

SECTION 2-1 GENERAL RULES OF CONSTRUCTION

The following rules of construction shall govern the application and interpretation of this Ordinance:

1. When the text of this Ordinance conflicts with any caption, figure, illustration, table or map, the text shall control.
2. In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more restrictive provision shall apply.
3. The words shall, must, and will are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature.
5. Words used in the present tense include the future tense.
6. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
7. Words used in the masculine gender include the feminine gender.

SECTION 2-2 BASIC TERMS AND DEFINITIONS

ABANDONED VEHICLE - Any motor vehicle that is left or abandoned

1. On public grounds or county-owned property in violation of a law or ordinance prohibiting parking;
2. For longer than 24 hours on property owned or operated by the county;
3. For longer than two hours on private property without the consent of the owner, occupant, or lessee of the property; and/or,
4. Left for longer than seven days on public grounds

ABUT - Having property, district lines, rights-of-way or easements in common; lots abut if they have property lines in common.

ACCESS - A way of approaching or entering a property from a street.

ACCESSORY BUILDING, ACCESSORY STRUCTURE - A building or structure located on the same parcel as a properly permitted principal building or structure.

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ACCESSORY DWELLING UNIT- A secondary residence located on the same parcel as a properly permitted principal residence.

ACCESSORY USE - A subordinate use of a building or use of land which is:

1. Conducted on the same parcel as the principal use to which it is related, and
2. Clearly incidental to and customarily found in connection with the principal use of the building, structure or land.

ADDITION - An extension or increase in floor area or height of a building or structure.

ADULT BUSINESS, SEXUALLY ORIENTED BUSINESS - Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. 14-202.10.

ADJACENT - All properties immediately contiguous to a site, including those which are separated from the site only by a road, right-of-way or easement

ADMINISTRATIVE DECISION – Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

ADMINISTRATIVE HEARING – A proceeding to gather facts needed to make an administrative decision.

ADMINISTRATOR - The officer charged with the authority and duty to administer this Ordinance.

AGRICULTURE –G.S. 106 581.1 defines Agriculture as:

- a. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- b. The planting and production of trees and timber.
- c. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- d. Aquaculture as defined in G.S. 106-758.
- e. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- f. When performed on the farm, agriculture also includes the marketing and selling of agricultural products, agritourism, the storage and use of materials for

agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. When performed on the farm shall include the farm within the jurisdiction of the county and any other farm owned, or leased to or from others, by the bona fide farm operator, no matter where located.

- g. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry and store grain.

AGRICULTURAL LAND - Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program.

AGRITOURISM - An enterprise or activity operated on a bona fide farm and offered to the public or to invited groups for the purpose of recreation, education, active involvement or the sale of value-added products and services. These activities must be related to agriculture or natural resources and be incidental to the primary farm operation on the site.

AGRITOURISM ACTIVITY— Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. "Agritourism activity" includes an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.

AIRPORT, COMMERCIAL - Any public airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

AIRSTRIP - An area of land or water on private property used by the owner or lessee for the landing and takeoff of aircraft. Includes helipads and drone fields to be used by the property owner or the lessee only.

ALLEY - Any public space or thoroughfare 20 feet wide or less which has been dedicated or deeded for public use.

ALTER, ALTERATION - Any change or modification in construction or occupancy.

AMBULATORY SURGICAL FACILITY - A facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or

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general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient.

AMENDMENT - An amendment to the Cabarrus County Zoning Ordinance or Subdivision Ordinance.

AMUSEMENT, OUTDOOR - An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location. Also commonly known as an amusement park.

ANIMAL HOSPITAL - Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian and may include outdoor accommodations for the temporary boarding of animals.

ANIMAL SHELTER - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, government agency, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

ANTENNA - An apparatus, external to or attached to the exterior of a building, together with any supporting structure for sending or receiving electromagnetic waves.

APPEAL - A request for a review of the Administrator's interpretation of any provision of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance. Also includes requests for review of Planning and Zoning Commission decisions.

APPLICANT - Any person, firm, association, group or organization applying for a development application.

APPLICATION - A complete request, including any required documentation, for any approval, permit, or action required by this Ordinance.

APPROVED USE - Any use that is or may be lawfully established in a particular district provided that it conforms to all requirements of these regulations for the district in which such use is located.

ARCADE, GAME ROOM - A primarily indoor structure, open to the public, which contains coin-operated games and similar entertainment facilities and devices for amusement purposes only.

ARCHITECT - A person who is duly licensed to practice architecture by the North Carolina Board of Architecture.

ASPHALT PLANT - A plant used for the manufacture of asphalt, macadam and other forms of coated road stone, sometimes collectively known as blacktop.

ATLAS MAP, ZONING MAP-The official zoning maps of Cabarrus County which show the zoning classification for parcels of land.

ATM, AUTOMATED TELLER MACHINE - Equipment used for patrons to deposit or withdraw funds, typically located as an accessory use on bank or financial institution properties or other properties where appropriate.

AUCTION HOUSE - Any place where items are sold at auction to the highest bidder.

AUCTION, ESTATE OR ASSET LIQUIDATION – A temporary use where items from an estate or company are sold at auction to the highest bidder.

AUCTION, LIVESTOCK- A temporary use where livestock is sold at auction to the highest bidder.

AUTHORIZED AGENT - Any person with valid authority provided by the Owner, as evidenced by a legal document, authorizing representation of the Owner during the application process.

AUTOMOBILE PARTS, TIRES, ACCESSORIES - Establishments where automobile supplies are sold. These establishments are mainly retail in nature and parts are stocked inside the business on shelves or custom ordered for customers. For businesses that supply parts from wrecked vehicles or vehicles stored on site, see Salvage Yard.

AUTOMOBILE RENTAL - An establishment engaged in the rental of new or used motor vehicles.

AUTOMOTIVE REPAIR GARAGE - A facility which is used for the temporary storage, repair and servicing of automobiles and pick-up trucks, typically with two axles and four wheel spaces, and other similar small-scale vehicles.

AUTOMOBILE SALES, NEW AND USED - An establishment engaged in the display, sale or lease of new and/or used motor vehicles.

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AVERAGE LOT WIDTH - Measurement of average lot width shall be on an individual basis, not over several lots. For a regularly shaped lot (basically rectangular), two measurements shall be taken; at the front lot line (street frontage) and the rear lot line. The arithmetic mean lot size shall be used to determine average lot width. When a lot has multiple street frontages, the required lot width shall be measured along the narrowest street lot line (street frontage). Irregularly shaped lots shall be measured three times, with the arithmetic mean taken from those measurements. Measurement points will be determined on a case by case basis, but shall be roughly at the front, rear, and middle points of the lot.

