

10. DEFINITIONS

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ARTICLE 10. DEFINITIONS

The following terms and uses (shown in bold font), when used in this Ordinance, shall have the meaning ascribed to them below.

A

Abandonment

The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut

Touching and sharing a common point or line.

Abutting parcels

Parcels which are directly touching and have common parcel boundaries. Parcels across a public right-of-way from each other are not abutting parcels.

Accessory dwelling unit

A dwelling unit that is accessory, supplementary, and secondary to a single family detached dwelling that may be internal to or attached to the principal dwelling or in a detached structure.

Accessory equipment structure

A building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless support structure or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

Accessory structure

A building or other structure, the use of which is incidental to that of the main building and which is located on the same parcel of property and is customarily used in connection with the main building or other structure. Accessory structures are subordinate in size to the principal (main) building. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building. See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Accessory use

A subordinate Use of a building or other structure, or Use of land which is:

1. conducted on the same Lot as the principal Use to which it is related, and
2. clearly incidental to, and customarily found in connection with, such principal Use.

Addition (to an existing building)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Adjacent

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

Adjoin

Touching at some point.

Administrative adjustment

See Section 2.5.D(3).

Aggregate Caliper Inches (ACI)

The combined total number of inches of existing and proposed trees used to meet a landscape requirement within a required landscape area.

Agriculture

The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. This definition does not include community gardens, feed lots, swine farms, or processing or distribution plants for agricultural products and supplies.

Air transportation and support facilities

All facilities necessary or useful in rendering air transportation service, including without limitation, rights-of-way, bridges, tunnels, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of air transportation service.

Airport

For purposes of Section 3.8.C, Airport Overlay (AO) District, the Concord Regional Airport.

Airport elevation

The highest point of an airport's usable landing area measured in feet from mean sea level. The airport elevation for the Concord Regional Airport is 690 feet above mean sea level.

Airport hazard

Any structure or object of natural growth located on or in the vicinity of a public airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Alley

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

Alteration

Any change or modification in construction or occupancy.

Alteration of a watercourse

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Alternative tower structure

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Amateur radio operator

A person who has been issued a license to operate on the Amateur radio frequencies by the Federal Communications Commission.

Amusement park

A primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal boarding

A facility which regularly offers to the public the service of boarding dogs or cats, or both, for a fee. Such a facility may, in addition to providing shelter, food, and water, offer grooming or other services for dogs and/or cats.

Animal shelter

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

Animal unit

A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or facility shall be determined by adding the animal units for each animal type.

Animation

The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

Antenna

Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Antenna Element Replacement

The replacement of any part or all an antenna or antenna array with a model of the same manufacturer and model type or close specification.

Antenna, Stealth / Stealth Wireless Support Structure

Wireless telecommunication antenna and related equipment and their wireless support structure, if any, designed to blend into the surrounding environment or integrated into the physical structure to which it is attached.

Antenna support structure (amateur radio)

Any structure, tower, pole, mast that supports antennas for amateur radio operation.

Apiary

Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

Appeal of administrative decision

See Section 2.5.D(4).

Applicant

A person who submits an application requesting a development approval or permit authorized by this Ordinance.

Application

A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

Approach, Transitional, Horizontal and Conical Zones

These zones apply to the area under the approach, transitional, horizontal and conical surfaces defined in Federal Aviation Regulations (FAR) Part 77.

Arboretums and botanical gardens

A place where trees, shrubs, or other woody plants are grown, exhibited, or labeled for scientific, education, or passive recreational purposes—but not including the harvest of plants or their produce.

Arborist

A qualified professional who has studied the science or art of cultivating trees especially for ornamental use.

Area of future-conditions flood hazard

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Area of shallow flooding

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Art gallery

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Artisan production

Making or fabrication of crafts or products by an artist, artisan, or craftsman either by hand or with minimal automation and may include educational presentations and direct sales to consumers. This definition includes small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting. This use does not include microbreweries.

Automated teller machine (ATM)

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM is considered a drive-through facility accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

B

Balloon

A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

Bank or financial institution

An establishment that provides retail banking services (banks, savings and loans institutions, credit unions, mortgage lending), or similar financial services to individuals and businesses. This use type does not include check cashing, auto title, or payday loan businesses or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Banner

A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. Flags shall not be considered banners.

Bar

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises. Sandwiches, light meals, snacks, and/or full-service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.

Base flood

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Base flood elevation (BFE)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Base station

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

Basement

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Bed and breakfast establishment

A single-family detached dwelling, that is primarily used for short-term lodging of transient guests, in exchange for compensation. Breakfast is typically served to guests. The owner or operator may live in the bed and breakfast.

Berm

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Best management practices

Methods, measures, practices, schedules of activities, and maintenance procedures to prevent or reduce nonpoint source pollutants, such as those found in stormwater runoff. Best management practices may include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction, best management practices may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional, and technical factors are considered in developing best management practices.

Bicycle Facilities

A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, separated bike lanes, and off-street bicycle paths.

Bicycle Lane (Bike Lane)

A portion of a roadway which has been designated by physical barrier, raised pavement, bollards, striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Path

A hard-surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

Bike rack or bike parking facility

A stationary fixture to which a bicycle can be supported upright, provide two points of contact, and be securely attached (typically using a bicycle lock) to prevent theft; or other specialized structures for the securing and storage of a bicycle.

Bike share station

The component of a bike share system that consists of a bike parking rack where bicycles that are available for use as part of the bike share system are parked and available for use by users. Bike share stations are the most visible components of a bike share system. Bike share stations should be: conveniently located in areas of relatively high volumes of pedestrian traffic and in places that are easy for bicyclists to find, The bike share station should be designed and built consistent with the guidelines outlined in *Bike Share: Station Siting Guide*, by the National Association of City Transportation Officials (NACTO). For many bike share systems, smartphone mapping applications show nearby stations with available bikes and open bike docks.

Block

The land lying within an area bounded on all sides by streets.

Block Face

All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intersecting street shall determine only the boundary of the frontage of the side of the street which it intersects.

Block Length

The distance along a block face between street intersections, measured from street right-of-way on each side.

Block Perimeter

The distance measured along the outside of a block, including all of the block lengths.

BMP

See "best management practices".

Board

The Board of Adjustment.

Board of Adjustment

The Board of Adjustment of Kannapolis, North Carolina. The Board of Adjustment may also be referred to as "the Board" in this Ordinance. (See Section 2.3.C.)

Boarding house

A building containing a single-family detached dwelling where three or more bedrooms are provided for lodging, with or without meals, for compensation. "Compensation" may include money, services, or other things of value.

Broadcasting studio

A facility for the staging and recording of audio or television productions.

Building

Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building Code

The North Carolina State Building Code.

Building Front

The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

Building permit

An authorization to construct a structure as issued by the Cabarrus or Rowan County Building Inspections Department.

Building, Main or Principal

A building which is occupied by, or devoted to, a principal use. In determining whether a building is the principal or primary building, the use of the entire parcel shall be considered.

Build-to zone

The area between the minimum and maximum build-to zone boundaries. The build-to zone extends the entire width of the lot.

Build-to Zone Boundary, Maximum

The line that is a specified distance from the front property line and extends the entire width of the lot, and that delineates the rear-most extent of the build-to zone.

Build-to Zone Boundary, Minimum

The line that is a specified distance from the front property line and extends the entire width of the lot, and that delineates the forward-most extent of the build-to zone.

Built-upon area

Any man-made surface that does not allow water to infiltrate through the surface and into the subsoil. This does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in N.C.G.S. Section 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

Business service center

An establishment primarily engaged in providing a range of office support services, such as document copying and printing services, word processing, services, on-site personal computer rental, and office product sales, and the delivery of parcels (e.g. Federal Express service).

