

Chapter 1. General Provisions

155.101. Introduction

155.101.1 Purpose of this Combined Document

The Town of Matthews adopted long range growth plans and land development regulations several decades ago, and continues to update these plans, policies and ordinances as community needs change, as new land uses emerge, as legal precedents are set for certain land use provisions, and as state or federal laws are revised. This Unified Development Ordinance combines regulations previously established as various separate ordinances in order to better coordinate local land development regulations. Additional illustrations, charts, and cross referencing are included to assist in ease of understanding in how these provisions may be applied. Performance standards are incorporated to allow a more consistent application of community standards. It is expected that specific provisions may require modification over time, which may in turn impact other sections of the document. By combining all aspects of land development activities under a single comprehensive set of local regulations, all users of this document can locate the relevant codes for any land development activity.



155.101.2. General Community Development

The objective of the Unified Development Ordinance is to carry out and achieve the goals and objectives of the Town of Matthews Land Use Plan as it may be amended from time to time. The Land Use Plan provides a clear vision of the community's expectations and aspirations, and strategies for community character and orderly development in the Town.

155.101.3. Organization of this Document

The Unified Development Ordinance approaches regulations from the most general to the most specific across the document and within each Chapter and within each Section. The document is organized into ten Chapters: 1) General Provisions; 2) Decision-Making, Administration and Enforcement Responsibilities; 3) Nonconformities; 4) Development Review Procedures; 5) Use Districts; 6) Land Use and Development Standards; 7) Public Improvement Standards; 8) Post Construction Regulations; 9) Floodplain Regulations; and, 10) Housing Code, and summarized as follows:

Chapter 1, General Provisions, sets forth all of the regulations affecting the entire Title, including definitions and legal foundations, and is the most general of all the Chapters of the Unified Development Ordinance.

Chapter 2, Decision-Making, Administration and Enforcement Responsibilities, establishes the roles and responsibilities for administering and enforcing the regulations in the Unified Development Ordinance.

Chapter 3, Nonconformities, addresses the issue of nonconformities in the Town and how to deal with their eventual elimination.

In Chapter 4, Application Requirements and Review Procedures, establishes the processes, procedures, and application requirements for Land Use Plan amendments to this Title, site plan review, subdivision plats, rezoning, zoning variances, appeals and interpretations.

Chapter 5, Use Districts, establishes all of the various zoning districts in the Town and the conditions for establishing uses in each district and, in some instances, for specific uses. The uses permitted in

each District may be found in this Chapter.

In Chapter 6, General Development Standards, are found all of the regulations governing the use and development of buildings and structures, signs, landscaping, parking, and outdoor illumination in the Town.

In Chapter 7, Public Improvement Standards, are found all of the regulations and specifications related to the construction of public utilities, streets, sidewalks, and other public improvements in the Town. This Chapter also includes all of the regulations pertaining to the physical design, improvement and development of land and public improvements in the Town.

Chapter 8, Post Construction Storm Water Regulations, establishes the minimum requirements and procedures to control the adverse effects of increased post construction storm water runoff and non-point source pollution associated with new development and redevelopment.

Chapter 9, Floodplain Regulations, establishes regulations intended to minimize public and private losses due to flood conditions in specific areas.

Finally, in Chapter 10, Housing Code, are found the minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation.

155.102. Purpose and General Rules

- A. ADOPTION AND ENACTMENT CLAUSE. The Town Board of Commissioners, under the authority granted to the Board by G.S. 160A, Article 19, adopts this Title 155 as the Unified Development Ordinance for the Town of Matthews on December 9, 2013. These regulations may be cited as the Unified Development Ordinance, or UDO, of the Town. The established Enactment Date of April 1, 2014. ('72 Code, § 24-1001) (Ord. 477, passed 2-8-88) **[formerly known as and/or replaces §§ 153.001, 151.01, 154.02, 149.01, 150.15, 150.31, 150.50 and 152.20, 153.002, and 153.098]**
- B. SEPARABILITY. If any section or specific provisions or standard of this Title or any zoning district boundary that now exists or may exist in the future is found by a court to be unconstitutional or invalid for any reasons, the decision shall not affect the validity of this Title except the part in question. The other portions of the Title not affected by the decision of the court shall remain in full force and be enforceable by any and all means authorized by law. **[formerly known as § 153.097 and replaces § 149.23, § 152.03, and § 154.009]**
- C. PURPOSE. In an era of increasing complexity in urban life, the subdivision and development of private land can have a profound impact upon the cost and efficiency of providing public services such as police and fire protection, sanitary sewer and water service, vehicular and pedestrian circulation systems, storm water runoff control and educational and recreational facilities, and upon environmental qualities conducive to the well being of citizens. While no set of standards can assure complete and perfect public health and safety conditions in all circumstances, the adoption of carefully considered standards are intended to create a consistent and desirable quality of life environment for the community as a whole. The following regulations are adopted to apply to the subdivision, development, and/or improvement of land within the jurisdiction of the Town of Matthews.

The purposes for the Title are further defined in order to accomplish a variety of public purposes, including:

- to advance the public health, safety and welfare while providing appropriate provisions to guide the improvement of vacant land and redevelopment of land;
- to encourage the use of the best practices in planning and urban design
- to promote the growth of the Town of Matthews in a manner that will not only provide a safe, healthy and beneficial environment for those living, working, or playing within the immediate vicinity and citizens of the greater community;
- to encourage and require appropriate development standards to preserve and protect property values which in turn will secure the fiscal base for public services;
- to ensure adequate and economical provision of necessary public services caused by and attributable to development or redevelopment of land;
- to preserve and enhance the character and quality of our neighborhood areas which have a discernible character or are harmonious in design;
- to protect investments in the community;
- to prescribe the standards for the preparation of preliminary and final subdivision plats and development plans and land use changes;

-- to specify the types of development or land use for which local review and approval shall be required; and
-- to define and establish the responsibilities and standards for processing, review and approval of plats, development plans and land use changes, and to designate the reviewing and approving authorities for the Town. **[formerly known as § 153.003]**

D. JURISDICTION. These regulations shall govern the development and use of land and structures, the subdivision of land, the provision of public improvement, and environmental protection efforts related to the subdivision or development of land in the Town. ('72 Code, § 24-1004) (Ord. 477, passed 2-8-88) **[formerly known as and/or replaces §§ 153.004, 152.20, 149.24, 151.006, and 154.005]**

E. INTERPRETATION AND APPLICATION OF REGULATIONS.

1. In the interpretation and application of this Title, the provisions of this Title will be construed to be the minimum requirements adopted to promote the public convenience, health, safety, comfort, and general welfare. ('72 Code, § 24-1015) (Ord. 477, passed 2-8-88) **[formerly known as § 153.005]**
2. Where the conditions imposed by any provision of this Title upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Title or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive (for which impose higher standards or requirements) shall govern, except as specifically indicated in the text regarding a certain provision, such as build-to lines in the downtown area.
3. Nothing in this Title shall be deemed to be a consent, license or permit to use any property, to locate, construct, or maintain any building, structure or facility, or to carry on any business, industry, occupation or trade.