BANK, FINANCIAL INSTITUTION - A business establishment where money is kept for savings or commercial purposes or is invested, supplied for loans or exchanged.

BANQUET HALL - A commercial establishment primarily engaged in renting space for wedding receptions, birthday parties, retirement parties, corporate events, awards banquets, graduations, etc. The establishment may or may not include on-site catering services.

BARBER, BEAUTY SALON- Establishments that provide personal hair care services to customers.

BARN - A building located on a farm or agricultural site used for storage, as a covered workplace, to house livestock or to store farming vehicles and equipment.

BED AND BREAKFAST - A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

- a. Does not serve food or drink to the general public for pay;
- b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- c. Includes the price of breakfast in the room rate; and
- d. Is the permanent residence of the owner or the manager of the business
- e. A bed and breakfast shall not operate as a reception facility.

BERM - A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or buffer yard along with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) - Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BLUEWAY - A water path or water trail that is developed with launch points and points of interest for canoeists and kayakers.

BODY PIERCING –The practice of puncturing or cutting a part of the human body, creating an opening in which jewelry may be worn, or where an implant could be inserted.

BONA FIDE FARM - The production and activities relating to or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S.106-581.1.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S.105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner or operator's most recent federal income tax return.
- d. A forest management plan.

BONA FIDE FARM PURPOSES. – Agricultural activities as set forth in G. S. 160D-903.

BOAT WORKS AND SALES - Establishments primarily engaged in the repair and/or sales of boats or personal watercraft.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance.

BOTTLING WORKS - A commercial enterprise whose output is the bottling of beverages for distribution.

BRICK- A masonry unit of clay cured in a kiln, typically used for building veneer, shaped as a rectangle $2\frac{1}{4} \times 3\frac{3}{4} \times 8$ inches.

BUFFER YARD - A strip of land established to protect one type of land use from another land use or to provide screening between uses.

BUILDING AND CONTRACTOR SUPPLY- Establishments primarily involved in wholesale supply of building materials, such as lumber, pipe, brick, stone, landscape materials, roofing materials, etc.

BULK GRAIN STORAGE - Establishments where bulk grain is stored for future use or processing.

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BUILDING HEIGHT - The vertical distance from grade to the highest point of the building. The height limitations of this Ordinance do not apply to passive solar collectors, church spires, belfries, cupolas and domes not intended for human occupancy.

BUS STATION, BUS TERMINAL - A structure or building where busses stop to pick up and drop off passengers.

CAMPGROUND - A plot, parcel, or tract of land upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CAR WASH - An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment or by self-service facilities.

CAST CONCRETE - A construction product produced by casting concrete in a reusable mold or forms which is then cured in a controlled environment, transported to a construction site and lifted into place.

CATERING SERVICE - A business the primary purpose of which is preparation of food not consumed on site.

CEMETERY - Property used for the interment of the dead, which may also include commercial sale and location of burial lots, crypts, or vaults for use exclusively on subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. This definition shall include pet cemeteries.

CERTIFICATE OF OCCUPANCY - The certificate issued by Cabarrus County Construction Standards, indicating that all required building and service systems have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CHANGE OF USE - A change from one principal use of a building or parcel of land to another principal use of the building or parcel of land.

CHEMICAL MANUFACTURING - Facilities primarily engaged in the manufacture of chemicals.

CIVIC GROUP CAMP FACILITY - These types of establishments typically provide recreational or educational opportunities for school age children or adults. These types of facilities may or may not include overnight accommodations for camp participants. Examples include but are not limited to: Religious Institution Camps or Retreats, Boy Scout Camps, Girl Scout Camps, YMCA, etc.

CIVIC ORGANIZATION FACILITY - A meeting place for organizations that promote civic enhancement including but not limited to: Jaycees, Rotary Club, Masons, Chamber of Commerce, Lions Club, VFW, American Legion, Boy Scouts and Girl Scouts.

COLISEUM - A large theater or building for public meetings, sporting events, exhibitions, etc.

COLLEGE, UNIVERSITY - An institution providing full-time or part-time education beyond the high school level which may also include lodging or housing for students or faculty.

COMBINE - To create one lot by combining two or more lots to meet development standards.

COMMERCIAL STABLE- A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

COMMERCIAL VEHICLE - Any motor vehicle with a manufacturer's chassis rating greater than one ton.

COMMUNICATIONS TOWER, 911 COMMUNICATIONS TOWER - A tower which supports communication (broadcast, receiving, or relay) equipment, utilized by government or other public and quasi-public users only. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission (FCC).

COMMUNITY GARDEN - A single piece of land gardened collectively by a group of people.

COMPREHENSIVE PLAN - Includes comprehensive plans, land-use plans, small area plans, neighborhood plans, transportation plans, capital improvement plans, and any other plans regarding land use and development that have been officially adopted by the governing board.

COMPREHENSIVE TRANSPORTATION PLAN (CTP) - A long-range, multimodal transportation plan that shows the future plans for the major highways, intersections, bus transit, passenger rail and other transportation facilities. It includes expected new facilities and whether there are planned improvements for current facilities. This information helps citizens and staff know whether to reserve right-of-way for future roadways and passenger rail during the development review process, and how to budget for future facilities. Projects included in the CTP are generally unfunded until ranked through the state prioritization process and placed on the State Transportation Improvement Plan.

CONCRETE PLANT - A device that combines various ingredients to form concrete.

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CONDITIONAL ZONING – A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONDOMINIUM - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONFORMING USE - A use that is permitted within the applicable zoning district.

CONSERVATION EASEMENT - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of the real property.

CONTIGUOUS - Bordering or adjoining.

CONTRACTOR OFFICE, CONSTRUCTION EQUIPMENT STORAGE A temporary accessory use that is part of to an active Construction Project, permitted in any zoning district.

CONTRACTOR'S STORAGE YARD - An outside area where construction materials and equipment are stored for jobs, inclusive of the contractor's office, if on site. Includes specialty trade contractors.

CONTRACTOR OR TRADE SHOP - Establishments primarily engaged in providing contracted services for customers off site. These establishments may include an office and a storage area of less than 10,000 square feet for materials to be used at job sites.

