

**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 dwelling unit may be constructed per-parcel unless specific Ordinance sections provide otherwise.

Commercial/Industrial: Not applicable.

Bona fide farms: 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 and is subject to a road maintenance agreement.

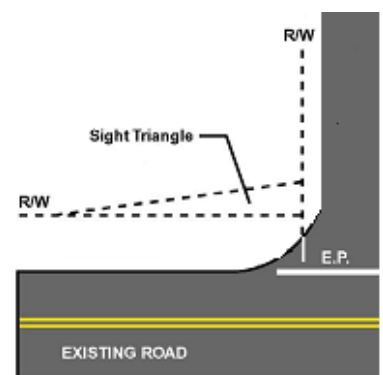
Agricultural uses on a bona fide farm are not subject to this requirement

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 area must be kept-clear 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.

A zoning permit is not required to install a residential fence. However, property lines should be identified prior to installation to prevent encroachments onto adjacent properties and/or into public right-of-ways. Fences installed in the regulated floodway must not impede the flow of water or the natural function of the floodway.

### **Section 6-10 Fencing Around Swimming Pools**

Appendix G of the North Carolina Building Code requires that all outdoor swimming pools be protected by a barrier or 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**

- A. 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.
- B. In general. No person may store a junk or abandoned vehicles on any parcel.
- C. Exceptions. Subsection (B) does not apply to any motor vehicle that is:
  - (1) stored in an enclosed building;
  - (2) stored 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, such as in a salvage yard; or
  - (3) presently being restored to an operable stage if the vehicle:
    - A. cannot be seen from a public right-of-way;
    - B. cannot be seen from adjacent properties;
    - C. is covered with a car cover when not being actively worked on; and
    - D. is the only junk or abandoned vehicle on the parcel.

### **Section 6-12 Antennae and Accessory Use of Solar Panels to be treated as accessory building use for setbacks**

Antennae and accessory use of solar panels (collections up to 20 panels) are subject to the same placement requirements as accessory buildings set forth in Chapter 7, Section 7-3 #1, Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential.

### **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.

Church spires, belfries, cupolas, domes, and other architectural embellishments not intended for human habitation

1. Monuments
2. Towers: water, observation, transmission, radio, television and cellular telephone
3. Chimneys
4. Flag poles and masts
5. 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, terraces or patios, but in no case shall any such decks, terraces or patio be closer than 5 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.

### **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 street.

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.

### **Section 6-16 Accessory structures on individual lots**

Unless specifically allowed by this ordinance, accessory structures shall not be permitted as primary structures. Additionally, no new lot shall be created having an accessory structure as the primary structure unless said structure is specifically allowed by this ordinance and properly permitted.

### **Section 6-17 Easement encroachment not permitted**

In no case shall an encroachment be permitted into an easement of record area unless the applicant provides sufficient evidence from the easement holder that the encroachment is permitted.

**Section 6-18 Effect of county line and municipal ETJ boundary**

When an existing lot of record is located near the county line or a municipal ETJ boundary or extends across the county line or into the municipal ETJ boundary, the county line or ETJ boundary shall be recognized as the property line. The same shall apply for existing lots of record being subdivided.

Proposed structures must be located on either side of the county line or the municipal ETJ boundary. Structures that straddle the county line or the municipal ETJ boundary are not permitted.

**Section 6-19 More stringent requirement applies**

When applicable requirements of this ordinance differ or when applicable state and local requirements differ, the more stringent requirement shall apply.

**Section 6-20 Recreational Vehicles**

- A. Storage on a Residential Parcel. A person may not store a Recreational Vehicle (RV) on a residential parcel unless the recreation vehicle meets the following requirements:
  - 1. The RV is not used as a temporary or permanent dwelling or accessory to a dwelling.
  - 2. The RV is not used to store any personal property unrelated to the Recreational Vehicle, including animals, building materials, business inventory, and agricultural products
  - 3. The RV is not connected to any permanent utility service, such as electric, water, or sewer.
  - 4. The RV is attached to wheels and axels.
  - 5. The RV is properly insured, registered, and licensed for use on public roads and highways.
  - 6. The RV does not support any accessory structures, such as decks, porches, and awnings.
  
- B. Permanent Habitation Prohibited. A person may not use or occupy a Recreational Vehicle as a dwelling or accessory to a dwelling unless:
  - 1. the Recreational Vehicle is temporarily installed in a Manufactured Home Park in compliance with section 4-26; or
  - 2. the Recreational Vehicle is
    - a. used as a temporary dwelling for no more than 180 days within any one-year period; and

- b. located on a parcel on which the occupant of the Recreational Vehicle is rebuilding or repairing a single-family dwelling or manufactured home due to damage to the dwelling by fire, flood, hurricane, tornado, or other peril.