F. CONFLICTING PROVISIONS. It is not intended that this Title will in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except the zoning ordinance, the subdivision ordinance, the post construction ordinance, the minimum housing ordinance, and the floodplain ordinance which this Title replaces. In addition, it is not intended that this Title will in any way repeal, annul, or interfere with any rules, regulations, or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this Title will interfere with any easements, covenants, or other agreements between parties. However, if the provisions of this Title impose greater restrictions or higher standards for the use of a building or land or size of structures than called for by other ordinances, permits, easements, or agreements, the provisions of this Title will take precedence over the others and will control the use or development. ('72 Code, § 24-1016) (Ord. 477, passed 2-8-88) **[formerly known as § 153.006]**

G. APPLICATION OF PROVISIONS WITHIN THE UNIFIED DEVELOPMENT ORDINANCE. This Title repeats, updates, revises, adds, and removes provisions found within multiple separate land development ordinances previously in effect within the Town. In certain situations, the provisions of the UDO may not be consistent with the provisions in the ordinances which it supersedes and under which prior development plans were designed and/or approved. The provisions of the UDO shall be used for any land disturbing activity commenced after the Effective Date of this Title. Exceptions to application of these standards include:

1. Where a permit has been issued prior to the Effective Date for a development site, and construction is begun within one (1) year of the Effective Date and diligently pursued to completion, then the provisions of the ordinance in effect at the time of permit issuance may be followed.
2. Any multi-building site or multi-lot development which has at least one (1) building built or under construction, or has a valid unexpired building permit issued for at least one (1) building prior to the Effective Date.
3. Any project which has an approved site plan and/or elevation plan, overlay compliance plan, and/or landscape and lighting plan such that the development project does not require any additional Town approval, and receives a grading or building permit within six (6) months of the Effective Date.

H. ZONING MAP. The boundaries of zoning districts are established through the adoption of this Title on a map (or series of maps) entitled "Official Zoning Map, Town of Matthews, N.C. ("Zoning Maps")" which may be produced at various scales and geographic areas of the Town. The map, which may be provided in printed or electronic format, together with all amendments which may have been adopted by the Town Board of Commissioners are considered to be just as much a part of this Title as if they were fully described in the Title. ('72 Code, § 24-1005) (Ord. 477, passed 2-8-88) **[formerly known as § 153.020]**

1. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules will be used to interpret the map.
 - a. In cases where a boundary line is located within a street or alley right-of-way, railroad or utility line right-of-way or easement, navigable or non-navigable stream, it will be considered to be in the center of the street or alley right-of-way, railroad or utility right-of-way or easement, or stream. If the actual location of such right-of-way, easement, or stream varies slightly from the location as shown on the map, then the actual location will control.
 - b. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance will control. An exact description may be found in the permanent record of the zoning action.
 - c. Where a district boundary is shown to coincide approximately with a property line or city limit line, the property line or city limit line will be considered to be the district boundary, unless otherwise indicated.
 - d. In cases where a district boundary does not coincide or approximately coincide with any street or alley, railroad, stream, or property line and no dimensions are shown, the location of the boundary will be determined by the use of the scale appearing on the map. An exact description may be found in the permanent record of the zoning action. ('72 Code, § 24-1006) (Ord. 477, passed 2-8-88) [**formerly known as § 153.021**]
2. LOTS DIVIDED BY ZONING DISTRICT BOUNDARIES. In the event that a district boundary line on the zoning map divides a lot held in one (1) ownership on the date of passage of this Title, each part of the lot may only be used in conformity with the regulations established by this Title for the district in which each part is located. ('72 Code, § 24-1014) (Ord. 477, passed 2-8-88) [**formerly known as § 153.022**]
- I. ILLUSTRATIONS. The illustrations used in this Title are not drawn to scale and are intended only to graphically represent the requirements and concepts contained here, and are not intended, nor should they be construed, to represent every situation or circumstance which may exist in the Town of Matthews. When there is a conflict between the text of this Title and an illustration, the text shall prevail.
- J. INCORPORATION BY REFERENCE. Any and all standards and other codes, regulations and public records incorporated by reference into this Unified Development Ordinance have been adopted in accordance with the requirements established in the General Statutes.

155.103. Definitions

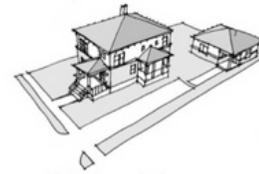
- A. USE OF DEFINITIONS. In the construction of this Title, the definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. Definitions relating specifically to certain Chapters may also be contained within those Chapters. In addition to definitions provided here at § 155.103.C, additional definitions may also be found in Chapter 6, Tree Protection and Landscaping Regulations at § 155.606.1.C, and Outdoor Illumination at §155.609.3, in Chapter 8 Post Construction Storm Water Regulations at § 155.808, in Chapter 9 Floodplain Regulations at § 155.901.F, and in Chapter 10 Housing Code, at § 155.1002.
- B. RULES OF CONSTRUCTION. This Title has been written so that the average citizen may use and understand its provisions. Efforts have been made to avoid the overuse of technical language where the meaning could be conveyed in another form. For the purposes of this Title, the following rules of construction and interpretation apply.
 1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular, unless the context clearly indicates otherwise.
 2. The words “must” and “shall” are mandatory and not discretionary.
 3. The words “will” and “may” are discretionary and permissive.
 4. The words “will” and “may” when used in the negative are mandatory and not discretionary.
 5. The word “lot” shall include the words “plot”, “piece”, “parcel”, and “tract”.

