
Revisions		

Jason L. Hamrick

823 Old Stubbs Road
Cherryville, NC
owner

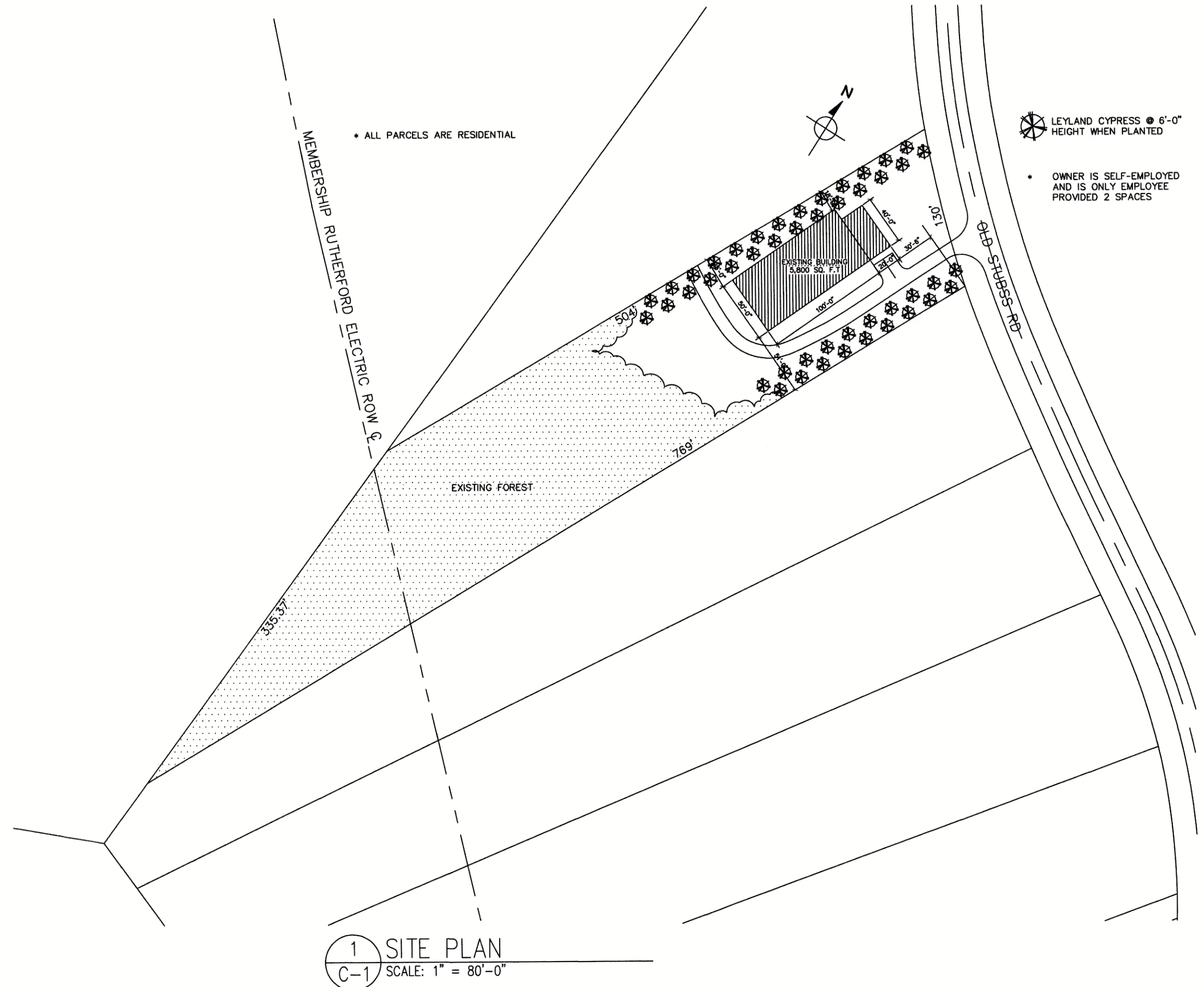
Jason L. Hamrick
Welding Shop

823 Old Stubbs Road
Cherryville, NC
project title

SITE PLAN
sheet title

1901-3 project no.	C-1
01/21/19 date	

sheet no. 1 of 1



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 19-03: Solar Facility Discussion

Department:

Agenda Title: Case 19-03: Cleveland County Solar Facility Ordinance

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-03_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Sec.12-160_Solar_Electric_Power_Generation.pdf	Section 12-160

STAFF REPORT

To: Cleveland County Planning Board

Date: January 22, 2019

From: Chris Martin, Senior Planner

Subject: Text Amendment Case 19-03: Solar Facility Ordinance Update

Summary Statement: The Board of Commissioners has requested that the Planning Board evaluate, and suggest improvements to, the Cleveland County Solar Facility Ordinance.