CONTROLLED-ACCESS FACILITY - A State highway, or section of State highway, especially designed for through traffic, and over, from, or to which highway, owners or occupants of abutting property, shall have only a controlled right or easement of access.

CONVENIENCE STORE WITH PETROLEUM SALES - A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers and self-service gasoline sales.

CONVENIENCE STORE WITHOUT PETROLEUM SALES - A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers.

CONVENTION CENTER FACILITY - A large civic building, or group of buildings, designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms.

CORRECTIONAL FACILITY - A building, or group of buildings, for the confinement of persons held while awaiting trial, persons sentenced after conviction, etc.

COUNTY – Any one of the counties listed in G.S. 153A-10.

CTP INDEX-A document that is part of the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan. It lists existing and proposed right-of-ways for roads and road widening projects located in Cabarrus and Rowan counties.

CUL-DE-SAC - A short street having only one end open to traffic and with a vehicular turnaround at the other end.

CREMATORIUM - A place where a dead person's body is cremated.

CURTAIN WALL- An exterior wall having no structural function.

DAIRY PROCESSING - Establishments primarily engaged in processing milk and milk based products for safe consumption by the general public.

DAY CAMP, SUMMER CAMP - These types of establishments typically provide recreational, educational or fine arts related opportunities for school age children during the summer or when school is not in session. These types of facilities may or may not include overnight accommodations for participants.

DECISION-MAKING BOARD – A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions.

DE NOVO HEARING - A new hearing, to hear anew.

DENSITY - The total number of dwelling units per acre.

DETAIL SERVICE - An establishment that provides washing and cleaning of passenger or recreational vehicles, inside and out, by hand, by use of automated equipment or by self-service facilities.

DETERMINATION – A written, final, and binding order, requirement, or determination regarding an administrative decision.

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DEVELOPER – A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT – Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT APPROVAL – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by local government regulations, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT REGULATION – A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D or a local act or charter that regulates land use or development.

DEVELOPMENT ORDER - Any action granting, granting with conditions or denying an application for a development permit.

DOUBLE FRONTAGE LOT- A lot having frontage on two streets.

DRIVE-IN THEATER - A motion-picture theater designed to accommodate patrons in their automobiles.

DRUG STORE, PHARMACY - Any place where prescription drugs are dispensed or compounded.

DRY CLEANING, LAUNDRY PLANT - A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing.

DRY CLEANING PICK-UP STATION - A place where articles to be dry cleaned are dropped off and picked up but are not processed on site.

DUMPSTER - A large steel waste receptacle designed to be emptied into garbage trucks.

DUPLEX - A building containing two individual commercial units located on a parcel that is at least 150% of the minimum lot size for the zoning district.

DWELLING – Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING UNIT - A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters for a family. Facilities for food preparation, sleeping and sanitation are included. Dwelling units may either be attached, sharing common vertical walls or detached, possessing open yards on all sides.

EASEMENT - A limited right to make use of a property owned by another.

ELECTRIC GENERATING FACILITY - Any plant facilities and equipment used for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power.

ELEMENTARY SCHOOL - A school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program.

EQUIPMENT SALES AND SERVICE - Establishments primarily involved in the retail sale and service of equipment, such as lawn mowers, tractors, bobcats, forklifts, etc.

ETHANOL FUEL PRODUCTION/ALCOHOL FUEL PLANT - A special type of distilled spirits plant for producing, storing, using or distributing distilled spirits to be used exclusively for fuel use. See Code of Federal Regulations, Title 27, Part 19.

1. Ethanol Fuel Production, Residential District, Personal Use Only, see Chapter 7 for standards.
2. Small Plant-An Alcohol fuel plant that produces (including receives) not more than 10,000 proof gallons of spirits per calendar year.
3. Medium Plant-An Alcohol fuel plant that produces (including receives) more than 10,000 but not more than 500,000 proof gallons of spirits per calendar year.

EVIDENTIARY HEARING – A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation

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EXTERNAL BUFFER YARD - A buffer yard located along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between development and adjacent land uses.

EXTRACTION OF EARTH PRODUCTS, MINING - Mining activities as defined in G.S. 74-49; summarized as the breaking of surface soil in order to remove minerals, ore, or other solid materials.

FABRICATION - Building structures by cutting, bending, and assembling pieces. It is a value-added process involving the creation of machines, parts, and structures from various raw materials.

FAMILY - For purposes of this Ordinance, family shall be defined as an individual or two or more persons related by blood, marriage or adoption, living together in a dwelling unit; or a group of not more than five persons who need not be related by blood, marriage, or adoption, living together in a dwelling unit. A "family" may include five or fewer foster children.

FAMILY CARE HOME – A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities.

FARM MACHINERY REPAIR SHOP - A facility used for the repair and servicing of farm related machinery, including but not limited to tractors, combines and front end loaders.

FARMER'S MARKET - A place where produce is brought for the purposes of retail sales. There may be more than one seller per parcel of land. The site may or may not include a permanent structure where the sellers can set up their produce. Typical items for sale at a farmer's market include fruits, vegetables, eggs, baked goods, cheeses, meats, poultry and honey.

FARM SUPPLY SALES - Establishments primarily involved in retail sale of items typically used on a farm, including tractors, tractor parts and accessories, tillers, livestock feed, livestock housing, etc.

FENCE - A barrier of man-made construction, regardless of the material used, including walls but not retaining walls.

FEMA TRAILER - A FEMA manufactured trailer that is used as temporary shelter during the recovery phase of natural disaster or significant weather event.

FINAL PLAT - A survey map of record which indicates the final boundaries for streets, blocks, lots, easements, etc. and is recorded in office of the Register of Deeds.

FLAG LOT - A lot having no frontage or access to a street, right-of-way or place except by a narrow strip of land.

FLEA MARKET – Establishment where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas inside a building for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale.

FLOODPLAIN - A flat or nearly flat area of land adjacent to a stream or river that is susceptible to flooding during periods of high discharge. It includes the floodway, which consists of the stream channel and adjacent areas that carry flood flows, and the flood fringe, which are areas covered by the flood, but which do not experience a strong current.

FREEZER - Establishments primarily engaged in the processing of foods or the storage of frozen foods for distribution.

FRONTAGE - The distance in which a property line is common with a public or private street road right-of-way.

FOUNDRY - A workplace for casting metal or glass.

FULL ACCESS DRIVEWAY. - A driveway providing access to and from a lot adjoining the frontage roadway, which is intended to provide both ingress to and egress from the lot for traffic entering and exiting the lot from the left and from the right.