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6. Unless otherwise specified, all distances shall be measured horizontally.
7. Whenever a word or term defined in this Article appears in the text of this Title, its meaning shall be construed as set forth in the definition in this Article.
8. The masculine gender shall include the feminine and neuter.
9. All measured distances shall be expressed in feet and shall be calculated to the nearest tenth (0.10) of a foot.
10. The word "person" shall include the words "association", "corporation", "estate", "governmental agency", "individual", "joint venture", "partnership", "venture", or any other legal entity.
11. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

C. **DEFINITIONS.** The following words and terms when used in the interpretation and administration of this Title shall have the meaning set forth here except where otherwise specifically indicated. Words and terms not defined here shall be defined as specified in the latest published edition of Merriam-Webster's Collegiate Dictionary. **[formerly known as § 153.007]**

Accessory Apartment: shall mean a separate dwelling unit that is located on the same lot as the principal dwelling unit in a single family district, for use as a complete, independent living facility, with a separate parking area, cooking facility, and entrance than the principal dwelling unit. (Ord. No. 1532, passed 1-8-07)



Accessory Building or Structure: shall mean a detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of land, and which is located on the same lot as that of the principal structure or use.



Accessory Use: shall mean a subordinate use, clearly incidental and related to the principal structure, building, or use of land and located on the same lot as that of the principal structure, building, or use.

Adjacent: shall mean, when referring to parcels of land, that at least one (1) boundary line of one (1) lot touches a boundary line or lines of another lot or is directly across a street from another lot, such that if the street did not exist then the two (2) lots would touch.

Adult Care Facility: shall mean a facility which may be operated as a part of a nursing home or as an independent facility and which provides twenty four (24) hour residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. These homes vary in size from family care homes of up to six (6) residents to adult care centers of seven (7) or more residents. (Ord. No. 1532, passed 1-8-07)

Adult Day Care Center: shall mean a facility which meets the definition and standards for an adult day care center, adult day health, or combination program as outlined by the North Carolina Department of Human Resources, and as may be amended by the NCDHR from time to time, and does not include residential living facilities. (Ord. No. 1035; passed 1-11-99)

Adult Uses: shall mean any adult entertainment or sexually oriented business which includes materials or activities that may be defined and considered of a sexual or provocative nature and inappropriate for viewing by children. Specific uses are defined in § 155.506.46 (Adult Uses).

Affordable Housing: shall mean one or more dwelling units that are affordable to households with an annual income no greater than eighty percent (80%) of the same size Mecklenburg County median income as most currently established by the United States Department of Housing and Urban Development in accordance with Section 3 of the US Housing Act of 1937, as amended, or any successor legislation.

Age-and Mobility-Limited Senior Housing: shall mean a building or complex of buildings with 24/7 on-site management designed and intended for occupancy by persons age 55 and up, as provided by exemption to the federal Fair Housing Act. Such location will include multiple dwelling units with some common walls and/or floors (duplex, townhouse, condominium, mutli-family, or similar styles) where the units are intended for senior citizen individuals or couples who can no longer, or choose to no longer, drive personal vehicles on a regular, daily basis. Such residents do not require skilled nursing care, memory care, or assisted living oversight for recurring tasks as bathing, medications, dressing, or personal financial management. Individual dwelling units typically are studios, or one- or

two-bedroom in layout, and shall include a living space, bathroom, area for sleeping, and area for food preparation. A resident's occupancy arrangement with the site shall include at least one meal per day in a congregate dining facility contained within the building or complex, and some form of scheduled or emergency transportation for residents. Examples of other services that may typically be made available include: all meals, housekeeping, linen service, laundry, medical alert system, pharmacy, banking, organized social activities, and concierge services.

Agent (for a Property Owner): shall mean any person, partner, corporation, designated officer, or other business entity that has been granted written authorization by a property owner to speak for and make decisions on behalf of the property owner.

Alcohol and Alcoholic Beverage: shall mean distilled or ethyl alcohol, including spirits of whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liquor, and premixed cocktails in closed containers for beverage use regardless of their dilution.

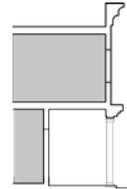
Alley: shall mean a public right-of-way or private easement not more than thirty feet (30') in width primarily designed to serve as a secondary means of access to those parcels whose principal frontage is on some other street.

Animal Grooming Facility: shall mean an establishment where domesticated animals may be bathed, brushed and combed; hair or fur coats and nails may be clipped; flea dips or other methods of removing dirt, odors, and parasites from skin, fur or feathers may be provided; or related animal treatments and services may be offered that will enhance animal health, aesthetic value, or appeal.

Applicant: shall mean any person, party, partnership, corporation or other business entity that is seeking local governmental approval of a proposed plan, permit, variance, interpretation or appeal.

Arboretum: shall mean a place where trees, shrubs, and herbaceous plants are cultivated and maintained for scientific and educational purposes and for public display.

Arcade: shall mean a building frontage type where the building façade above the ground level overlaps the public sidewalk while the ground level portion of the building maintains a setback or is located at the build-to line.



Arcade, Amusement: shall mean a business establishment which provides an assortment of equipment and devises such as pinball and other electronic games, often requiring insertion of coins or tokens to begin the play sequence, for amusement purposes only, and not including bingo games, children's mechanical rides, or devices that sell merchandise, nor does an Amusement Arcade include any gambling devices, computers or software programs offering games of chance not allowed by law, or defined here in this Title as an Internet Sweepstakes or Adult Gaming Facility. (Am. Ord. 2264, passed 10-9-17)

Assisted Living: shall mean a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility which meets any required state licensing standards, and includes a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential. (Ord. No. 1532, passed 1-8-07)

Attached outside access storage closet: shall mean an unheated appendage to a principal residential unit, intended for storage of inanimate household items, which does not have any internal connection or opening to the main dwelling.



Balcony: shall mean an elevated platform open to the elements, suspended, cantilevered, or projecting from an upper story and generally enclosed by a railing, or balustrade.

Banquet Hall, Ballroom, or Catering Facility: shall mean a meeting facility designed for use by varying groups of people, which may be rented or leased to accommodate private functions such as weddings, banquets, anniversaries and similar celebrations. Such a facility may include a partial or full kitchen for food preparation or catering, the service and/or sale of alcoholic beverages for on-site consumption to guests of the private events only, an open floor area which may be used for dancing and similar entertainment and/or seating for guests. A restaurant that only occasionally leases out to private parties is not a Banquet Hall.

