

Section 5-1 Intent

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

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

Section 5-2 How to use this Chapter

This Chapter is divided into the following parts:

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

PART I. RESIDENTIAL DISTRICTS

Section 5-3 Subdivision types

Development within the residential districts allows three types of subdivision.

A. Conventional Subdivision

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

B. Open Space Subdivision

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

C. Subdivision Design Type by Planning Tier

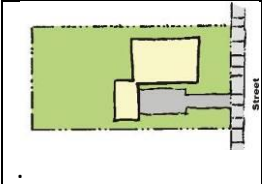
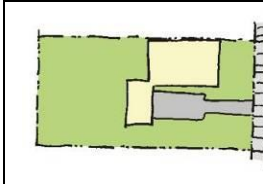
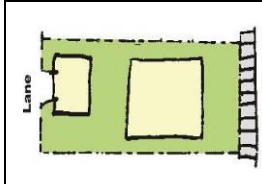
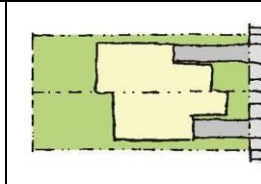
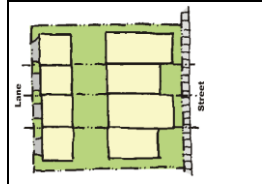
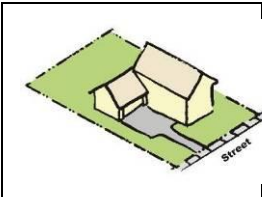
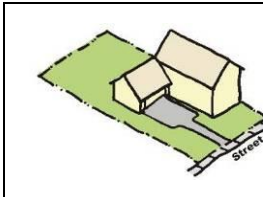
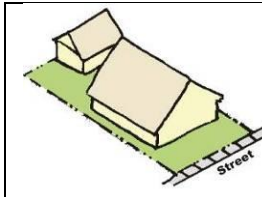
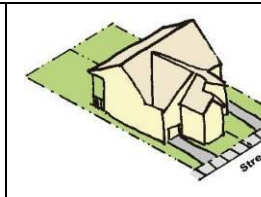
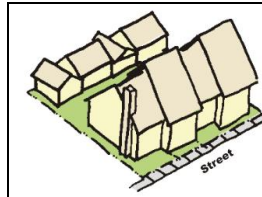
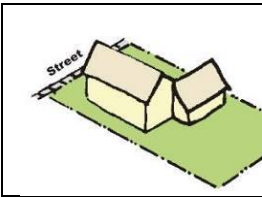
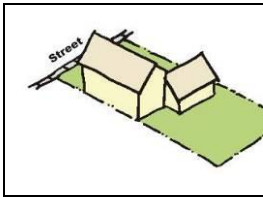
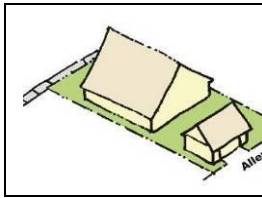
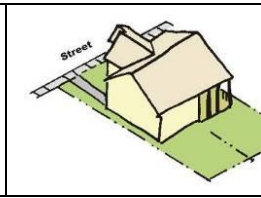
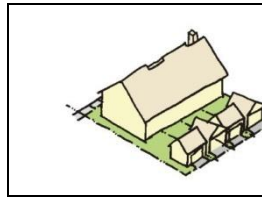
The district standards set forth in this Chapter provide for alternative subdivision types in each planning tier, as follows.

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

Section 5-4 Housing types

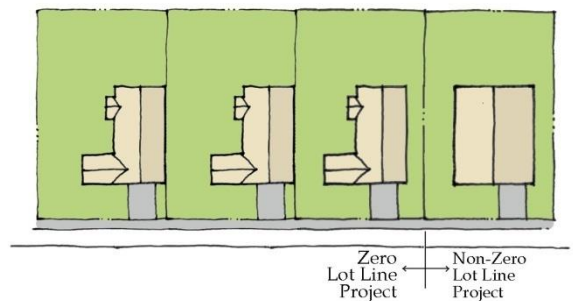
A. Definitions

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

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

B. Special standards for a zero lot line house

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



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

C. Special standards for an alley-loaded house

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

D. Special standards for a townhouse

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

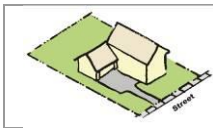
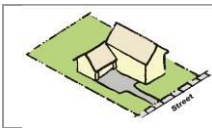
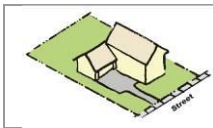
Section 5-5 Conventional subdivision standards