FUNERAL HOME - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services. These establishments may include on-site crematories.

GARAGE - An accessory building, or portion of a principal building, designed or used for the parking or temporary storage of motor vehicles.

GARDEN - An area used for the raising of fruits, vegetables or flowers usually found on residential property as an accessory use.

GAS SERVICE STATION - A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities, but not body work or painting, which are subordinate to the sale of petroleum products.

GOLF COURSE - An area that includes a series of holes, each consisting of a teeing ground, a fairway, rough and other hazards, and a green, all designed for the game of golf. A golf course may be publicly or privately owned.

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GOVERNING BOARD – The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

GOVERNMENT, EXCLUDING CORRECTIONAL FACILITY - Buildings used for the provision of government services. Examples include administrative offices, social service offices, tax collection, etc.

GOVERNMENT BUILDINGS, STORAGE ONLY - Buildings used by government as a storage facility only.

GOVERNMENT BUILDINGS, STORAGE ONLY, WITH OUTDOOR STORAGE AREA - Buildings used by government as a storage facility only which may include an area outside of the building that is also used for storage.

GOVERNMENTAL WASTEWATER SYSTEM (SEWER) - A single system of wastewater collection, treatment and disposal owned and operated by a water and sewer authority, a county or municipality.

GOVERNMENTAL WATER SYSTEM (WATER) - A single system for water distribution and treatment, owned and operated by a water and sewer authority, a county or municipality.

GREENHOUSE - An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants.

GREENWAY - A greenway is a corridor of protected open space that is managed for recreation or conservation purposes.

GROUP CARE FACILITY – A facility licensed by the State of North Carolina, other than a Family Care Home, with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for more than six resident persons with disabilities.

GUNSMITH - A person who repairs, modifies, designs, or builds firearms.

HATCHERY - A facility for the reproduction of types of living species generated from eggs, typically, non-mammal species.

HAZARD MITIGATION - Actions taken to help reduce or eliminate long-term risks caused by hazards or disasters, such as flooding, earthquakes, wildfires, landslides, or dam failure.

HEALTH CLUB, FITNESS CENTER - An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEAVY EQUIPMENT - Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT - The vertical distance from the grade to the highest point of any portion of a structure.

HIGH SCHOOL - A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education.

HOME OCCUPATION, GENERAL - A business, profession, occupation, or trade which is conducted within a residential dwelling for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the dwelling, and which does not adversely affect the character of the-property or the surrounding area. See Chapter 7 for list of permitted general home occupations.

HOME OCCUPATION, RURAL - An accessory use subordinate to the primary residential use of the property operated by persons residing in the principal dwelling on the same parcel of land upon which the home occupation is located. Additionally, such use may be carried out in no more than one building separate from the principal residential dwelling on the same parcel of land. See Chapter 7 for list of permitted rural home occupations.

HOSPITAL - A public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

HOTEL - Any building containing guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

ICE PLANT - Establishments primarily engaged in the production of ice.

ICE PRODUCTION, ICE DISPENSING - A self-contained plant that produces, stores, bags and sells ice to customers through a vending system.

IMPERMEABLE OR IMPERVIOUS SURFACE - Refers to land area which, by virtue of an outer coating, no longer permits the penetration of water.

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INN - A commercial establishment, typically a smaller facility, that provides lodging and food for the public and whose primary customers are travelers.

INTERSTATE - A multi-lane express route with limited access connecting or existing between two or more states.

IRON WORKS - A building or site where iron is smelted and where heavy iron and/or steel products are made.

ITINERANT MERCHANT- Merchants that sell food, fruit, vegetables, beverages, or merchandise from a temporary stand, motor vehicle or food truck at existing business sites.

JUNK VEHICLE - Any motor vehicle that:

1. Does not display a current license tag and registration; or
2. Is partially dismantled or wrecked; or
3. Cannot be self-propelled or moved in a manner in which it originally was intended to move;
4. Is not road worthy; or
5. Is more than five years old and appears to have no resale value except as a source of parts or scrap.

KENNEL, COMMERCIAL - A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot.

KENNEL, PRIVATE - Considered to exist when five or more dogs over six (6) months of age are kept as pets and/or for hunting, dog shows, exhibitions, or field and obedience trials.

LAND DISTURBING ACTIVITY - Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDFILL, DEMOLITION - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid waste meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or re-contour land using only soil is not construed to be such a landfill. Demolition landfills are presumed to be an adjunct to an ongoing construction process and, as such, are to be reclaimed at the termination of construction.

LANDFILL, SANITARY - Any disposal facility or part of a disposal facility where waste is placed in or on land, whether publicly or privately owned, and holding a permit from the State of North Carolina.

LANDLOCKED PARCEL - A parcel of land without access of record.

LANDOWNER OR OWNER– The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina.

LANDSCAPE CONTRACTOR - Within the meaning of this Ordinance, any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board.

LAUNDROMAT - A commercial establishment where clothes can be washed and dried using coin-operated machines.

LEGISLATIVE DECISION – The adoption, amendment, or repeal of a regulation under this Ordinance or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement.

LEGISLATIVE HEARING – A hearing to solicit public comment on a proposed legislative decision.

LIVESTOCK - Shall include, but not be limited to, equine animals such as horses and donkeys, bovine animals such as cattle, bison, buffalo, water buffalo, yak, antelopes, sheep, goats, llamas, alpacas, poultry, such as chickens, quail, ducks, geese or turkeys, ostriches, emus, pheasants, rabbits, and swine, such as domesticated pigs, hogs or potbelly pigs. These types of animals are typically housed on a farm. Poultry Exception: See Chapter 7, Agriculture-Female Chickens (Limited Number)

LIVESTOCK SALES - Any business where the primary purpose is to buy livestock for the purpose of resale or auction.

LOADING AND UNLOADING SPACE - A permanently maintained space for the purpose of loading and unloading goods or receiving inventory.

LOCAL ACT – As defined in G.S. 160A-1(2).

LOCAL GOVERNMENT – A city or county.

LOCKSMITH - A person who makes or repairs locks and keys.

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LOT - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision plat, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract.

LOT OF RECORD - A parcel of property indicated by deed or plat which is filed with the County Register of Deeds and that exists in the records of the Cabarrus County Register of Deeds.

LOT DEPTH (LENGTH) - The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT FRONTAGE - The distance for which a lot abuts a street.

LOT LINE - Any boundary or boundary line which provides the legally defined limits of a lot, parcel or tract.

