

General Provisions

Section 1-1 Title and Intent

This Ordinance shall be known and may be cited as the Cabarrus County Development Ordinance. It is the intent of this Ordinance to provide a system of intelligent land usage through the creation of zoning districts and accompanying standards, the creation of an administrative mechanism, and such other allied rules and regulations that enable Cabarrus County government to fulfill its obligation to provide for and to promote the public safety, health, and general welfare of its residents. To that end, these regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

These regulations have been made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations have been made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

Section 1-2 Authority

This Ordinance is adopted pursuant to the authority contained in North Carolina General Statutes Chapter 160D, Local Planning and Development Regulation.

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1-3 Jurisdiction

This Ordinance shall be effective:

- Everywhere throughout the County outside corporate municipalities except for any areas that lie within the extraterritorial planning areas now or hereafter established for any such municipality; and

- Everywhere within the corporate limits or extraterritorial planning areas of any municipality that has adopted a resolution authorizing the Ordinance to be applicable within such areas.

Section 1-4 Bona fide farms exempt

The provisions of this Ordinance shall not affect bona fide farms, owner-operated or leased, but any farm property used for non-farm purposes shall be subject to the provisions of this Ordinance. For purposes of this Ordinance, see Chapter 2, Rules of Construction and Definitions, for the definition of a Bona Fide Farm and Agriculture.

Section 1-5 Re-enactment and repeal of existing Development Ordinance

This Ordinance carries forward by enactment some of the provisions of the prior Cabarrus County Zoning Ordinance, originally adopted February 1, 1982, and as subsequently amended (The “1982 Ordinance as Amended” or the “Prior Ordinance”). It is not the intention to fully repeal The 1982 Ordinance as Amended, but rather to re-enact and continue in force several provisions of such Ordinance so that all rights and liabilities that have accrued thereunder are preserved and may be enforced under this Ordinance.

Section 1-6 Enforcement

All suits at law or in equity and/or all prosecutions resulting from a violation of the Prior Ordinance which are now pending in any courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted. Further, any prosecution of any and all violators of the Prior Ordinance which has not yet been instituted may be hereafter filed and prosecuted.

Section 1-7 Relationship to land development plan

It is the intention of the Cabarrus County Board of Commissioners (the “Board”) that this Ordinance implement the planning policies adopted by the Board for the County as reflected in the Land Development Guide, Area Plans, and other planning documents.

Section 1-8 No use or sale of land or buildings except in conformity with Ordinance provisions

- a. Notwithstanding Chapter 14 of this Ordinance, Nonconformities, no person may use, occupy or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under that person’s control except in accordance with all of the applicable provisions of this and/or other County ordinances.

- b. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that building or land.

Section 1-9 Severability

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 1-10 Computation of time

If the Ordinance requires a certain action (e.g., mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (e.g., a public hearing), then, when computing such time period, the day of the event shall not be included but the day of the action shall be included. For example, if notice of a public hearing is required to be published at least ten days before the hearing, then notice published on the first day of the month would be satisfactory for a hearing on the eleventh day of the month.

Section 1-11 Repeal of conflicting ordinances

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate an existing violation of such prior ordinance provision.

Section 1-12 Relationship to other ordinances

It is not intended that this Ordinance shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which this Ordinance replaces. It is not intended that this Ordinance shall interfere with any easements, covenants, or other agreements between parties except such which are subsequent to this Ordinance and which are in conflict with the Ordinance. If the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, for yards, or for the size of structures than is called for by other ordinances, permits, easements, or agreements, then the provisions of this Ordinance shall control.