Bar: shall mean an establishment or part of an establishment primarily devoted to selling and/or serving alcoholic beverages by the drink to on-site occupants and guests. A Bar may be a stand-alone use or within a restaurant, lounge, nightclub, or similar facility.

Bed and Breakfast Establishment: shall mean an overnight lodging business located within a structure originally designed and built as a single family residence. Overnight guest facilities are limited in number, and maximum stay by guests is restricted to seven (7) consecutive days. Meals may be provided to overnight guests only at no additional cost. Bed and Breakfast establishments are further divided into Bed and Breakfast Guest Homes and Bed and

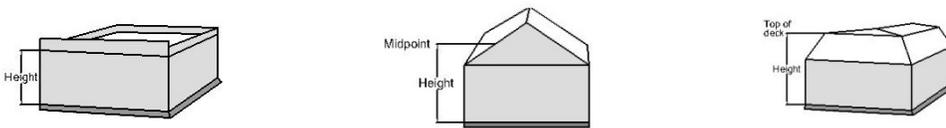
Breakfast Inns. A Bed and Breakfast Guest Home is an owner occupied single family residential structure with accommodations for up to six (6) guest sleeping rooms. A Bed and Breakfast Inn has accommodations for up to twenty three (23) persons in no more than twelve (12) guest sleeping rooms.

Brewpub: shall mean an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar and where forty percent (40%) or more of the beer produced on-site is sold on-site. Where allowed by law, brewpubs may sell beer “to go” and/or distribute to off-site accounts.

Build To Line: shall mean a distance from edge of street pavement, back of curb, right-of-way line, back of sidewalk, or similar to a line along which a building must be built, which may be specified in place of a minimum front setback in order to create an urban, pedestrian-oriented environment.

Building: shall mean a structure having a roof supported by columns or walls, for the shelter, housing, or enclosure of persons, animals, or goods.

Building Height: shall mean the vertical distance measured from the average elevation of the highest and lowest finished grade points of that portion of the lot covered by the building to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof and to the deck line in the case of a mansard roof.



Building Lines: shall mean the lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Caliper: shall mean the diameter measurement of a tree trunk taken at six inches (6”) above ground level for trees up to and including four inches (4”) in caliper. For larger trees, measurement of caliper shall be taken at twelve inches (12”) above ground level.



Call Center: shall mean a facility that is designed and equipped to accommodate a large volume of telephone calls occurring at the same time for a business or service operation, with workspace for a concentration of employees to answer questions, provide technical advice, take orders, verbally offer goods or services available to consumers, and similar telephone-based communications with customers or the general public.

Canopy: shall mean a permanent, rigid projection intended to provide weather protection, with both top and under surfaces being generally horizontal. A canopy may be a free-standing cover above an outdoor service facility, such as a fuel dispensing area, and be supported wholly from the ground, or may be attached to a building, centered over an entrance, and supported in part or whole by the building. A canopy shall provide a minimum of ten feet (10’) clear height above ground surface, plazas, or public use areas when separate from a building, and provide a clear vertical distance between eight feet (8’) and twelve feet (12’) when attached to a building.

Charlotte Regional Transportation Planning Organization, or CRTPO: shall mean the federally designated Metropolitan Planning Organization (MPO) for the Charlotte Urbanized Area. The Charlotte Regional Transportation Planning Organization (CRTPO) consists of voting representatives from counties and municipalities within the designated region, including the Town of Matthews. It is the CRTPO’s responsibility to coordinate transportation policy for local governmental jurisdictions within the Charlotte Urbanized Area.

Child Day Care: shall mean any licensed child care arrangement in which three (3) or more children less than thirteen (13) years old receive care away from their own home by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child’s own home where other unrelated children are in care. *Child Day Care* does not include seasonal recreational programs operated for less than four (4) consecutive months in a year. *Child Day Care* also does not include arrangements that provide only drop-in or short-term child care for parents participating 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 offered in health spas, bowling alleys, shopping malls, resort hotels, and churches.

Child Day Care Facility: shall mean any licensed child day care center care arrangement (except child day care home) which provides day care for more than five (5) children, not including the operator's own school aged children, under the age of thirteen (13) years, on a regular basis of at least once per week for more than four (4) hours but less than twenty four (24) hours per day, regardless of the time of day and regardless of whether the same or different children attend.

Child Day Care Home: shall mean any licensed day care program or child care arrangement in an occupied dwelling which provides day care on a regular basis of at least once a week for more than four (4) hours per day for more than two (2) children under thirteen (13) years of age, but not to exceed a maximum of eight (8) children at any one time. All children in the dwelling shall be counted except the operator's own school aged children who reside at the location of the day care home. Of the children present at any one time, no more than five (5) children shall be preschool aged.

Church, Place of Worship: shall mean an institution used for nonprofit purposes by a recognized and legally established group of persons as a religious body for the purposes of public worship, prayer and contemplation, religious education, fellowship, and community outreach, and may include accessory buildings on the same lot as the primary structure. The terms Church and Place of Worship may include facilities such as a synagogue, temple, mosque, and similar, when they are used on a regular basis for religious services.

Clear-Cut: shall mean the removal of all trees on a site or portion of a tract of land.

Cluster Development: shall mean a form of single-family detached residential subdivision layout available for use prior to August 13, 2012 in which a tract of land at least ten (10) acres in area, under single, corporation, firm, partnership, or association ownership, was planned and developed as an integral unit with reduced lots sizes and common open space equivalent to underlying zoning maximum density, according to an approved preliminary subdivision plan, and was recorded at the Mecklenburg County Register of Deeds prior to August 13, 2012.

Collocation: shall mean the mounting or installation of communications (transmitting or receiving) equipment on an structure such as an existing water tower, utility pole, communication tower or facility.

Commercial Kitchen or Catering Kitchen: shall mean a room or any portion of the interior of a building principally designed and used for the cooking and preparation of a prearranged amount and type of food for consumption off premises or in a designated meeting room/facility on or off premises, where those individuals being served the finished food offerings are separate from those conducting the preparation. A Commercial or Catering Kitchen may also include associated pantry and storage areas for ingredients, equipment, serving items, table décor, cleaning supplies, and similar items often used by caterers, mobile food vendors, and institutional uses. A Commercial or Catering Kitchen may exist as a part of a permanent food service establishment (i.e., restaurant, lounge), public use (i.e., school), or institution (i.e., CCRC), or may be a freestanding use with no provision for on-site customers/clients.