MACHINE SHOP - Establishments primarily involved with a form of subtractive manufacturing in which a collection of material-working processes utilizing power-driven tools such as lathes, milling machines, and drill presses, are used with a sharp cutting tool to physically remove material to achieve a desired geometry.

MAINTENANCE - The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SUBDIVISION - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MANUFACTURED HOME, MOBILE HOME - A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

MANUFACTURED HOME PARK - Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence.

MANUFACTURED HOME RETAIL SALES - Establishments where manufactured homes are set up and on display for potential buyers to view.

MANUFACTURED HOME SPACE - The portion of land area allotted and/or designated to be allotted to any one manufactured home in a manufactured home park.

MANUFACTURED HOME SUBDIVISION - A parcel or contiguous parcels of land subdivided into two or more lots configured for development and placement of manufactured housing.

MANUFACTURING - Establishments primarily engaged in the use of machines, tools, and labor to produce goods for use or sale.

METAL FABRICATION - Building metal structures by cutting, bending, and assembling pieces.

METAL WORKS, METAL PROCESSING - Establishments primarily engaged in the process of working with metals to create individual parts, assemblies, or large scale structures.

MIDDLE SCHOOL - A school which embraces not more than the first year of high school with not more than the upper two elementary grades.

MINOR PLAT - A plat that may be used for the transfer of land qualifying as a minor subdivision as defined in the Cabarrus County Subdivision Ordinance.

MITIGATION - The minimization of impacts that result from development. Examples of mitigation include providing road improvements or traffic signals to lessen the impacts of increased traffic, installing additional buffering next to existing residential property lines to provide increased visual screening or increasing setbacks to lessen noise at property boundaries.

MIXED USE DEVELOPMENT - A proposed development that includes primary non-residential and primary residential uses on the same site.

MOBILE OFFICE, TEMPORARY - Office space mostly used in conjunction with either construction or residential sales projects not of a permanent nature typically housed in a form of a mobile unit.

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MOBILE PERSONAL STORAGE UNIT - A portable storage or shipping container typically used for local or long distance moving. Also known as POD units or SAM units.

MODULAR HOME - A dwelling unit constructed in accordance with the construction standards of North Carolina Residential Code for One-and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on a chassis or steel frame, or a series of panels or room sections transported to the site and erected, assembled, or joined there.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients.

MOTOR HOME - A large motor vehicle, usually with facilities for sleeping and eating, used for recreational activities such as camping.

MOTOR VEHICLE - Any machine designed or intended to travel over land, water, or air by self-propulsion or while attached to a self-propelled vehicle.

MOTORCYCLE, ATV, AND OTHER MOTOR VEHICLE DEALERS - Establishments primarily engaged in retailing new and/or used motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), personal watercraft (jet skis), utility trailers, and other motor vehicles or retailing these new vehicles in combination with activities, such as repair services and selling replacement parts and accessories. Does not include automobiles, light trucks, recreational vehicles, or boats.

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MOVIE THEATER - A motion-picture theater. May include in-house restaurant facility that serves patrons food while watching the motion-picture.

MOVING VAN, TRUCK OR TRAILER RENTAL - Establishments primarily engaged in renting moving vans, trucks or trailers. These types of facilities may be permitted as a standalone use or as accessory use at self-storage facilities.

MULTIFAMILY RESIDENTIAL - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities. May be stacked or located side by side.

MULTI-PHASED DEVELOPMENT- A development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

MULTIMEDIA PRODUCTION AND DISTRIBUTION COMPLEX - A facility, the principal use of which is to create varying forms of educational or entertainment products including but not limited to films, videos, and records. The facility also encompasses all allied accessory uses spanning both the construction and media production fields.

NAIL SALON - Establishments primarily engaged in providing nail services, such as manicures and pedicures.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure that was lawfully developed, and legally existed prior to any change in the applicable zoning district-regulations, but does not comply with one or more of the applicable district regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance.

NONCONFORMING LOT - A lot which was lawfully created prior to the adoption of this Ordinance but which does not conform to the dimensional requirements for lots in its zoning district as set forth in this Ordinance.

NONCONFORMING USE - A use of land that:

1. Legally existed before its current zoning or land use category designation; and
2. Has been maintained continuously since the time the applicable regulations governing the land changed; and
3. Because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale.

NURSERY, DAYCARE CENTER - An individual, agency, or organization providing pre-school instruction or care on a regular basis for more than five children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult. Includes adult daycare facilities that provide adult care services and activities while the adult's primary care giver is at work.

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OPEN SPACE - Any portion of a parcel or area of land or water which is open and unobstructed from the ground to the sky including areas maintained in a natural and undisturbed character.

OPEN SPACE, COMMON - Open space within or related to a development or subdivision, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

ORDINANCE - Unless otherwise specified, refers to the Cabarrus County Development Ordinance.

OUTDOOR STORAGE AREA- An area provided for the storage of materials or equipment that is not located inside a building.

OWNER - Any person, agent, firm or corporation having a legal or equitable interest in the property.

PARK - Provides recreational opportunities and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. A park may also include areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARKING GARAGE, COMMERCIAL - An attached or detached building which is used for the parking or storing of motor and other vehicles. These facilities are open to public use-and typically charge a daily or monthly fee.

PARKING LOT, COMMERCIAL - Any lot, parcel, area or place for the parking or storing of motor and other vehicles. These facilities are open to public use and typically charge a daily or monthly fee.

PARKING SPACE - A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PAWN SHOP - A business that offers secured loans to people, with items of personal property used as collateral.

PERMEABLE PAVEMENT - A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high

rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

PERMANENT TEMPORARY EVENT FACILITY-A permanent site intended to accommodate uses that are typically held outdoors and temporary in nature, such as festivals, car shows, RV shows, circuses, fairs, craft fairs, concerts, fund raising events, etc. and includes customary and incidental uses related thereto.

PERMIT - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of compliance, certificate of occupancy; special use permit; or any other official action of the County or any other state or local government commission, board, agency, or department having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

PERMITTED BASED ON STANDARDS (PBS) - The proposed land use in question could be compatible with the district as long as it meets certain additional standards.

PERMITTED BY RIGHT (P) - A proposed land use that is considered compatible in a particular zoning district.

PERSON – An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

PERSON WITH DISABILITIES - A person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

PET SHOP, PET GROOMING, ENCLOSED FACILITY - Establishment that acquires for the purposes of resale, animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. Pet Shops may provide grooming services, such as bathing and nail trimming, for pets. Facilities that provide grooming services only are also included in this category. Animals at these types of establishments must be kept and boarded inside the building.