Review: At their April 5, 2016 regular meeting, the Board of Commissioners adopted Section 12-160, Solar Electric Power Generation, into the Cleveland County Unified Development Code, providing standards for Solar Facilities. At their January 15, 2019 regular meeting, the Board has requested the Planning Board to reevaluate this section of the Code and to explore the following components:

- Ways to preserve the agricultural heritage of Cleveland County
- Evaluate standards such as screening and setbacks
- Evaluate zoning standards including application processes for various zoning districts
- Evaluate the fee schedule

Pros:

- Evaluating standards will create the opportunity to create a more effective ordinance that will be reflective of the continued growth of solar facilities in Cleveland County

Cons:

-

Recommendations:

- Planning Board:

Sec. 12-160. - Solar electric power generation.

The following development standards shall apply to the construction of any solar facility designed to generate electricity for a commercial purpose. Any solar facility on properties less than ten (10) acres shall be prohibited:

- (a) A site plan shall be prepared in accordance with section 12-33. The site plan does not require a boundary survey as described in subsection 12-33(a)(1). The site plan shall show the location of any structures within one hundred (100) feet of the property line, and also demonstrate compliance with the other standards in this section.
- (b) Opaque (Type A) screening shall be installed between the security fence and adjacent non-participating property and the road right-of-way, prior to the operation of any solar equipment.
- (c) Security fencing shall be installed around the perimeter of the solar farm. The fencing shall be a minimum of six (6) feet in height, chain link, and equipped with a gate and locking mechanism.
- (d) Setbacks shall be measured from the security fencing:
 - (1) Fifty (50) feet from any non-participating property;
 - (2) One hundred (100) feet from any habitable dwelling or commercial structure;
 - (3) One thousand (1,000) feet from the right-of-way of a NCDOT Scenic Byway.
- (e) Landscape screening, fencing, gates and warning signs shall be maintained in good condition until the facility is decommissioned.
- (f) *Decommission plan.*
 - (1) The owner/operator of the solar facility shall submit a decommissioning plan prior to the issuance of a zoning permit or conditional use permit (example provided following this section); however, nothing about the issuance of this permit relieves the landowner of the obligation to remove the equipment as outlined in the conditional use or zoning permit.
 - (2) If the owner/operator of the solar facility fails to ensure the removal of the equipment within six (6) months after power production ceases for a period of twelve (12) continuous months, the landowner shall be in violation of the conditional use or zoning permit, and be subject to the penalties set forth in section 12-94.

- (3) Each day that the violation continues after notification to the landowner by the administrator, shall be considered a separate offense for purposes of penalties and remedies.

(g) *Enforcement by injunction, abatement and liens.*

- (1) If a violation continues under section 12-94, the violation may be enforced by an order of abatement issued by the general court of justice for failure of the landowner to correct the unlawful condition of the property. Upon issuance of an abatement order by the general court of justice, a landowner must comply with the order within the time limit specified. If the landowner fails to do so, the county may take steps necessary to correct the condition of the property. The cost to correct the condition shall be a lien on the property in the nature of a mechanic or material man lien.
- (2) The equipment which remains shall be deemed abandoned and salvaged for the cost of decommissioning.
- (3) Should the salvage value exceed the cost of decommissioning, the balance shall be placed with the office of the clerk of court for abandoned funds.

(Ord. of 4-5-16(1))

Example of the Decommissioning Plan

Decommission Plan for Big Bright Solar ("Facility"), located at _____.

Prepared and Submitted by _____, the owner of Big Bright Solar

This decommissioning plan is presented as required by Subsection 12-160(f) of the Cleveland County Code.

Decommissioning will occur as a result of any of the following conditions:

1. The land lease ends
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.

2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.
4. Re-vegetate any cleared areas with warm season grasses that are native to the Piedmont region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produce power for sale.

The Facility Owner, currently _____, is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Conditional Use Permit in the event the operator of the facility does not fulfill this obligation.

The owner of the Facility will provide the Cleveland County Planning Department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in the Facility Owner.

This plan may be modified from time to time and a copy of any modified plans will be provided to the planning staff and filed with the Register of Deeds by the party responsible for decommissioning.

Facility Owner Signature: _____ Date: _____

Landowner (if different) Signature: _____
Date: _____

(Ord. of 4-5-16(1))