Common Open Space. shall mean any portion of a development or subdivision that is not a lot or tract intended to be developed for residential or nonresidential use, which is designed, designated, and intended for the permanent use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas.

Communications Antenna: shall mean any structure or device used to collect or radiate electromagnetic waves, including directional antennas - such as panels, microwave dishes, and satellite dishes and omni-directional antennas such as whips but not including satellite earth stations for private use. Where a set or group of devices work as a single unit, such as three (3) panels facing different directions for three hundred sixty degree (360°) coverage, then that group shall be considered as a single antenna.



Communications Tower: shall mean a tower greater than thirty five feet (35') in height from ground level and which does not exceed four hundred feet (400') in height (including antenna) which is principally intended to support communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operator equipment, as licensed by the Federal Communications Commission (FCC). Design examples of communication towers are described as follows: (a) self-supporting lattice; (b) guyed; and (c) monopole. (Ord. 912, passed 1-27-97; Ord. 919, passed 4-28-97)



Communications Tower Height or Communications Antenna Height: shall mean overall height, not to exceed four hundred feet (400'), and shall include antenna, base pad, tower or other supporting structure (including a building), and other appurtenances and shall be measured from the average finished grade of the parcel directly under tower, or at finished grade of the parcel at front of other supporting structure when not a tower. (Ord. No. 912, passed 1-27-97; Ord. No. 919, passed 4-28-97)

Community Garden: shall mean a public or private facility for cultivation of vegetables, fruits, and related agricultural products which is maintained by more than one (1) person or family and in which harvested products are intended for more than one (1) person or family.

Comprehensive Transportation Plan, or CTP: shall mean the map(s) and attendant documents approved by the Matthews Board of Commissioners for locations within the Town of Matthews, or such documents and maps approved by the Charlotte Regional Transportation Planning Organizations (CRTPO) for the applicable region. Such documents may include expectations for improvements to existing or future roads, public transit, bicycle facilities, pedestrian facilities, greenways and multi use paths, and rail.

Comprehensive Transportation Plan, or Thoroughfare Plan: shall mean the map and attendant documents approved by the Town of Matthews and/or Charlotte Regional Transportation Planning Organization (CRTPO) which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

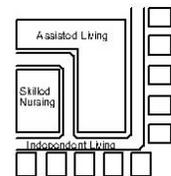
Conditional District: shall mean a Parallel Traditional zoning district or a Conditional-Only zoning district as further outlined in this Title, or a zoning designation which existed prior to the adoption of this Title and included a site plan, written notes, or other conditions approved concurrently with the designation, but which is no longer included in the listing of zoning categories within the Town of Matthews.

Condominium: shall mean a form of real property ownership providing for individual ownership of space within a building which may be used for residential or nonresidential purposes, where the overall building or development has multiple units intended for separate ownership, together with an individual interest in the land or other parts of the building or development held in common with other owners.

Condominium Unit: shall mean enclosed space within a building which is intended to be individually owned from other portions of the building, and does not include land under or extending around the building. A declaration of the provided amenities associated with the Condominium Unit may include accessory spaces such as garages, storage space, patios, balconies, and surface parking available for exclusive or communal use by the occupants of the Condominium Unit.

Construction Site: shall mean a site where any land disturbing activity is to occur.

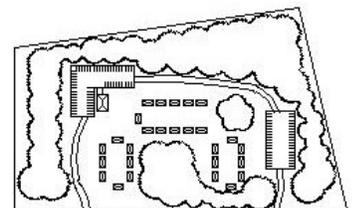
Continuing Care Retirement Community (CCRC): shall mean a residential community including a range of living units from independent units to assisted care units to skilled nursing care facilities along with a variety of common amenities and ancillary services. (Ord. No. 1550, passed 3-12-07)



Contiguous: shall mean, when referring to parcels of land, that at least one (1) boundary line of one (1) lot touches a boundary line or lines of another lot.

Cornice: shall mean a molded and projecting horizontal element on a building that crowns an architectural feature or wall.

Cottage Cluster Housing Development, Overall: shall mean a tract of land designed to concentrate a number of dwelling units in close proximity to each other in a specific portion of the overall site, so that the remaining land may be shared or available for use in common by residents for recreation, open space, urban farming, or the preservation of visually and environmentally sensitive land areas. Within an overall development there may be one or more separate groups of cottage-style or bungalow houses that relate to each other by sharing a small common land area.

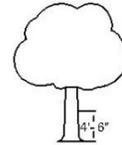


Cottage Cluster, Separate or Group: shall mean a group of dwelling units designed around a small shared common land area and meeting the design standards for one (1) cluster of homes within an overall cottage cluster housing development.

Crematorium: shall mean an enclosed chamber or building within which human corpses are reduced to ashes by incineration.

Cultural Community Center: shall mean a governmental or nonprofit operated building or real property available to the public for the purpose of education about, or display of, cultural issues and items. The facility includes classrooms or similar space(s) for small learning environments, and display area(s) for items relating to a specific geographic area, art form, or other cultural topic. A cultural community center does not include a museum, art gallery, church, or community center/active recreation facility that meets the definition of those uses.

DBH (Diameter Breast Height): shall mean the diameter of a tree four and one-half feet (4 ½') above the average ground level.



Deciduous: shall mean plant materials that drop all of their foliage preceding their dormant season (usually the winter).

Demolition Disposal Site, On-Site: shall mean a small demolition disposal site or stump hole on property being cleared, graded, or otherwise worked, which shall be used for no longer than twenty four (24) months and shall only contain approved materials taken from the same site. Any on-site demolition disposal site shall be the only allowed use on or above that portion of the development site, except outdoor accessory uses not associated with structures or paving may be placed over such on-site disposal locations.

Demolition Disposal Site: shall mean a demolition landfill, limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes meeting the standards of the state, such materials coming either from the same site or from a separate parcel.

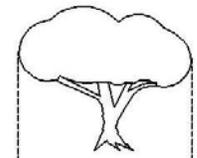
Digital Device: shall mean a device that can generate, record, process, receive, transmit, or display information that is represented in discrete numerical form.

Distributed Antenna System (DAS): shall mean a clustered installation of repeater antennas to boost cellular network coverage in areas with weak to no signals. A DAS generally doesn't generate a cellular signal, rather they send and receive signals.