PETITIONER - See applicant.

PHASED SUBDIVISION OR SITE PLAN APPLICATION - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in individual phase(s) over a period of time.

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PLANNING AND DEVELOPMENT REGULATION JURISDICTION – The geographic area within which a city or county may undertake planning and apply development regulations.

PLANNING BOARD – Any board or commission established pursuant to G.S. 160D-301.

PLANNING AND ZONING COMMISSION - The Cabarrus County Planning and Zoning Commission. Also referred to as the Planning Board.

PLAT - The legal map of a subdivision.

PRELIMINARY PLAT - The preliminary survey drawing or drawings indicating the proposed manner or layout of the proposed subdivision to be submitted to the proper authority for approval.

PREMISES - A lot, parcel tract or plot of land together with the buildings and structures thereon.

PRIMARY BUILDING OR STRUCTURE - The building or structure where the principal use of the parcel is located. This shall include any buildings which are attached to the principal structure by a covered structure.

PRINCIPAL USE - The main or primary use of a parcel of land.

PRINTING, REPROGRAPHIC FACILITY - Establishments primarily engaged in the process of reproducing, reprinting, or copying graphic material especially by mechanical, photographic, or electronic means.

PRIVATE - Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE ROAD - Any road, street, or other means of vehicular access to a parcel of land not dedicated or intended for public use.

PRIVATE STABLE - A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

PROFESSIONAL ENGINEER - A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

PROFESSIONAL OFFICE - A place where a particular kind of business is transacted or a professional service is offered, excludes retail. Examples of professional office include accountant's office, physician, dentist or chiropractor's office, lawyer's office, engineer, architect or surveyor's office, consultant's office, photographer's office, etc.

PROMOTIONAL ACTIVITIES INVOLVING THE DISPLAY OF GOODS OR MERCHANDISE - Activities conducted on the premises of an existing business, typically near the entrance to the building, to advertise the goods or merchandise sold at that business.

PROPERTY - All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

PROPERTY LINE, COMMON - A line dividing one lot from another.

PUBLIC CULTURAL FACILITY - The use of land, buildings, or structures by a governmental agency to provide cultural services directly to the general public, inclusive of public libraries and museums.

PUBLIC HEARING - A public meeting for which notice has been given and an opportunity for public testimony is provided.

PUBLIC MEETING - A meeting where the public may attend.

PUBLIC NOTICE - Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY - Any area on, or adjoining, a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

PUBLIC SERVICE FACILITY - The use of land, buildings, or structures by a public utility, railroad, or governmental agency. Includes, but is not limited to:

1. Water treatment plants or pumping stations
2. Sewage treatment plants or pumping stations
3. Non-nuclear power stations and substations
4. Telephone exchanges
5. Bus and railroad terminals or stations
6. Alternative power generation facilities, including solar fields, solar farms and wind farms
7. Natural gas facilities
8. Other similar public service structures

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Land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials are not considered public service facilities. See government buildings, storage only.

PUBLIC USE FACILITY - The use of land, buildings, or structures by a governmental agency to provide protective, administrative, social, or recreational services directly to the general public. Includes:

1. Police, fire and emergency medical services stations
2. Emergency services sub-stations
3. Community centers, senior centers
4. Public parks
5. Other public facilities providing any of the above services.

Land, buildings or structures devoted solely to the storage and maintenance of equipment and materials are not considered public use facilities. See government buildings, storage only.

PUBLIC UTILITY - A business organization (such as an electric, water or sewer company) performing a public service and subject to special governmental regulation.

QUASI-JUDICIAL DECISION – A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

QUARRY - See EXTRACTION OF EARTH PRODUCTS, MINING

RACETRACK, ANIMAL - A facility consisting of a dirt track used primarily for the sport of animal racing, such as dogs or horses. The racetrack may include seating, concession areas and parking facilities and offices but does not include residences, or retail facilities.

RACETRACK, AUTOMOBILE - A facility consisting of a paved or dirt roadway used primarily for the sport of automobile racing. The race track may include seating, concession areas, suites, parking facilities and accessory offices but does not include, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks or other similar facilities), but does not include seating, concession areas, or retail facilities for the general public.

RACETRACK, OTHER - A facility consisting of tracks or courses used for racing go-karts, motorcycles, BMX bicycles, All-Terrain Vehicles (ATVs), etc. The racetrack may include seating, concession areas, parking facilities and accessory offices but does not include residences or retail facilities.

REAR SETBACK - The minimum distance between any building and the rear property line.

RACE SHOP - A facility used for the production, testing, and repair of competitively raced motor vehicles inclusive of offices and warehousing of vehicles and souvenirs.

RACE TEAM COMPLEX - A facility used for the production, testing, and repair of competitively raced motor vehicles inclusive of offices, warehousing of vehicles and souvenirs. Race Team complexes may include multiple buildings for multiple teams or separate fabrication, chassis construction, or painting facilities.

RADIO AND TELEVISION STUDIO - A facility for the production of films and/or the production and broadcast of television and radio programs.

RAIL STATION, RAIL TERMINAL - A railway facility where trains regularly stop to load or unload passengers or freight.

RAIL STORAGE YARD - A complex series of railroad tracks for storing, sorting, or loading or unloading, railroad cars or locomotives.

RECEPTION FACILITIES - Establishments located in rural Cabarrus County, which host banquets, wedding receptions, private events, parties, etc. Events are by reservation only, with food and beverage brought on site or prepared in an approved kitchen located on the site. A reception facility shall not be operated as a restaurant with entertainment or as a bed and breakfast.

RECREATIONAL FACILITY, INDOOR - An establishment providing amusement, entertainment or recreation indoors typically for an admission charge. Types of indoor recreational facilities include but are not limited to:

- a. Dance halls
- b. Live theater
- c. Bands, orchestra and other musical entertainment
- d. Bowling alleys
- e. Billiard and pool establishments
- f. Membership sports and recreation clubs
- g. Indoor swimming pools or waterparks
- h. Skating rinks
- i. Indoor kart racing

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RECREATIONAL FACILITY, OUTDOOR - An establishment providing amusement, entertainment or recreation outdoors, typically for an admission charge or membership fee. Types of outdoor recreational facilities include but are not limited to:

- a. Ball field, ball field complex
- b. Soccer field, soccer field complex
- c. Miniature golf
- d. Outdoor Adventure Facilities, including zip lines, ropes courses and rock climbing walls
- e. Amphitheater
- f. Campground
- g. Non-competitive kart racing
- h. Radio controlled race car or truck course
- i. Radio controlled airplane flying fields, drone flying fields
- j. Paint ball fields
- k. Outdoor pools or waterparks open to the general public

RECREATIONAL THERAPY FACILITY, RURAL SETTING - A facility that provides recreational therapy to individuals with a wide range of cognitive, physical and emotional disabilities. Recreational therapy is the provision of services to an individual to restore and rehabilitate using recreational techniques, in order to improve functioning and independence, as well as reduce or eliminate the effects of illness or disability and promote well-being.