C**Caliper**

A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

Canopy

A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as an awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies.

Camping

Temporary, non-commercial use of land for sleeping or living outdoors, typically in tents, vehicles, or temporary shelters.

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.

Catering establishment

An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. This use includes a commercial kitchen. Consumption of food or beverages by customers is not permitted on the premises.

Cemetery

A place used for the permanent interment of dead human bodies (or their cremated remains) or pet animal bodies (or their cremated remains). A memorial garden located on the premises of a place of worship where only the ashes of deceased persons or pets may be scattered or placed, is not a cemetery. A cemetery includes a burial park for earth interment, a mausoleum, and a columbarium.

Centerline

The true centerline of a street right-of-way that has been fully dedicated to the required width.

Certificate of compliance

See Section 2.5.C(2).

Certificate of nonconformity adjustment

See Section 2.5.E(4).

Certificate of occupancy

A certificate issued by a building official representing 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 land to another principal use of the building or land, whether or not there is an increase in the size of the existing building or extent of the use of the land.

Channel

A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

Check cashing, auto title, or payday loan business

An establishment that primarily accepts or cashes, for compensation, a payment instrument regardless of the date of the payment instrument and/or provides cash advances or small loans, sometimes in exchange for a vehicle title. This use does not include activities undertaken by any bank, trust company, savings bank, savings and loan association, or credit union, as long as that institution has a branch that accepts deposits in the state; or any subsidiary or affiliate of an institution described in part. Additionally, this use does not include a business in which a customer presents a payment instrument for the exact amount of a purchase; or involve foreign currency exchange services or the cashing of a payment instrument drawn on a financial institution other than a federal, state, or other state financial institution.

Childcare center

A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Childcare center includes family childcare homes and any other childcare arrangement not excluded by N.C.G.S. § 110-86(2), that provides childcare, regardless of the time of day, wherever operated, and whether or not operated for profit.

Childcare does not include the following:

1. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
2. Recreational programs operated for less than four consecutive months in a year;
3. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
4. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
5. Public schools;
6. Nonpublic schools described in N.C.G.S. § 115C that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility for less than six and one-half hours per day, either on or off the school site;
7. Bible schools conducted during vacation periods;
8. Care provided by facilities licensed under N.C.G.S. Article 2 of Chapter 122C ;
9. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
10. Any childcare program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

City

The City of Kannapolis, North Carolina.

City Clerk

The City Clerk of the City of Kannapolis, North Carolina.

City Council

City Council of the City of Kannapolis, North Carolina.

City Engineer

The City Engineer of the City of Kannapolis, North Carolina.

City right-of-way

A right-of-way owned, leased, or operated by the City of Kannapolis, including any public street or alley that is not a part of the State highway system.

City utility pole

A pole owned by the City of Kannapolis in the City right-of-way that provides lighting, traffic control, or a similar function.

Civic, social, or fraternal organization

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

College or university

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, and that is approved by a national association of colleges and universities. It may include classrooms, offices, student bookstores, performance facilities, dormitories, athletic facilities, and similar uses used to support educational activities.

Collocation

For purposes of Section 4.2.D(4)a.1, Wireless Support Structure, Collocation of Antenna on Existing Structure, the placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, City utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

Combination retail

A department store that exceeds 75,000 square feet of which a minimum of 60 percent of the floor space is used as a department store, that also incorporates a drug store or pharmacy and a full line of groceries. This use does not include the principal uses of grocery store or food market, department store, drug store or pharmacy.

Combined development

Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

Commercial fuel depot

An unattended, automated fuel dispensing facility that dispenses fuel to businesses and organizations that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service, or vending operations.

Commercial message

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial parking (as a principal use)

An off-street, hard-surfaced, ground level area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of motor vehicles. A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking use.

Commercial vehicle

For purposes of Section 4.3.D(17), Outdoor Storage, any of the following:

1. A vehicle with more than two axles;
2. A vehicle used in the transport of hazardous materials that requires the vehicle to be placarded under Title 49 of the Code of Federal Regulations, Part 172, Subpart F;
3. Construction vehicles designed for off-road usage such as bulldozers, excavators, and other similar equipment; or
4. A vehicle requiring the driver to have either a Class A or Class B North Carolina Driver's License or the equivalent.

Commercial vehicle sales and rentals

Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

Commercial vehicle service and repair

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included in this commercial vehicle service and repair use category.

Common Ownership

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of their family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Communications facility

The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

Communications tower

See "wireless support structure".

Communications service

Cable service as defined in 47 U.S.C. § 522(6) (The one-way transmission to subscribers of video programming, or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service), and information service as defined in 47 U.S.C. § 153(24) (The term "information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service), and telecommunications service as defined in 47 U.S.C. § 153(53) (The term "telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used), or wireless services.

Communications Service Provider

A cable operator as defined in "Communications Service" and 47 U.S.C. § 522(5); a provider of information service, as defined in "Communications Service" and 47 U.S.C. § 153(24); a telecommunications carrier, as defined in "Communications Service" and in 47 U.S.C. § 153(51); or a wireless provider.

Community garden

A place for cultivation of vegetables, fruits, flowers, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more persons or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community recreation center

A facility operated by a public or nonprofit entity for the provision of social and recreation programs and facilities. The facility may be designed to accommodate and serve specific residential developments or significant segments of the community, and may include meeting rooms, game rooms, club houses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not include commercial recreation/entertainment establishments, which are categorized in the Recreation/Entertainment category.

Composting (small-scale)

An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

Composting facility

A facility where organic matter derived primarily off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Comprehensive Plan

The Comprehensive Plan adopted by City Council to address growth and development in and around Kannapolis. For purposes of this Ordinance, the Comprehensive Plan includes the various functional and small area plans adopted by City Council.

Conditional zoning

See Section 2.5.A(3).

Conference or training center

A facility designed to accommodate fewer than 2,500 persons and used for conferences, seminars, product displays, recreation activities, employment, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Connectivity ratio

The ratio of the street links to nodes as prescribed in Section 5.1.C(6)b, Street Connectivity.

Consent agreement

A regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in this Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes. A consent agreement contains an integrated development scheme for a particular phase or phases of development approval, maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Ordinance.

Construction-related temporary structure

A temporary structure, facility, or space associated with the staging, management, and/or security of new construction—including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site.

Consumer goods establishment

An establishment that sells consumer goods at retail, such as apparel and accessory stores; bicycle sales, rental, service, or repair shops; convenience stores; department stores; drug stores or pharmacies; florist and gift shops; hobby and craft shops; home, building, and garden supplies stores; monument or headstone sales establishments; and similar uses.

Apparel and accessory store

Retail stores primarily engaged in selling new clothing, shoes, hats, underwear, and related articles for personal wear and adornment. This includes custom tailors carrying stocks of materials.

Bicycle sales, rental, service, or repair shop

An establishment engaged in the sales, rental, service, or repair of bicycles.

Convenience store

A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Any food service facilities will be considered as a restaurant. These stores are not permitted to sell gasoline or other motor fuels.

Department store

A general merchandizing store offering a variety of unrelated goods and services that may include clothing, housewares, furniture, body products, and specialty items.

Drug store or pharmacy

An establishment engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, and limited food and household items. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Florist or gift shop

Establishments primarily engaged in the retail sale of flowers, plants, cards small gifts, and other similar items.

Hobby and craft shop

A retail store primarily selling craft and model supplies.

Home, building, and garden supplies store

An establishment primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, appliances, hardware and lawn and garden supplies.