Donation Drop-Off Facility: shall mean a facility where donations such as common household and clothing items for nonprofit agencies or institutional uses only are collected. Large and bulky items such as large appliances and furniture that cannot be easily transported and stored within the collection facility may not be accepted. A Donation Drop-Off Facility may be sited within another building or may be located in a stand-alone structure and placed such that it does not cover any required parking spaces or block any vehicular or pedestrian movement or visibility. A Donation Drop-Off Facility is not a recycling center.



Drip Line: shall mean an imaginary vertical line extending from the outermost portion of the tree canopy to the ground.



Drive-Through Service Window: shall mean an opening in the wall of a building designed and intended to be used to provide for sales and/or service to patrons who remain within their vehicles. A Drive-Through Service Window may also include a vehicular space designed beside a structure equipped with a mechanical device, often with interactive technology, in order to briefly conduct a business transaction such as paying for on-site services or goods or completing a banking transaction.



TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

Dwelling, Attached: shall mean a one-family dwelling connected on at least one (1) side by means of a common dividing structural or load-bearing wall of at least ten (10) linear feet to one (1) or more other one-family dwellings, or the end dwelling of a series of such dwellings, each dwelling unit on its own individual lot.



Dwelling, Detached: shall mean a one-family dwelling completely surrounded by permanent open spaces.

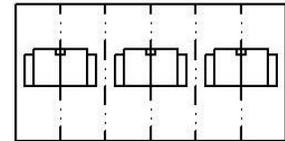
Dwelling, Multi-Family: shall mean a building designed, constructed, or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural or load-bearing wall of at least ten (10') linear feet with any other dwelling unit on the same floor or building level.



Dwelling, One-Family: shall mean a building or portion of a building designed, constructed, and used as a single dwelling unit.

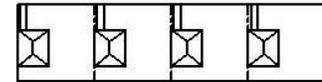


Dwelling, Two-Family, or Duplex: shall mean a building designed, constructed, or reconstructed and used for two (2) dwelling units that are generally side by side and connected by a common structural or load-bearing wall of at least ten (10) linear feet.



Dwelling Unit: shall mean an enclosure of one (1) or more rooms and separate bathroom and kitchen facilities designed and constructed as a unit for permanent residential occupancy by a single housekeeping unit.

Dwelling, Zero Lot Line: shall mean a one-family dwelling that has one (1) wall located directly on a side lot line that is not a street side on a corner lot. A zero lot line dwelling may or may not be attached on one (1) side to another one-family dwelling. Where the zero lot line wall is not adjacent to any other structure, that wall shall be solid to a minimum height of eight feet (8') and without any windows. A zero lot line dwelling shall be provided with a five foot (5') maintenance agreement from the adjacent property. (Ord. 947, passed 12-8-97)

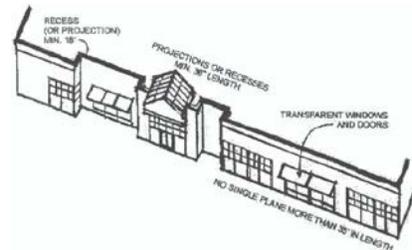


Eave: shall mean the lower border of a roof that overhangs or projects beyond the exterior wall of a building.

Evergreen: shall mean plant materials that retain foliage throughout the year.



Façade: shall mean the entire area of a building elevation extending from the roof or parapet to the ground and from one (1) corner of the building to another which can be viewed from a single vantage point. Each building will generally have multiple Facades when no physical or visual obstruction is immediately present beside the building.



Family: shall mean an individual, or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than six (6) persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

Farm: shall mean any tract of land containing at least three (3) acres which is used for dairying or for the raising of agricultural products, forest products, livestock, or poultry, and which may include facilities for the sale of those products from the premises where produced but shall not include commercial poultry and swine production, cattle feeder lots and fur-bearing animal farms, commercial plant nurseries, commercial greenhouses, commercial hatcheries, or dairy facilities when used solely for the processing of dairy products.

Farm, Urban: shall mean any tract of land of any size devoted to the cultivation of agricultural products, including vegetables, herbs, and fruits, or to the propagation of horticultural species with nutritional value, all of which are intended for personal use or for consumption, through donation or sale, within the local region.

Farmers' Market: shall mean a specified land area, which may be open-air or partially enclosed, managed by a single operator who leases or designates sales areas or stalls to individuals for the sale to the general public of fresh produce and fruits, honey, herbs, plants and flowers, nature craft items, baked goods, dairy products, meat or fish items, and similar locally produced or acquired agricultural-based items. A Farmers' Market location may be on public or private property or within public right-of-way, and each location is designated by the Town Commissioners as a community activity.

Fence: shall mean an artificially constructed barrier of wood, masonry, stone, metal, wire, and/or other manufactured or durable natural materials erected to enclose, screen, or separate areas, but not including hedges, shrubbery, trees, or other natural growth.

Firing Range, Indoor: shall mean the use of a building for the safe discharge and use of firearms, such as but not limited to rifles, shotguns, pistols, and bows, for the practice of marksmanship, sport shooting, military or law enforcement training and certification, and competition.

Floor Area, Gross: shall mean the total floor area enclosed within a building, including interior balconies, exclusive of mezzanines, stairways and elevator shafts. For multi-family units, the total floor area contained within the individual unit as measured from the inside of the exterior walls of the unit exclusive of stairways.

Freeway or Expressway: shall mean a multi-lane, grade separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate larger traffic volumes at high speeds and such a facility may be part of the interstate, federal or state primary highway system.

Grading, Mass: shall mean changing the grade over an entire construction site through cut and fill operations. Mass Grading is made possible by clear cutting.

Grading, Selective: shall mean clearing and/or grading a development site such that selected, existing vegetation is preserved.

Group Home, or Family Care Home: shall mean a "family care home" as defined in Chapter 168, Article 3 of the North Carolina General Statutes, which is a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident persons with disabilities. A person with disabilities is an individual with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b. In addition, a Group Home or Family Care Home shall also mean a residential use that provides a residential environment for up to six (6) residents who may require various services, living assistance, or supervision but does not include any facility that provides medical services requiring or comparable to on-site nursing, physician, or medical care for the residents. All Group Homes or Family Care Homes must comply with all applicable federal, state, and local licensing requirements and health regulations.

Heliport: shall mean an area, either at ground level or elevated on a structure, containing cleared, protected space for loading, landing, and takeoff for helicopters, and which may be required to be licensed by federal or state government.

Home Based Business: shall mean an occupation, service, profession, or enterprise carried on by a resident member of a family within a dwelling unit.