A. Applicability

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

B. Dimensional standards

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

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

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

C. Minor Subdivisions

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

Minor subdivision dimensional standards

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

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

D. Front yard tree planting required for major subdivision lots

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

Section 5-6 Open space subdivision standards

A. Intent

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

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

1. Applicability

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

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

2. Ownership of development site

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

3. Dimensional standards

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

AO

Tract

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

Lot Dimensions (minimum)

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

Principal (minimum feet)

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

Height (maximum feet)

Lot Coverage (maximum)
Impervious surface

Single-Family Detached

Zero Lot Line House

Alley-Loaded House

Semi-Attached House

| | | | |
|---|--|---|---|
|  |  |  |  |
| 0.50 | -- | -- | -- |
| 10 | -- | -- | -- |
| 40% | -- | -- | -- |
| not permitted* | -- | -- | -- |
| ** | -- | -- | -- |
| 150 | -- | -- | -- |
| 75 | -- | -- | -- |
| 50 | -- | -- | -- |
| 20 | -- | -- | -- |
| 30 | -- | -- | -- |
| 40 | -- | -- | -- |
| 15% | -- | -- | -- |

CR

Tract

Density (maximum units/acre)
Area (minimum acres)
Open Space (minimum)
Public water and sewer

Lot Dimensions (minimum)

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

Principal (minimum feet)

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

Height (maximum feet)

Lot Coverage (maximum)
Impervious surface

| | | | |
|---|--|---|---|
|  |  |  |  |
| 1.00 | -- | -- | -- |
| 5 | -- | -- | -- |
| 40% | -- | -- | -- |
| not permitted* | -- | -- | -- |
| ** | -- | -- | -- |
| 125 | -- | -- | -- |
| 75 | -- | -- | -- |
| 50 | -- | -- | -- |
| 20 | -- | -- | -- |
| 30 | -- | -- | -- |
| 40 | -- | -- | -- |
| 20% | -- | -- | -- |

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

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

LDR

Tract

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

Lot Dimensions (minimum)

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

Site Dimensions (minimum feet)


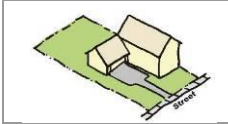
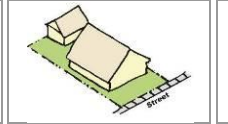

Per building
Per unit
Width

Principal (minimum feet)

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

Height (maximum feet)

Lot Coverage (maximum)
Impervious surface

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

MDR

Tract

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

Lot Dimensions (minimum)

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

Site Dimensions (minimum feet)

Per building
 Per unit
 Width

Principal (minimum feet)

Front yard
 Front yard (corner)
 Side yard
 Rear yard

Height (maximum feet)

Lot Coverage (maximum)

Impervious surface

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

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

HDR

Tract

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

Lot Dimensions (minimum)

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

Site Dimensions (minimum feet)

Per building
Per unit
Width

Principal (minimum feet)

Front yard
Front yard (corner)
Side yard
Rear yard

Height (maximum feet)

Principal
Accessory

Lot Coverage (maximum)

Impervious surface

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

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

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

A. Open space

1. Applicability

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

2. Primary open space

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

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

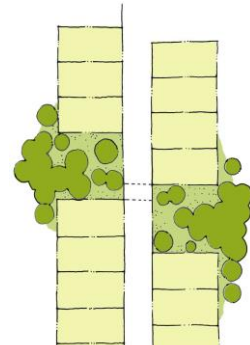
3. Secondary open space

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

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

4. Configuration of open space

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



5. Permitted uses of open space

Uses of open space may include the following:

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

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

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

6. Prohibited uses of open space

Open space shall not include the following:

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

7. Ownership and management of open space

a. Ownership of open space

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

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

b. Management plan required

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

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

c. **Maintenance of open space**

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

d. **Failure to maintain open space**

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

8. **Legal instrument for permanent protection**

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

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

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

B. Stream buffer and floodplain limitations

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

C. Utilities and Stormwater

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

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

D. Perimeter compatibility

1. Applicability

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

2. Buffer Required

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

a. Project Boundary Buffer

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

b. Minimum Project Boundary Buffer Width

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

c. Arterial Street Buffer Required

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

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

d. Required Buffer Planting

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

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

e. **Credit for Existing Vegetation**

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

f. **Trails within Required Buffers**

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

PART II. NONRESIDENTIAL DISTRICTS.

Section 5-8. Nonresidential development standards.

Dimensional standards.

Nonresidential development shall meet the following standards.

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

Commercial design standards (Appendix B)

Applicability

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

Purpose

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

Permitted Uses

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

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

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

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

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

Design Review Committee

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

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

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

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

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

Appeal of Design Review

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

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

Enforcement

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