Monument or headstone sales establishment

An establishment primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone, or engaged in buying or selling monuments or headstones for use in cemeteries or mausoleums.

Specialty food store

An establishment that offers specialty food products at retail, such as meat, seafood, produce, artisanal goods, baked goods, pasta, cheese, confections, coffee, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products. A food market may sell beer and wine for consumption off the premises with the appropriate beverage license; may include a delicatessen and/or bakery, and prepare minor amounts of food on site for immediate consumption. A specialty food store is prohibited from selling gasoline or other motor fuels.

Contiguous

Bordering or adjoining, meeting or joining at the border or surface.

Contractor's yard

A use involving the outdoor storage of materials, supplies, and equipment by building, heating/air conditioning, plumbing, electrical or other development contractors as the principal use on a lot. Accessory uses may include offices.

Convey

To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

Cooperative house

A building used for living quarters by more than four persons sharing the costs of operation. A cooperative house is, in general, nonprofit, communal, and self-governing, with residents of the house pooling their monetary and personal resources to create a community style home with shared operation and governance of the house.

Correctional institution

A place of confinement or incarceration, including places requiring overnight stays only, for persons who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

Corridor

A street or roadway identified as a principal link or gateway within the community.

County

Cabarrus County or Rowan County, North Carolina.

Courtyard

A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

Crematory

A facility containing furnaces for the reduction of dead bodies—either human or animal—to ashes by fire.

Critical Root Zone (CRZ)

A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree’s survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.

Critical Zone

A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning 200 feet from the end of the pavement, which is critical to aircraft operations in that it is more apt to have accidents within it because of the take-off and landing mode of aircraft in that particular area.

Cul-de-sac

A short, dead-end street terminating in a vehicular turn-around area.

Cultural facility

A facility for storing, using, loaning, and occasionally selling literary, historical, scientific, musical, artistic, or other reference materials (e.g., library), or for displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences to the public (e.g., museum). Accessory uses include offices and storage facilities and meeting rooms.

Curb

A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

D

Data center

An establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web-hosting, application hosting, streaming services, and related services.

DBH

See "Diameter-at-breast-height".

Decision maker

The agency, official, or entity authorized to render a final decision which approves, approves with conditions, or denies an application for development approval.

Dedication

A gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

Developer

A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

Development

The division of a parcel of land into two or more parcels; the construction, reconstruction conversion, structural alteration, relocation, or enlargement of any structure; any mining, drilling, dredging, filling, excavation, clearing of roadways or building sites, landfill, or land disturbance; and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single-family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated into this Ordinance, and any of the following activities:

- Change of use;
- Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling, or otherwise significantly disturbing the soil of a site;
- Building, installing, enlarging, replacing, or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials;
- Removal of vegetative cover, such as site clearing or the removal of specimen trees or significant stands of trees;
- Erection of a permanent sign;
- Any activity increasing the minimum off-street parking requirements for the site under this Ordinance; or
- Construction, elimination or alteration of a driveway onto a public street.

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Development approval or permit

Any approval or permit for which there is a procedure in Section 2.5, Application-Specific Review Procedures and Standards.

Diameter-at-breast-height

The diameter of a tree trunk measured in inches at a height 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split. Diameter-at-breast-height may be abbreviated as DBH.

Digital flood insurance rate map (DFIRM)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Director of Engineering

The Director of Engineering of the City of Kannapolis, North Carolina.

Dish antenna

A dish antenna, which is also referred to as an earth station, is defined as an accessory structure that includes the following: (1) An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) A low-noise amplifier, which is situated at the focal point of the receiving component and whose purpose is to magnify the transfer signals; and (3) A coaxial cable whose purpose is to carry the signals into the interior of a building.

Dog park

A park for domesticated dogs to exercise and play off-leash (many times with other dogs) in a controlled and fenced environment under the supervision of their owners.

Dormitory

A building that contains bedrooms for students attending a college or university. Each bedroom shall have an individual private bathroom with a bath or shower. Bedrooms may be arranged around a common area with a kitchen which is shared by students renting the bedrooms, or along a hall which provides access to a common kitchen space. Bedrooms are typically rented to the student on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, parking areas, and similar accessory uses.

Down-zoning

A amendment to the Official Zoning Map or the text of this Ordinance that affects an area of land by decreasing the permitted development density of the land to be less dense than was allowed under its previous usage, or that reduces the permitted uses of the land under this Ordinance to fewer uses than were allowed under its previous usage.

Drive-through facility

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or through a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, and drugstores.

Driveway

A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

Dry-cleaning service

A business where retail customers drop off or pick up laundry or dry cleaning. Cleaning processes may not take place on-site.

Duplex

A residential structure located on one lot and containing exactly two dwelling units that, when arranged side-by-side, are separated from each other by an unpierced wall extending from ground to roof. The units shall be attached and one story, or stacked vertically with one dwelling unit located on top of the other.

Dwelling

Any building which contains one or more dwelling units used, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

Dwelling unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E**Easement**

A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

Electric vehicle charging station

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current circuit.
- A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

Electronic gaming operation

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic devices, including, but not limited to computers and gaming terminals, to conduct games of skill or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, internet sweepstakes café, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

Electronic message board

A sign which displays messages, such as time and temperature, in alternating light cycles.

Elevated building

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Encroachment

For purposes of Section 3.8.D, Floodplain Protection Overlay (FPO) District, only, the advance or infringement of uses, fill, excavation, buildings, structures, or development into a Special Flood Hazard Area, which may impede or alter the flow capacity of a floodplain.

Eligible facilities request

A request for modification of an existing wireless support structure or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Enlargement

An increase in size or addition to the floor area of a building or structure, or an increase in the portion of a building, structure, or land area occupied by an existing Use.

Equestrian center

A facility designed and intended for the keeping or boarding of horses; or teaching and display of equestrian skills, including but not limited to, show jumping and dressage, and the hosting of events, competitions, exhibitions, or other displays of equestrian skills. Accessory uses include the caring for, breeding, boarding, dealing, selling, renting, riding, or training of equines. It includes barns, stables, rings, paddocks, or other related accessory structures.

Equipment compound

An area containing accessory equipment surrounding or near the base of a wireless support structure within which a wireless facility is located.

Erect

To build, construct, attach, hang, place, suspend, affix, and/or apply.

Event Center

Premises which are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at time other than when an event is scheduled.

Excavation

The removal of soil, rock, or other inert matter from a land area.

Expansion of existing antenna array

The addition of an antenna or antenna array with a new manufacturer and/or model type and/or increases the bandwidth of the antenna or antenna array.

F

Façade

The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Fall zone

The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Family

An individual; or two or more persons related by blood, marriage, or law; or a group of not more than any five persons living together in a dwelling unit. Employees that provide basic household services to and share common housekeeping facilities with any family consisting of an individual or two or persons related by blood, marriage, or law, are a part of the family.

Family care home

A care 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 (6) disabled persons. Family care homes are subject to licensure by the North Carolina Department of Health and Human Services, Division of Health Service Regulation.

Farmers' market (as a principal use)

A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products, or for the sale of baked, canned, or preserved foods. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for a limited time period during the year, it is considered a temporary use.

Farmers' market (as temporary use)

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural products grown by the vendor, value-added items produced by the vendor from agricultural products, or for the sale of foods prepared by the vendor. If the farmers' market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use. Operations generally meeting the definition of a temporary farmers' market, but that are open fewer than four days per year, shall be construed as a "garage or yard sale (which is a temporary use)."