Hospital: shall mean an institution providing primary health services and medical, obstetric, or surgical care to persons, primarily inpatients, requiring evaluation and treatment for illness, disease, injury, deformity, and other temporary or abnormal physical or mental conditions, and may include as an integral part of the facility related services such as but not limited to emergency or trauma response facilities, urgent care facilities, X-ray and other internal imaging facilities, laboratories, pharmacies, outpatient treatment, medical offices, cafeteria, training rooms, and administrative offices.

Housekeeping Unit: shall mean a family, or a group of not more than six (6) individuals of any age, which are not related by blood, marriage, or adoption, living together within a dwelling unit and sharing common spaces inside and around the dwelling unit, which may include a kitchen, bathroom(s), hallways, exterior access doors, and on-site parking.

Hotel: shall mean a building or buildings containing five or more guest rooms operated for the specific purpose of creating temporary lodging of (30) days or less. Accessory facilities may include dining areas, kitchens, meeting rooms, ballrooms or other amenities. Guest rooms may have amenities such as small refrigerators or microwaves but do not provide kitchen appliances such as stoves, cooktops, ovens and dishwashers.

Hotel, Extended Stay: shall mean a building or buildings where more than 10% of guest rooms have kitchen appliances such as stoves, cooktops, ovens and dishwashers and are advertised, designed, and utilized for daily or weekly occupancy for periods up to or exceeding (30) days. Accessory facilities may include dining areas, kitchens, meeting rooms, ballrooms or other amenities.

Independent Living: shall mean dwelling units designed for use by older persons who are mentally and physically capable of taking care of themselves on a regular basis, are under single management or cooperative, and that may be located within a Continuing Care Retirement Community (CCRC). Restriction of residency by age must meet provisions of the Fair Housing Act. These units are grouped together and provided with some level of common maintenance, recreational facilities, and security. A variety of additional amenities geared for older persons may also be made available for the residents.

Interior Planting Area: shall mean an area on private property that lies inside of the areas designated for streetscape, perimeter, or property boundary screening plantings.

Internet Sweepstakes Facility, or Adult Gaming Facility: shall mean any establishment, or use within a commercial establishment, deemed legal by state law, featuring one or more electronic devices, computers, or gaming equipment stations, skill-base or otherwise, which are available for patron use and which reward patrons with cash, other monetary payments, goods or certificates for services or merchandise which are redeemable for cash, merchandise, or other monetary payment on or off premises and including online redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. State of North Carolina sanctioned lottery functions shall not be considered as internet sweepstakes or adult gaming facilities for the purposes of the Title. (Ord. 2264, passed 10-9-17)

Kennel, Commercial: shall mean a building, along with any combination of other buildings, structures, and land designed and used for boarding, breeding, and care of five (5) or more domesticated animals for profit.

Kennel, (Animal) Day Care: shall mean a self-contained building that provides partial-day supervision for domesticated animals during typical business hours, not to exceed ten (10) consecutive hours during a twenty four (24) hour day, and does not include overnight boarding.

Landscaping: shall mean the preservation and/or modification of an existing landscape for an aesthetic or functional purpose, which includes live vegetation materials that are required for development.

Landscape Establishment Guarantee: shall mean a bond, irrevocable letter of credit, or other surety held by the Town until the satisfactory conclusion of the three (3) year landscape establishment period.

Landscape Establishment Period: shall mean a period of three (3) years commencing with the acceptance by the Town of an executed landscape plan.

Large Brewery: shall mean an establishment where beer and malt beverages are made on the premises at an annual beer production rate of over fifteen thousand (15,000) barrels.

Live/Work Unit: shall mean a building which incorporates a dwelling and an enclosed space for employment. These spaces share some common interior and/or exterior amenities, but shall have separate secured entry/exit locations. The residential and business use portions may be occupied by the same persons. (Ord. No. 1237, passed 1-14-02)

Loading Area, Service Area, or Outdoor Storage Area: shall mean an area with or without walls that is used for trash or garbage collection, vehicular loading and unloading, or outdoor storage.

Loading Space: shall mean an area of hard surfaced open land designated for short-term standing, loading, and unloading of larger commercial vehicles and intended to avoid undue interference with the use of public streets and alleys.

Lot: shall mean a parcel of land or any combination of several lots, occupied or intended to be occupied by a principal building or a building group, together with their accessory buildings or uses, and the access, yards, and other open spaces required under this chapter.

Lot, Corner: shall mean a lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than one hundred thirty five (135°) degrees with each other.

Lot, Through or Double Frontage: shall mean a lot having a pair of opposite lot lines along two (2) or more

approximately parallel public streets and which is not a corner lot. (Ord. No. 1524, passed 12-11-06)

Lot of Record: shall mean a lot, described by plat or metes and bounds, which has been recorded in the office of the County Register of Deeds, prior to November 20, 1967.

Lot, Reverse Frontage: shall mean a through lot or double frontage lot which has frontage on more than one (1) public or private street, but vehicular access to one (1) street, generally a major or minor thoroughfare, federal or state highway, or commercial arterial, is restricted or prohibited. Reverse frontage does not relate to any particular orientation of the structure to the street. (Ord. No. 1524, passed 12-11-06)

Lot, Gateway: shall mean a lot which has its front, rear and one side yard bordering on a street and is located at an entrance to a subdivision or multi-parcel development.

Lot Width: shall mean the distance between the side lot lines, measured along the setback line as established by this chapter, or the distance between the side lot lines measured along a setback line shown on a duly recorded plat when that line is greater than the setback established by this chapter along the turnaround portion of a cul-de-sac street so long as that setback line imposed at the time of recordation is not more than twenty feet (20') further from the street right-of-way than the minimum setback as stated for the appropriate district in this chapter; or if no setback line is established, the distance between the lot lines measured along the street line.

Manufactured Home: shall mean a dwelling unit, transportable in one or more sections, which in the traveling mode is more than eight (8) body feet in width, or more than forty (40) body feet in length, or, when erected on-site, is more than three hundred twenty (320) square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems. "Manufactured home" includes any structure that meets all of the requirements of NC-GS Chapter 143-145 except the size requirements and 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 that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC Section 5401, et seq. For manufactured homes built prior to June 15, 1976, "manufactured home" is a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over thirty two feet (32') in length and over eight feet (8') in width. "Manufactured home" also means a double-wide manufactured home, which is two (2) or more portable manufactured housing sections that are designed for transportation on their own chassis and that connect on-site for placement on a temporary or semi-permanent foundation having a measurement of over thirty two feet (32') in length and over eight feet (8') in width.