RECREATIONAL TRAIL - Any paved or unpaved surface used as a greenway, blueway or recreational facility.

RECREATIONAL VEHICLE or RV - A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Recreational Vehicles include travel trailers, truck campers, camping trailers, motor homes and tiny homes on wheels.

RECYCLABLE MATERIALS DROP OFF - A bin or container-like device situated for the receipt and temporary storage of recyclable materials which is not enclosed within a building or structure.

REGISTERED LAND SURVEYOR - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

RELIGIOUS INSTITUTION - Any of a broad range of denominations organized primarily for the purpose of providing weekly religious services, Sunday school and occasional evening religious events.

RELIGIOUS INSTITUTION WITH SCHOOL - Any of a broad range of denominations organized primarily for the purpose of providing weekly religious services, Sunday school, occasional evening religious events, and standard secular teaching at both the elementary and secondary levels on weekdays, similar to that offered by the North Carolina Department of Education.

REQUIRED SETBACK - The distance required between a building or other structure and the property line.

RESTAURANT, EXCLUDING DRIVE THROUGH - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor seating area.

RESTAURANT WITH DRIVE-THRU FACILITY - An establishment serving food and beverages, where service takes place within an enclosed building, in accessory outdoor seating areas, or through a vehicular pickup window.

REST HOME, CONVALESCENT HOME, NURSING HOME - A facility primarily designed to provide a home-like environment while patients recover from long term illnesses or medical procedures. Many residents return to their own homes after recovery but some may stay at the facility to receive long term health care.

RETAIL SALES, NEIGHBORHOOD MARKET - Small store intended to serve the surrounding neighborhood. These types of markets typically sell bread, milk, snack foods, drinks, candy, bait and other basic grocery items and may include a small area where simple foods are prepared. These markets are 1000 square feet or less.

RETAIL SALES, SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

RETAINING WALL - A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

RIGHT-OF-WAY- The right to cross somebody else's property by a specific route.

ROADWAY - The improved portion of a street within a right-of-way and/or easement.

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SAWMILL - Establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size.

SALVAGE YARD - An establishment operated for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, construction materials, wrecked, used or dismantled products and articles, such as machinery, vehicles, appliances, manufactured homes, recreational vehicles, and the like. Also known as a Junk Yard.

SCIENTIFIC RESEARCH AND DEVELOPMENT - Government or other organizations engaged in scientific research and/or new or enhanced product design or development.

SCREENING - Shielding, concealing or effectively hiding from view of a person standing at ground level on an abutting site by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or buffer yard.

SEDIMENT - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENT AND EROSION CONTROL DEVICES - Sediment fences, sediment traps, or other devices necessary to reduce sedimentation.

SEDIMENTATION - The process by which sediment has been, or is being, transported off the site of land disturbing activity or into a lake or watercourse.

SELF SERVICE STORAGE FACILITY - Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

SEMI-ATTACHED HOUSE - Two houses sharing one common side, typically identical homes on each end with matching appearances and driveways, with a common front lawn.

SEPTIC TANK SYSTEM - A subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

SETBACK - The minimum distance between any building and the property line.

SETBACK LINE - A line marking the distance from the street right-of-way or lot lines which establishes the minimum required front, side and rear setbacks.

SHOOTING RANGE, INDOOR - A firing range facility with targets for rifle or handgun practice located inside a building.

SHOOTING RANGE, WITH OUTDOOR TARGET PRACTICE - A firing range facility with targets for rifle or handgun practice located inside a building and also includes outdoor practice ranges.

SINGLE-FAMILY DETACHED RESIDENTIAL DWELLING - A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation.

SITE PLAN – A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, landscape and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SITE SPECIFIC DEVELOPMENT PLAN (SSDP) - A plan which has been submitted by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

SKETCH PLAN - A sketch submitted prior to the preliminary plat or site plan to enable the applicant to save time and expense in reaching general agreement with the reviewing authority as to the form of the plat or site plan and the objectives of this Ordinance.

SKIN CARE SALON - Establishments primarily engaged in providing personal services related to skin care such as facials and laser treatments.

SLAUGHTERHOUSE, MEAT PACKING - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

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SLOPE - A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SMALL ENGINE REPAIR SHOP - A facility used for the repair and servicing of small engines, such as lawn mowers, lawn tractors, chain saws, trimmers, etc.

SOIL SURVEY - The Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by reference.

SOLAR FARM - Collections of solar panels that work together to capture sunlight and turn it into electricity.

SOLAR PANEL - A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

SOLAR PANELS AS RESIDENTIAL ACCESSORY USE – A collection of up to 20 solar panels, located on a residential property, used for power generation for the subject property.

SPECIAL USE - A use which, because of its unique characteristics, cannot be properly classified as a permitted use and warrants review by the Planning and Zoning Commission, serving as Board of Adjustment.

SPECIAL USE PERMIT – A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

SPORTS AND RECREATION INSTRUCTION OR CAMP - Establishments primarily involved in the instruction of sports or recreation, including but not limited to baseball, football, soccer, tennis, golf, lacrosse, dance or gymnastics. These facilities may or may not include overnight accommodations for participants.

SPLIT-FACE BLOCK-A concrete masonry unit, split lengthwise by a machine after curing to produce a rough, fractured face texture.

STADIUM - A sports arena, usually oval or horseshoe-shaped, with tiers of seats for spectators.

STEEL MILL - An industrial plant for the manufacture of steel.

STORAGE BUILDING SALES - Establishments primarily engaged in the display and sale of small accessory buildings to be used for storage.

STORAGE LOT, LOGISTICS AND FREIGHT - A lot used for the storage of logistics and freight related trailers and chassis. These lots typically charge a monthly fee.

STORMWATER - The flow of water which results from precipitation and which occur immediately following rainfall or a snowmelt.