Feed Lot

A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals that is either specifically designed as a confinement area using a liquid animal waste management system or having a concentration of animals such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, within a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance.

FEMA

The Federal Emergency Management Agency.

Fence

A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

Festoon lighting

A string of outdoor lights suspended between two or more points.

Fill

Deposit of soil, rock, or other material which creates an obstruction or increases surface elevation.

Fire Code

The North Carolina Fire Prevention Code.

Flag

Any fabric, banner, or bunting that is wider than it is tall and is attached at one side to a pole for the purpose of attracting attention.

Flea market (as temporary use)

The temporary and occasional collection of vendors using stalls, booths, or tables on property owned by a public agency or a not-for-profit organization for the sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and non-portable household appliances.

Fleet terminal

A building or a portion of a building wherein calls are received for the dispatch of vehicles to perform services including, but not limited to, couriers, deliveries, security, locksmiths and taxis. No storage of commercial vehicles used in providing such services is allowed on site.

Flood

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood boundary and floodway map (FBFM)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood hazard boundary map (FHBM)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood insurance

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood insurance rate map (FIRM)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood insurance study (FIS)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood zone

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodplain

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodplain administrator

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodplain development permit

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodplain management

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodplain management regulations

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodproofing

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Flood-resistant material

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodway

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floodway encroachment analysis

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Floor area

The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls, excluding any basement floor, interior balconies and mezzanines, elevator shafts and stair wells, and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

Floor area ratio (FAR)

The building floor area divided by the gross area of the lot.

Forestry

Managing and using lands and natural resources that occur on and in association with forests, or with reforested vacant properties, including trees, other plants, soil and water. This use includes but is not limited to the planting, cultivating, harvesting, transporting, and selling of trees.

Fortune telling establishment

An establishment primarily engaged in attempts to tell fortunes or predict the future (for pay or voluntary contributions) by means of occult or psychic powers, faculties, or forces; necromancy, palmistry, psychology, psychic psychometry, spirits, medium-ship, seership, prophecy, cards, talismans, sorcery, charms, potions, magnetism, tea leaves, magic, numerology, mechanical devices, handwriting analysis, phrenology, character readings, or any other similar means.

Freeboard

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Front

Any public street frontage, not including alleys.

Frontage

The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line.

Functionally dependent facility

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Funeral home or mortuary

A building used for human funeral services. A funeral home or mortuary may contain facilities for:

1. Embalming and other services used in the preparation of the dead for burial;
2. Cremation;
3. The display of the deceased;
4. The performance of ceremonies in connection with a funeral;
5. The performance of autopsies and similar surgical procedures;
6. The sale and storage of caskets, funeral urns, and other related funeral supplies; and
7. The storage of funeral vehicles.

G

Garage or carport

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage or carport is accessory. It shall not include the parking or temporary storage of a delivery or truck motor vehicle having a capacity in excess of one ton.

Gas and heating oil sales

Any building or premises used for the dispensing or sale of natural gas or heating oil.

GFA

See "Gross floor area".

Golf course, Public or private

An area of land laid out for playing golf. Accessory uses may include driving ranges, putting greens, a club house, a pro shop, concessions for serving food and refreshments to members and guests, maintenance buildings, and other accessory facilities directly related to golf.

Government offices

Offices for any department, commission, independent agency, or instrumentality of the United States, the state, the county, the City, or another municipal government authority, district, or other governmental unit.

Grade

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer to the building. The term "grade" also includes a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer to the building.

For the purposes of the sign regulations in this Ordinance, grade is defined as the uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest city or state street curb.

Grade, finished

The level of the soil after completion of site development.

Grade, natural

The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

Grading permit

See Section 2.5.C(7), Grading Permit.

Green roof

See "Vegetated roof".

Greenhouse

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

Greenway

A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Grocery store

An establishment that sells a wide variety of goods organized in departments, including but not limited to fresh produce, meat and dairy, canned and packaged food items, small household goods, beer and wine, and similar items, with more than 50 percent of the gross floor area devoted to the sale of food products for home preparation and consumption.

Gross floor area

The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. Gross floor area may be abbreviated as "GFA".

Groundwater

Subsurface water within and below the zone of continuous saturation.

Gutter

A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

H

Hazardous waste collection and disposal

A facility principally used for the processing, storage, or disposal of solid waste which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste management facility

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Height

For purposes of, For the purpose of determining the height limits in all zones set forth in Section 3.8.C, Airport Overlay (AO) District, and shown on the zoning map, the datum shall be mean sea level elevation, unless otherwise specified.

Highest adjacent grade (HAG)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Historic building

Any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.

Holiday decorations

Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature, and which contain no commercial message.

Home occupation

An occupation, profession, or business activity conducted entirely within a dwelling unit by a member of the family residing the dwelling unit, that is incidental and subordinate to the use of the dwelling unit for dwelling purposes.

Home occupation permit

See Section 2.5.C(5).

Homeowners' association

An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

Hospital

An institution receiving inpatients and providing medical care on a 24-hours-per-day basis. The term includes general hospitals, sanitariums, sanatoriums, and institutions in which service is limited to fields of specialization, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin, cancer, mental, tuberculosis, chronic disease, and obstetrics. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult day care, respite care, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses. A hospital does not include medical or dental offices or clinics, nursing homes, family care homes, or residential care facilities.

Hotel or motel

A building or group of buildings providing lodging accommodations to paying guests in individual guest rooms or suites, that may include related services and facilities including but not limited to: linen/housekeeping services, meeting rooms, ballrooms, beverage rooms, swimming pools, fitness facilities, and food services.

Hunting or fishing club

Private organizations of persons for hunting, fishing, and related outdoor activities. A private hunting and fishing club or lodge is characterized by membership qualifications, dues, and/or regular meetings, excluding clubs operated for profit.

I**Illumination, indirect**

Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

Illumination, internal

Illumination provided from a source located inside or within the face of the sign.

Impervious surface

Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. This does not include a slatted deck, the water area of a swimming pool, green roofs, or pervious surfacing designed to allow water to penetrate in the soil or other substrate.

Improvements

Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with this Ordinance, including any conditions of approval.

Individual establishment or business

A single establishment or business occupying one or more buildings designed to function as a single enterprise which does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

Industrial launderers

An establishment where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. The use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

Industrial services establishment, General

An establishment engaged in the repair or serving of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory uses may include retail sales, offices, and storage.

Infill development

The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

Integral unit

Any items, equipment, or machinery which is assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

Interpretation

See Section 2.5.E(1).

Junk/Salvage yard

An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or ruined, or dismantled motor vehicles or motor vehicle parts. This use includes any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

Kennel

An establishment that engages in boarding, breeding, buying, grooming, letting for hire, training (for a fee), or selling of dogs or cats, excluding pet daycare and grooming, boarding, and veterinary hospitals or clinics.

L

Land disturbing activity

Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Landowner

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner.

Landscape

An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

Large Retail Establishment

For the purposes of Section 5.7.F, Large Retail Establishment Form and Design Standards, a single-tenant building (including but not limited to those with a combination retail use) having a gross floor area of 75,000 square feet or more and devoting 60 percent or more of the total floor area to retail sales activities.

Lattice tower

See “wireless support structure or tower, lattice”.

Laundromat (as accessory use)

An establishment where coin-operated or pay-per-use automatic washing machines, clothes dryers, or dry-cleaning machines are provided for use as accessory to a principal use.

Laundry, Self-service

A facility that provides coin-operated washing, drying, dry-cleaning, and/or ironing machines for hire, to be used by customers on the premises.

LDSM

The Land Development Standards Manual for the City of Kannapolis. The LDSM is published by the Engineering Department.

