

Section 6-1 Introduction

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

Section 6-2 Zoning affects every structure and use.

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

1. exceed its height or bulk limitation,
2. accommodate or house a greater number of families,
3. occupy a greater percentage of lot area, or
4. have narrower or smaller rear, side or front yard or other open space.

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

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

Section 6-4 One principal structure per lot

Residential: Only one principal residential building may be constructed per lot unless specific Ordinance sections provide otherwise.

Commercial/Industrial: Not applicable.

NOTE: Bona fide farms are exempt if all structures are agriculturally related.

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

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

Section 6-6 Resolution of measurements which result in fractions

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

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

Section 6-7 Street access required

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

- 1) Is a dedicated and publicly maintained roadway,
- 2) Has been approved through the Cabarrus County Subdivision Regulations.

Agricultural uses on a Bona Fide Farm are not subject to this requirement (see Chapter One, Section 1-4).

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

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

Sections 6-8 Visibility at intersections

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

Section 6-9 Height limitation on fences in residential districts

Fences and walls are subject to the following limitations:

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

Section 6-10 Fencing Around Swimming Pools

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

Section 6-11 Abandoned and Junk Vehicles

Abandoned and junked motor vehicles constitute a hazard to the health, safety, and general welfare of the citizens of Cabarrus County. Such vehicles can harbor noxious disease, provide shelter and breeding places for vermin, and present physical dangers to the safety of our children as well as the general public. These vehicles also detract from the physical appearance of the community. Therefore, the purpose of this section is to eliminate existing junk and abandoned vehicles and to prevent future storage of these vehicles.

No junked or abandoned vehicles shall be stored on any lot within any residential, commercial, or industrial zoning district so as to be easily seen from an adjacent property and/or a public right-of-way.

Section 6-11 does not apply to any motor vehicle that is:

1. Stored in an enclosed building
2. On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the business
3. Is presently being restored to an operable stage (limited to one vehicle)
4. Cannot be easily seen from a public right-of-way and adjacent property line

Agricultural/Open Space District: This section does not apply to the Agricultural/Open Space Zoning District.

Any violation of this section will be processed as a violation of this Ordinance.

Section 6-12 Antennae to be treated as accessory use

Antennae are subject to the same placement requirements as accessory uses within each zoning district as set forth in Chapter Five of this Ordinance. When, however, antenna placement based on accessory setback requirements precludes the development of a viable reception window, the Zoning Administrator may authorize placement otherwise, based on reception window only.

Section 6-13 Exceptions and modifications

Front setback requirements for dwellings

Setback requirements for dwellings may be modified when the setbacks of contiguous existing buildings are less than required. These decreased setbacks are determined by computing the average setback on adjacent lots 500 feet on either side of the lot of the proposed dwelling. The modified setback may be equivalent to the average of the existing structures or 25 feet from the street right-of-way line, whichever is greater. For lots on any roadway planned for widening as shown on the approved North Carolina Department of Transportation Comprehensive Transportation Plan, the setback shall be established from the proposed right-of-way line.

Height limitations for certain types of structures

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

1. church spires, belfries, cupolas, domes, and other architectural embellishments not intended for human habitation
2. monuments
3. towers: water, observation, and transmission, both radio and television
4. chimneys
5. flag poles and masts
6. silos, grain elevators and conveyors

Height limitation, general

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

Section 6-14 Setback encroachments

The following features may encroach into a required building setback:

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

Building Code Requirements:

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

Easement encroachment not permitted:

In no case shall an encroachment be permitted into an easement area.

Section 6-15 Setbacks for Lots with Multiple Street Frontages

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

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