STORMWATER RUNOFF - The direct runoff of water resulting from precipitation in any form.

STREET, PUBLIC - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. Also includes any Road.

STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURAL COVERAGE - Refers to the amount of land area covered by structures.

STRUCTURE - Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code.

STRUCTURE, ACCESSORY - A structure located on the same lot and customarily incidental and subordinate to the principal building or structure.

STRUCTURE, PERMANENT - Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY - A moveable structure not designed for human occupancy.

STUB-OUT, STUB-STREET - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE - The act or process of creating a Subdivision.

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SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SWALE - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIM CLUB, TENNIS CLUB, COUNTRY CLUB - A private club that provides one or more of the following: tennis or swimming facilities, indoor or outdoor exercise facilities, recreation rooms, recreational equipment, tennis or swimming lessons, etc. These types of facilities are restricted to use by members and their guests. Country Clubs may also include golf courses and/or a clubhouse with dining and banquet facilities.

SWIMMING POOL - A structure designed to hold water to enable swimming or other water based leisure activities. Pools can be built into the ground or built above ground.

TANNING SALON - Establishments that provide tanning beds and/or spray tanning for customers.

TATTOO - A form of body modification made by inserting indelible ink into the dermis layer of the skin to permanently change the pigment.

TATTOO STUDIO - A place where people receive permanent decorative tattoos from a tattoo artist. Body piercing may also be performed at these facilities.

TAXI SERVICE - A service that provides vehicles for hire with a driver who conveys passengers between locations of their choice for a fee.

TAXIDERMY - The act of mounting, stuffing or reproducing dead animals for display.

TAXIDERMY STUDIO - A place where a taxidermist performs taxidermy.

TEMPORARY FAMILY HEALTH CARE STRUCTURE – A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

TEMPORARY USE - A use that is established with the intent to discontinue such use upon the expiration of the permit and that does not involve the construction or alteration of any permanent structure. See Chapter 7, Temporary Uses for List of Uses.

THOROUGHFARE - Those roadways in Cabarrus County designated as thoroughfares (major or minor) by the North Carolina Department of Transportation (NCDOT) or the Long Range Transportation Plan.

THOROUGHFARE, MAJOR - Primary traffic arteries where the main function is to move traffic in and around the area.

THOROUGHFARE, MINOR - Roads that collect traffic from local streets and carry it to the major thoroughfares.

TIRE RECAPPING - Establishments where worn automobile tires are reconditioned.

TOUR BUS COMPANY - A bus service that takes visitors sightseeing, with routes around tourist attractions.

TOW TRUCK - A vehicle used to transport motor vehicles to another location or to recover vehicles which are no longer on a drivable surface.

TOWING SERVICE - Businesses primarily engaged in pulling or hauling vehicles in the case of breakdowns or collisions or that may be impounded for legal reasons.

TOWNHOUSE - A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit.

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TRADE OR VOCATIONAL SCHOOL - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools.

TRAIL HEAD - Area specifically designated for accessing a recreational trail.

TRUCKING AND HEAVY EQUIPMENT, SALES AND SERVICE - A commercial facility for the maintenance of trucks or their sale, rental or lease, including the sale, rental or lease of heavy equipment.

TRUCKING EQUIPMENT COMPANY, HEAVY EQUIPMENT COMPANY, DISPATCH FACILITY WITH STORAGE - A commercial facility for the dispatch of trucks or heavy equipment which includes the storage of such equipment on site between jobs.

TRUCK STOP, TRUCK TERMINAL - A facility which accommodates the trucking industry by providing fueling stations, weigh stations, restaurants, convenience foods, and occasionally, overnight rooming accommodations. These facilities are typically located near state, federal or interstate highways.

UNDERLYING ZONING DISTRICT - A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UPZONING - The reclassification of land from a residential to a non-residential zoning district, or to a zoning district which permits greater density or intensity than the current zoning classification of the property.

USE - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED - Any use that is or may be lawfully established in a particular district provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE VARIANCE - A variance as to the permissible use of land. A use variance is not permitted under North Carolina law.

UTILITY USE – See Public Service Facility

VARIANCE - A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this Ordinance. Establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

VESTED RIGHT - The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance.

VETERINARIAN - A person rendering surgical and medical treatment to animals which may include overnight accommodations for the animals for purposes of recovery or boarding. Crematory facilities shall not be allowed as part of a veterinarian office or establishment.

WAREHOUSE, ENCLOSED STORAGE - The indoor storage of goods, materials, or merchandise for shipment to or processing on other property with no on site retailing.

WAREHOUSE WITH OUTDOOR STORAGE - The outside storage of goods, materials, or merchandise for shipment to or processing on other property with no on site retailing.

WAREHOUSE, VOLATILE MATERIALS - The indoor or outside storage of materials considered to be volatile, i.e., explosive. Petroleum products, propane, oxygen, dynamite and blasting supplies are among those items considered volatile materials.

WATER TREATMENT FACILITY - Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

WATERSHED - A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission.

WELDING SHOP - Establishments primarily engaged in the process of metal welding or metal repair.

WELLNESS RETREAT, WELLNESS SPA- A retreat, camp or spa where the focus of the facility is physical fitness, holistic care, relaxation, emotional balance, stress reduction and spiritual health. These facilities are typically located in a natural setting where clients enjoy nature and activities related to, or occurring in, the natural setting. Facilities may or may not include overnight accommodations. Day spas may also be included as a part of these types of facilities.

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WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

WIND ENERGY FACILITY- A facility generating electricity, for personal use only, through using a wind turbine or multiple turbines on the same site.

WIND FARM - Large collections of wind turbines that work together to capture wind energy and turn it into electricity.

WIND TURBINE- a device that converts kinetic energy from the wind into electrical power.

WIRELESS TELECOMMUNICATION SERVICES (WTS) - Licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services for non-commercial entities in the amateur radio service, public safety radio service, or licenses assigned to non-profit organizations such as the Red Cross, Civil Air Patrol, or other military affiliated radio services that are licensed by the Federal Communications Commission.

ZONING ADMINISTRATOR - The employee of the Cabarrus County Planning and Development charged with overseeing the administration and enforcement of these regulations and his/her designee(s).

ZONING DISTRICT - Any portion of the area of the County in which the same Zoning regulations apply.

ZONING ENFORCEMENT OFFICER- Zoning Administrator and/or his or her duly authorized representative.

ZONING MAP AMENDMENT, REZONING – A request to change the zoning designation and applicable regulations applied to a specified property or properties.