Letter of map change (LOMC)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Limited fuel/Oil/Gas distribution

The distribution, for compensation, of fuel oil or bottled gases such as propane or liquid petroleum in containers no greater than five gallons in volume.

Liquor sales (ABC store)

A store which sells or offers to sell alcoholic beverages, as defined in state statutes.

Livestock

Any of the following animals, whether used for personal enjoyment or for commercial purposes: horses and other ungulates, cattle and other bovine animals, ostriches, emus, rhea, and other species that the Planning Director determines to be of similar size and weight and to have similar impacts on the land.

Livestock auction sales

An area or facility at which livestock are offered for sale through retail sales or an auction.

Live-work unit

A building or portion of a building combining a dwelling unit for one or more persons with an integrated work space principally used by one or more of the dwelling unit residents.

Loading space

An area for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel.

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, 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 into two or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Lot frontage

The distance which a lot abuts on a street.

Lot line

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

Lot line, Front

The boundary line running along the front of a lot and separating it from the street. For undeveloped lots, the landowner has the option to request, and the Planning Director may assign, lot line that shall be considered the 'front' so long as the structure to be constructed on said lot shall have its front facing the same lot line. For the purposes of applying setbacks to existing developed lots, the front lot line shall be defined as the lot line with the shortest amount of street frontage.

Lot line, Rear

A lot line connecting the lot's interior side lot lines, or an interior side lot line and a street side lot line, along the edge of the lot opposite its front lot line.

Lot line, Side

A lot line connecting the lot's front and rear lot lines.

Lot, corner

A lot having frontage on two intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets generally contain an angle less than 135 degrees. In the case of a curved corner, the corner of the lot shall be that point on the lot line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

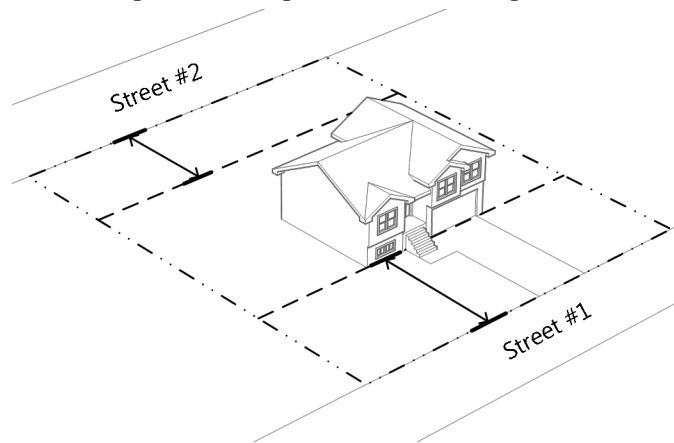
Lot, flag

A lot having no frontage or access to a street or place except by a narrow strip of land.

Lot, through (Double frontage lot)

An interior lot having frontage on two non-intersecting streets.

Figure __: Through Lot (Double Frontage Lot)



Lowest adjacent grade (LAG)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

M

Major subdivision

See Subdivision, Major.

Manufactured home

A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a single dwelling unit with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles.

Manufactured home park or subdivision

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Manufacturing, assembly, or fabrication, Heavy

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. Uses may generally include manufacturing of concrete, clay, synthetic stone, stucco, and brick products, paper products, petroleum, asphalt, coal, and manufactured homes, sawmills, primary metal processing, animal slaughtering and processing, and fabricated metal product manufacturing.

Manufacturing, assembly, or fabrication, Light

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place. Such processes shall be housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products (such as woodworking, metalworking, or printing), predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land areas.

Manufacturing, assembly, or fabrication, Medium

The assembly, fabrication, or processing of goods and materials using processes that ordinarily create minimal noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Uses may generally include manufacturing of abrasive products, chemicals, equipment, plastics and rubber, lime and gypsum, mineral wool/fiberglass insulation, large-scale home furniture, glass products, and cut stones.

Map repository

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Medical or dental lab

Facilities and offices for performing services to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or a medical or dental condition. Such services include, but are not limited to, the examination of bodily fluids or tissues and the production or repair of prosthetic dentures, bridges, or other dental appliances. Such facilities may be a part of doctor's or dentist's office.

Medical or dental office or clinic

A small-scale facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics, and hospice facilities. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, or massage therapy establishments.

Microbrewery

An establishment where beer and other malt beverages are manufactured on premise and then sold, to consumers at the brewery, to wholesalers, to retailers, and to exporters in accordance with state statutes.

Micro wireless facility

A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Mining/Extraction uses

The extraction of materials from a quarry or mine, and related activities.

Minor subdivision

See Subdivision, Minor.

Mitigation

The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

Mixed-use development

A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

Mobile food vending

A service establishment operated from a licensed and moveable vehicle (with or without an attached trailer), a portable vending cart, or mobile food stand that sells food and/or drink processed or prepared on-site to walk-up customers.

Model sales home/unit

A dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in a particular residential development, that is located within that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

Monopole tower

See “wireless support structure or tower, monopole”.

Motor freight facility

An area and related buildings where trucks load and unload cargo or containers on a regular basis, and where the cargo or containers are stored before and after transfer to other sites. This use may include parking and storage areas for trucks and buildings and areas for the repair of trucks associated with the terminal.

Multifamily dwelling

Any structure containing four or more dwelling units, with at least two of the units located on the same lot. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.

Multi-phased development

A development containing 25 acres or more that is submitted for development permit approval to occur in more than one phase and that is subject to a master development plan through a PUD or conditional zoning district with committed elements showing the type and intensity of use of each phase. A multi-phased development is vested for a period of seven years from the time a site plan approval is granted for the development’s initial phase, in accordance with N.C.G.S. § 160D-108(f).

Municipality

An incorporated city or town.

Mural

A work of art painted, drawn, or printed on an exterior surface of a building that does not contain a message advertising a business conducted, service rendered, event scheduled, goods produced or sold, or other commercial message.

N

N.C.G.S.

The North Carolina General Statutes.

Natural resource

Natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NCDOT

The North Carolina Department of Transportation.

Net floor area

The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or services areas.

Nightclub

An establishment that serves alcoholic beverages, provides live entertainment or uses a disc jockey, with a dance floor, and operates late in the evening, beyond the standard restaurant operating hours.

NIT

A unit of illuminative brightness described as a candela per square meter (cd/M²).

Non-encroachment area (NEA)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Nonprecision instrument runway

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Nursing home

A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

O

Office, Contractor

An office used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building.

Office, General business or professional

Establishments used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including conducting the affairs of professionals, administration, business incubation, research and development, publishing (not including the printing of publications, which is categorized under “manufacturing, assembly, or fabrication, light”), employment services, call centers, record keeping, clerical work, and similar business functions. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, newspaper or candy stands.

Off-street parking/driveway (as accessory use)

A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

Outdoor display of merchandise (as accessory to a retail sales use or wholesale sales)

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor sales

Temporary display and sales of products or materials for sale outside the entrance of a retail sales establishment.

Outdoor seating/activity area (as accessory to an eating or drinking establishment use)

The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

Outdoor storage (as a principal use)

An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

Outdoor storage area

An area that provides for outdoor storage of machinery and equipment, not including vehicles.

P

Panel

The primary surface of a sign that carries the identifying/advertising message.

Parcel

An area of land defined by a legal description and recorded with the Register of Deeds.

Park or greenway

A park consisting of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A public park that includes athletic fields, swimming pools, playgrounds, and similar facilities is included in this definition. A greenway is a linear park that links various parts of the community with facilities such as bicycle paths and footpaths.

Parking bay

The parking module consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Parking facility (as an accessory use)

An off-street, hard-surfaced, area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of motor vehicles associated with the principal use of the lot (for residents,

employees, customers, visitors, etc.). A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

Parking lot

Any improved area designed primarily for off-street surface parking and circulation of motor vehicles. Parking areas do not include parking structures or individual driveways for single-family, duplex, and triplex dwellings.

Parking space

A space designated for the parking or temporary storage of one motor vehicle, that is located outside of a street right-of-way, driveway, or aisle, and that provides ingress and egress of a motor vehicle to a street.

Parking structure

A building that has two or more tiers or levels used for short-term storage of motor vehicles.

Passenger terminal, Surface transportation

Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This use does not include bus stops and bus shelters, which are classified under "Utility, minor."

Pawnshop

The location at which, or premises in which, a pawnbroker, as defined by state statutes, regularly conducts business.

Pedestrian way

Any sidewalk, greenway, or other pathway designed for use by pedestrians.

Pennant

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Performing arts center

One or more adjoining structures housing one or more of the following uses: theaters or performance space for dramatic, dance, or musical productions; schools, training centers, or practice space for artists; cinemas; and accessory office, storage, or workplace areas for any such uses. Accessory uses may also include other nonresidential uses serving patrons.

Person

Any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal grooming or well-being service

A barbershop, beauty salon, or massage, nail care, or similar establishment. This term does not include a health club or pet grooming.

Personal or household goods repair

An establishment primarily engaged in the provision of repair services for computers, TVs, audio equipment, bicycles, clocks, watches, shoes, guns, canvas products, appliances, office equipment, or similar products.

Personal vehicle sales and rentals

Establishments that provide for the sale or rental (including auctions) of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles. Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

Personal vehicle service and repair

An establishment that repairs, installs, cleans, or maintains the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles, or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles.

Pet care service

The care (for a fee) associated with a household pet belonging to people not residing on the premises, that can include washing, manicuring of coat and nails, and daycare. It shall not include the breeding, training, overnight boarding, offering for sale, or the provision of medical treatment of any kind to any pet.

Dog daycare facility

A facility where dogs may socialize and be groomed, trained, and/or exercised, and socialized during the day, for compensation, but not kept overnight, or bred, sold, or let for hire.

Planned development

See Section 2.5.A(4).

Planning and Zoning Commission

The Planning and Zoning Commission of Kannapolis, North Carolina. The Planning and Zoning Commission may also be referred to as "the Commission" in this Ordinance. (See Section 2.3.B.)

Planning Director

The Director of the Planning Department of Kannapolis, North Carolina.

Pocket neighborhood development

A clustered group of single-family dwellings oriented around a common open space.

Portable shipping container

A large metal or wooden container, typically intended for transport by a large truck, train, or ship, that is used for the temporary storage and/or transport of personal property.

Post office

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States mail.

Poultry

Hens and roosters, geese, ducks, pheasant, quail, and other bird species that the Planning Director determines to be of similar size and weight and to have similar impacts on the land.

Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military layout plan; any other FAA planning document, or military service's military airport planning document.

Prefabricated building sales

An establishment that is primarily engaged in the sales or leasing of manufactured homes, modular homes, or storage buildings manufactured off-site. The establishment generally includes display areas and a sales office, and may offer installation services.

Primary surface (runway)

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared

hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be width prescribed Federal Aviation Regulations (FAR) Part 77 of the for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

Principal building or structure

The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Principal use

The main or primary use of a parcel of land.

Principally above ground

At least 51% of the actual cash value of the structure is above ground.

Private recreation facility (as accessory to a residential development)

A private recreational facility for use solely by the residents and guests of a particular residential development, including multifamily and mixed-use developments.

Produce stand (as accessory use to community garden)

A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

Public

Anything owned or operated by the federal government, state government, or any political subdivision.

Public assembly, indoor

Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoriums, convention centers, conference centers, places of worship, and theaters, including kitchen for the preparation of food to be consumed at the premises.

Place of worship

A structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, and cooking and eating facilities.

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.

Publishing facility

A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

R

Rail transportation support facility

All facilities necessary or useful in rendering rail transportation service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

Rainwater cistern or barrel

A catchment device to capture rainwater from a roof or other surface before it reaches the ground, which may be either above or below ground level.

Recreation facility, Indoor

A facility for indoor recreation or entertainment-oriented activities by patrons or members, such as: amusement arcades, amusement centers, aquatic centers, cinemas, health and fitness facilities, recreation courts, skating facilities, and similar uses. Accessory uses may include snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal indoor recreation uses.

Amusement arcade

An indoor commercial establishment which provides as the principal use, amusement devices or games of skill or chance, such as pinball and video games. This term shall not include establishments where amusement devices and games are accessory uses which either do not involve more than fifteen percent of the gross floor area of the establishment or involve more than two devices or games, whichever results in the greater number of games.

Amusement center

A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

Aquatic center

A complex with facilities for water sports, including swimming pools.

Cinema

A motion picture theater that is a building or part of a building, and is devoted to showing motion pictures. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

Health and fitness facility

An indoor establishment, including saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic dancing, indoor track, swimming pools, and massages. Accessory uses may include changing areas, showers, bathrooms, concessions, a restaurant, and offices for personnel who work at the facility.

Recreation court (indoor)

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Skating facility (indoor)

An indoor facility, the use of which is primarily devoted to ice or roller skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

Recreation facility, Outdoor

A facility for outdoor recreation or entertainment-oriented activities by patrons or members such as: archery or baseball batting cages, athletic fields, miniature golf course, recreation courts, swimming pools, and similar uses. Outdoor recreation facilities may include accessory uses such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the outdoor recreation facility.

Archery or baseball batting cage

An outdoor area used for archers to practice the skill of archery or baseball or softball players to practice the skill of batting.

Athletic field (private)

A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

Miniature golf course

A recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

Recreation courts

An outdoor area used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Swimming pools (as a principal use)

A constructed pool at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit.

Recreational vehicle

For purposes of Section 4.3.D(17), Outdoor Storage, campers, travel trailers, motor homes, and similar vehicles used for traveling and recreational activities. See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Recycling collection center

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes conducted totally within an enclosed structure or container. This definition does not include processing except for can banks that crush cans as they are deposited.

Recycling plant

A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Reference level

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Register of deeds

The Cabarrus County or Rowan County Register of Deeds.

Regulatory flood protection elevation

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Residential care facility

A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include dependent and/or independent living facilities, group homes (N.C.G.S. 131D), residential child-care facilities (N.C.G.S. 131D-10.2), assisted living residences (N.C.G.S. 131D-2), adult care homes (N.C.G.S. 131D2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services, and orphanages. This term excludes family care homes and nursing homes.

Restaurant

An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas. Food and beverages are generally consumed on-site. In districts where it is allowed, drive-through service may also be provided.

Restaurant, Carryout

An establishment primarily engaged in the preparation of food and beverages for consumption off the premises. Carryout restaurants generally include facilities for customers to pick-up prepared food and beverages in person, which may include limited seating in waiting areas, and may also provide delivery service.

Retaining wall

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

Riverine

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Rural retreat

A use, compatible with agriculture and/or open space, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, or education and training related to such advances and services. Rural corporate retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural corporate retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities.

S

Satellite dish antennae or Satellite dish

A parabolic antenna designed to receive electromagnetic transmissions from a satellite.

School, Private, charter, or parochial

An educational institution operated by an entity other than a public school district that offers a program of high school, middle school (or junior high school), and/or elementary school (including kindergarten or pre-kindergarten) instruction meeting state requirements for a school. Such uses may include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

School, Public

An educational institution operated by a public school district that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten or pre-kindergarten) instruction meeting state requirements for a school. Such uses may include classrooms, laboratories, auditoriums, libraries, cafeterias,

after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

School, Technical or trade

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, cosmetology, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes, and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution. The school does not provide lodging for students or faculty.

Search ring

The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Seasonal sale

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale of decorative items that are, by their nature, in particular demand during a relatively short peak season—this includes but is not limited to the sale of Christmas trees, pumpkins, flowers, and plants.

Self-Service Storage

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. This use does not include the storage of explosive, corrosive or noxious materials, or materials that generate as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to humans, other organisms, or properties.

Sewage

The liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.

Sewage treatment facility, Private

A facility for sewage treatment and disposal that is not owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility. This use does not include septic system serving a single dwelling.

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 state statutes. A sexually-oriented business includes any adult establishment.

Adult bookstore

A bookstore (1) that receives a majority of its gross income during any calendar month from the sale of printed and/or video materials/publications (including but not limited to videocassettes, books, and magazines) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or (2) having as a preponderance of its printed and/or video materials/publications materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

Adult establishment

An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or massage business as defined in this section.

Adult live entertainment business

An establishment or business where adult live entertainment is shown for observation by patrons; or any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

Adult motion picture theater

An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or described anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theater does not include any adult mini-motion picture theater as defined in this section.

Adult mini-motion picture theater

An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

Massage

The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage business

An establishment or business where massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. Massage therapy establishments shall be excluded from these provisions provided the applicant is a therapist licensed by the state.

Sexually oriented devices

Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities. It shall not mean any contraceptive device.

Specified anatomical areas

Less than completely and opaquely covered (1) human genitals, pubic region, (2) buttock, or (3) female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if complete and opaquely covered.

Specified sexual activities

Human genitals in a state of sexual stimulation, or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Shooting range (indoor)

An indoor facility used for firearm target practice, competitions, or similar uses.

Shopping center

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

Short-term rental (as principal use)

Rental of an entire dwelling unit by an owner or operator with no principal resident residing on the premises that provides lodging for pay, for less than a continuous period of 30 days.

Short-term rental, Homestay

A private, owner-occupied dwelling in which guest rooms are rented to transient visitors for periods of less than 30 days and in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence.

Sidewalk

The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sign

Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object. This term does not include murals.

Sign permit

See Section 2.5.C(6).

Sign, A-frame

A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

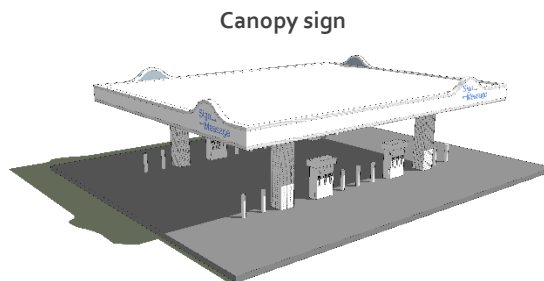


Sign, arm

A freestanding, ground mounted sign comprised of a vertical post to which a perpendicular arm is attached and from which a sign hangs.

Sign, canopy

A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.



Sign, changeable copy

A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

Sign, facsimile

A sign consisting of an oversized, three-dimensional representation of an object, such as a chicken bucket, automobile (or automobile part), or human figure.

Sign, feather

A temporary sign attached along its edge on a single, flexible pole, and which generally resembles the shape of a feather, sail, bow, teardrop, or other shape.



Sign, fence

A sign mounted on, attached to, or constructed as part of a fence or similar structure.

Sign, ground

A free-standing sign with its base or its supports mounted directly to the ground having either (1) two sign faces that are located back-to-back on a single structure, or (2) as an option only for entrances to subdivisions (residential and non-residential), two separate single-faced signs.

Sign, inflatable

A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

Sign, monument

A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than vertical posts. A monument sign structure base is on the ground or a maximum of 36 inches above the adjacent grade. The width of the top of a monument sign is equal to or less than the width of the bottom of the sign.

Monument signs



Sign, off-premise

A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. This definition includes Outdoor Advertising or "Billboard" signs.

Sign, on-premise

A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

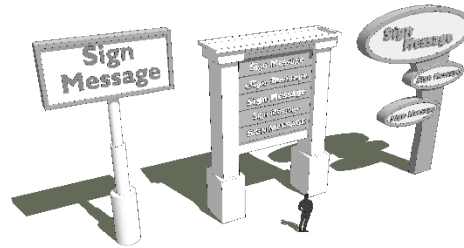
Sign, outdoor advertising (billboard)

A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

Sign, pole

A freestanding, ground mounted sign attached to one or more vertical posts, with the base of the actual sign at least 48 inches above grade.

Pole signs



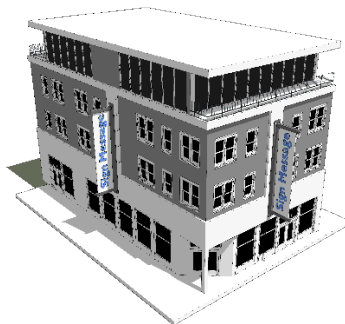
Sign, portable

Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

Sign, projecting

A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

Projecting signs



Sign, roof

Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

Sign, temporary

A sign not intended to be displayed on a permanent basis and generally constructed of lightweight materials and installed in a manner so as to be easily removed.

Sign, T-shaped

A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

T-shaped sign



Sign, vehicle

See Sign, Portable.

Sign, wall

A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

Sign, window

A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information can be read from off-premise.

Single-Family Attached Dwelling

Any structure, other than a townhouse, containing at least two but not more than four dwelling units, with each dwelling unit located on a separate lot and separated from abutting dwelling units in the same structure by an unpierced wall extending from ground to roof.

Single-Family Detached Dwelling

A single detached dwelling on a lot, other than a manufactured home, that contains a single dwelling unit, that sits on a permanent foundation.

Site plan

See Section 2.5.B(1).

Site specific vesting plan

A plan submitted to the City in which describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan shall be in the form of any of the following plans or approvals: a PD Plan, a subdivision plat, a special use permit, or a conditional zoning district conceptual plan. A variance shall not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it shall not constitute a site-specific vesting plan.

Small-scale aerial distribution

The use of drones or similar devices weighing less than 100 pounds on takeoff, including everything that is on board or otherwise attached to the drone, to enable the receipt, storage, and distribution of packages by air. A Condition of approval for a Special Use Permit will require FFA Approval.

Small wireless facility

A wireless facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

2. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet.

For purposes of determining equipment volume under this definition, the following types of ancillary equipment are not included: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

Solar energy collection facility, Large scale

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

Solar energy conversion system (small-scale)

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Solid waste

Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
 - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;
 - b. Irrigation return flows; or
 - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.) and permits granted under N.C.G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the N.C.G.S.;
4. Any source, special nuclear or byproduct material as defined by the North Carolina Radiation Protection Act (N.C.G.S. 104E- 1 through 104E- 23); and
5. Mining refuse covered by the North Carolina Mining Act (N.C.G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under N.C.G.S. 143B-290).

Solid waste collection and disposal

A facility that is designed or operated for the purpose of collecting and disposing of nonhazardous solid waste on or in the land, at which solid waste is disposed of in or on the land or processed for disposal or reuse, together with any appurtenant facilities needed to process solid waste for disposal or for transfer to another solid waste facility, and that is not listed as a separate use in this Ordinance.

Land clearing and inert debris landfill

A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.

Landfill

A solid waste disposal facility designed to meet the minimum standards of the state wherein refuse and other waste defined by state standards is disposed of by using acceptable landfill engineering technology.

Solid waste disposal facility

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Solid waste disposal site

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Special event

A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, corporate receptions, and weddings. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees and other similar seasonal goods.

Special flood hazard area

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Special use

A use which may be appropriate in a particular zoning district, but, because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. A use is considered a special use if designated as such by Section 4.2.B, Principal Use Table.

Special use permit

See Section 2.5.A(5).

Spinner

A wind activated, propeller-type device, made visible for the purpose of attracting attention.

Stable, Private

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.

Stadium, arena, or amphitheater

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

Storage building

Structures used for the storage of goods, but not including temporary storage containers such as portable on-demand units or tractor trailers used for storage.

Stormwater

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

Stormwater management permit

See Section 2.5.C(10), Stormwater Management Permit.

Streamer

A string or strip of miniature or full-size pennants or flags which may or may not be suspended between two points.

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.

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 which is defined as a structure in the building code. Structures include, but are not limited to gas, liquid, and liquefied storage tanks, modular homes, manufactured homes, or other building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences.

For purposes of Section 3.8.C, Airport Overlay (AO) District, An object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, earth formations and overhead transmission lines.

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Studio/School

A facility used to produce and/or provide instruction in art, music, dance, or the martial arts.

Subdivision

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), including all divisions of land involving the dedication of a new street or a change in existing streets. The following are not included within this definition:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this Ordinance;
- The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this Ordinance; and

- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under N.C.G.S. Chapter 29.

Subdivision, Major

A subdivision (see definition of Subdivision) that is not a minor subdivision (see definition of minor subdivision and Section 2.5.B(3)).

Subdivision, Minor

A subdivision (see definition of Subdivision) that does not involve new public street right-of-way dedications, except widening of existing, platted street rights-of-way (see Section 2.5.B(2)).

Substantial damage

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Substantial improvement

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Substantial modification

For purposes of Section 4.2.D(4)a.1, Wireless Support Structure, Collocation of Antenna on Existing Structure, the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

1. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
2. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

Support structure

See "wireless support structure".

Swimming pool (accessory use)

An enclosure at least three feet deep at the deep end with a surface area exceeding 250 square feet, that is filled with water and used for wading or swimming, and that is accessory to a principal use.

Swine farm

A tract of land devoted to raising 250 or more animals of the porcine species.

T

Tattoo or body-piercing establishment

An establishment where designs, letters, figures, body piercing, or other marks are placed on the skin of any person, using ink or other substances that result in the permanent coloration or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

Technical bulletin

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

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 N.C.G.S. § 143-139.1(b).

Temporary use

A use that is established for one year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure.

Temporary use permit

See Section 2.5.C(4).

Text amendment

See Section 2.5.A(1).

Tiny House Development

A clustered group of single-family dwellings, not exceeding 600 square feet of gross floor area, oriented around a common open space.

Tobacco and vape products store

An establishment primarily engaged in the retail sale of cigarettes, cigars, tobacco, other smokers' supplies, or vape products.

Tower

See "wireless support structure".

Towing service

An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This does not include junk/salvage yards.

Townhouse

A residential structure containing four or more dwelling units that are attached horizontally through, and entirely separated by, common walls, with each dwelling unit occupying space from the lowest floor to the roof of the building, and located on a separate lot. Each unit has its own entrance and is a minimum of two stories.

Tree

For purposes of Section 3.8.C, Airport Overlay (AO) District, any object of natural growth.

Tree removal permit

See Section 2.5.C(3).

Triplex

A residential structure located on one lot and containing exactly three dwelling units that, when arranged side-by-side, are separated from each other by an unpierced wall extending from ground to roof. The units shall be attached and one story, or stacked vertically over three stories, with one unit on each story.

U

Use

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

Utilities

Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

Utility facility, Major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include water treatment plants, water towers, wastewater treatment plants, solid waste facilities, recycling drop-off centers, gas compressor stations, electrical substations, and other similar facilities. This use does not include telecommunications facilities or towers.

Utility facility, Minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing local facilities and services that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, bus stops and bus shelters, electric lines and transformers, gas transmission pipes and valves, and CATV lines.

Utility pole

A structure that is designed for and used to carry lines, cables, wires, lighting facilities or small wireless facilities for telephone, cable television, or electricity, or to provide lighting or wireless services that is not owned by the City.

V

Valance

A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

Variance – Watershed Protection

See Section 2.5.D(2).

Variance – Zoning

See Section 2.5.D(1).

Vegetated roof

A roof or portion of a roof that is covered with vegetation planted in a growing medium over a waterproofing membrane, and that may include additional layers, such as a root barrier, and drainage and irrigation systems.

Vehicle fueling station

An establishment engaged in the retail sale of motor vehicle fuel that is stored on site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance. This use does not involve the provision of major repairs such as vehicle bodywork or painting or repair of engines.

Vested right, Common law

Any vested right established by the North Carolina courts under the common law.

Vested right, Statutory

The right to undertake and complete the development and use of property under the terms and conditions of approval and the development regulations in effect at time of approval for:

1. A site-specific vesting plan;
2. A multi-phased development; or
3. A development for which vested rights are established under a development agreement authorized in accordance with Article 10 of N.C.G.S. Chapter 160D.

Veterinary hospital or clinic

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding, and limited retail sales of pet-related merchandise.

W**Warehouse distribution and storage**

A facility primarily engaged in the storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water surface elevation (WSE)

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Watercourse

See separate definition of this term that applies to the FPO district regulations in Section 3.8.D, Floodplain Protection Overlay (FPO) District.

Watercraft vehicle

For purposes of Section 4.3.D(17), Outdoor Storage, boats, jet skis, and other vehicles designed to be operated on the water.

Wholesale, Florist and Nursery Supply

A facility for the storage, distribution, and handling of garden plants, shrubs, trees, or vines for wholesale trade, and not for direct sale to the general public.

Wholesale, General

A facility for the storage, distribution, and handling of products, supplies, and equipment offered for wholesale distribution, and not for direct sale to the general public.

Wholesale, Heavy or Hazardous Materials

A facility for the storage, distribution, and handling of flammable, hazardous, or noxious materials and equipment offered for wholesale distribution, and not for direct sale to the general public.

Wind energy conversion system (small-scale)

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small-scale wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

Wireless facility

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following:

1. The structure or improvements on, under, within, or adjacent to which the equipment is collocated;
2. Wireline backhaul facilities;
3. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna; or
4. Amateur radio antennas, also called ham radio antennas.

Wireless infrastructure provider Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

Wireless services

Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless services provider

A person who provides wireless services.

Wireless support structure

A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. The term does not include utility poles. Also referred to as "support structures".

Wireless support structure or Tower, Lattice

Three- or -four-legged steel girded structures typically supporting multiple communications users and services generally ranging from 60 to 200 feet in height.

Wireless support structure or Tower, Monopole

Single pole design, approximately three feet in diameter at the base narrowing to approximately one and a half feet at the top, generally ranging from 25 to 150 feet in height.

Wireless telecommunication services

See "wireless services".

Yard sale

An outdoor sale of merchandise conducted by a household or civic group, which is located entirely upon a lot on which there is residential or institutional development. Goods sold are limited primarily to used merchandise donated by the yard sale participants.

Z

Zoning clearance permit

See Section 2.5.C(1).

Zoning Map amendment

See Section 2.5.A(2).

Zoo

A non-profit or public facility, indoor or outdoor, where non-domestic animals are kept for viewing by the public. Accessory uses may include offices for zoo personnel, limited commercial facilities to serve visitors of the zoo, and bathroom facilities.