Manufactured Home Park: shall mean a parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for dwelling purposes.

Manufactured Home Space: shall mean a designated plot of land within a manufactured home park reserved for the placement of an individual manufactured home and any exterior additions, such as a deck or patio, and any accessory structures related solely to the use of the individual dwelling.

Manufactured Home Subdivision: shall mean any subdivision of land developed for the placement of manufactured homes, for dwelling purposes, on individual lots that front a public street.

Masonry: shall mean brick, block, stone, and similar building materials of natural or synthetic components laid on top of one another with mortar applied between individual pieces in order to create vertical surfaces, where the individual pieces are of relatively small scale in relation to the overall surface plane being constructed, and where such vertical walls may be of substantial depth and durability, or may form a veneer surface when tied to a structurally independent wall.

Massage Service: shall mean an establishment where any method of applying pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body manually or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids such as liniments, oils, powders, creams, or similar preparations, and where such practice is conducted by a certified massage therapist, medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the state.

Mechanical Equipment: shall mean outdoor machines and devices required for the delivery of public or public use utilities, or equipment such as HVAC units, fans, vents, backflow preventers, and generators, regularly and repetitively used in the operation of interior climate control, electrical, plumbing, or similar building systems. This Mechanical Equipment may be located within a building, on a rooftop, or on the ground.



Mezzanine: shall mean an intermediate level between the floor and ceiling of a story, covering less than one-third (1/3) of the area of the story immediately below it.



Microbrewery: shall mean an establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than fifteen thousand (15,000) barrels (a barrel is approximately thirty one [31] gallons) of beer per year. A Microbrewery sells to the public by one (1) or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Mixed Use Development: shall mean a development which includes at least two (2) of the following uses: office, institutional, civic, residential, and/or service/retail in one (1) or more buildings or a combination of single and mixed use buildings in a pedestrian-oriented environment. (Ord. No. 1652-A, passed 1-10-08)

Modular Home: shall mean a dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monopole: shall mean an antenna or pylon consisting of a single pole or rod often a straight element, including a slick stick.

Multi-use Development: shall mean any horizontally integrated development which includes at least two (2) of the following uses: office, institutional, civic, residential, and/or service/retail in separate but abutting buildings, and located on one (1) tract of land, or on multiple adjacent sites. Multi-use developments are pedestrian oriented, compact, and architecturally integrated.

Mural: shall mean a picture or design painted on or attached to an exterior surface of a structure. A Mural is a sign only if it is clearly related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Native (Indigenous) Vegetation: shall mean vegetation that was growing in this geographic area before colonization by European settlers, as cited by the North Carolina State University Agricultural Extension Service.

Nightclub: shall mean a commercial establishment that may dispense alcoholic beverages for consumption on the premises and in which dancing, music, and other live or recorded entertainment and performances by comedians, magicians, or similar is permitted. A minimum of thirty percent (30%) of the revenue must be generated by food purchases. This definition includes, but is not limited to, establishments that serve beverages to persons age twenty one (21) and older, dance halls, teen clubs and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS-18B-1000(6), retail stores, convenience stores, clubs and lodges used by nonprofit organizations, theaters and health athletic facilities.

Nonresidential Park: shall mean a tract of land or a combination of parcels planned and designed to be developed in a coordinated effort with multiple nonresidential uses, under either single or multiple ownership when initially designed, although parcels may be sold into separate ownership or condominium units upon their completion. The uses may be any nonresidential uses allowed within the underlying zoning district(s) except exclusively retail uses, typically including general or professional offices, service or personal businesses, distribution warehouses, industries and manufacturing facilities. A Nonresidential Park places special attention on common design elements, shared access, parking and circulation, common utility needs, and compatibility of tenants, and often has a unified management system.

Occupy (By a Specified Use): shall mean a property which has a specified use operating or functioning within it, or a property that is arranged, intended or designed to house or be put to use with a specified use or uses.

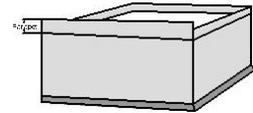
Outdoor Sales: shall mean the retail sale of any article, substance, or commodity such as landscape materials and motor vehicles, located outside a permanent retail establishment, where such goods are available for immediate purchase. Outdoor display and sales are operated and maintained under the same ownership and on the same parcel of land as the principal use. (Ord. No. 1524, passed 12-11-06)



Outdoor Storage: shall mean the keeping of goods, materials, or merchandise in an unroofed area, in the same location for a period of forty eight (48) hours or more, but excluding temporary construction-related materials for an ongoing on-site improvement, or inventory storage of motor vehicles intended for sale or lease. (Ord. No. 1524, passed 12-11-06)



Parapet: shall mean a protective wall at the edge of a roof, terrace, or balcony that rises above the deck line or top surface of the roof.

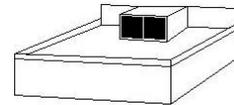


Park: shall mean a tract of land designated and used by the public for active and/or passive recreation or as a refuge for protection of natural flora and wildlife.

Parking Space, Motor Vehicle: shall mean an off-street space available for the parking of a vehicle. Minimum parking space dimensions may vary depending on the configuration of surrounding spaces and activities and size/type of intended vehicles.

Parking Space, Bicycle: shall mean a rack to which the frame and at least one (1) wheel of a bicycle can be secured with a user-provided U-lock or padlock and cable.

Penthouse: shall mean a structural enclosure on a rooftop of a building, intended to serve as either a dwelling or housing for service equipment. When a penthouse is a dwelling, at least some of its exterior walls will be set back from the outer edges of the supporting building to allow an outdoor private terrace. When a penthouse provides weather protection for service equipment, it may house elevator machinery, water tanks, energy production or conservation components (for solar, wind, green roof gardening, etc.), building signage mechanism, and similar building-related items, and may have vertical or sloping sides and/or roof and will be attached directly to one or more building parapets.



Planting Area: shall mean the landscape area reserved for the purpose of providing growth area for required plant material.

Planting Season: shall mean the recommended time of the year for planting, normally September through May, that is timed to avoid the summer heat.

Planting Strip: shall mean a strip of land, adjacent to a public right-of-way, that is reserved for landscaping purposes.

Playground: shall mean an improved recreational area with a variety of equipment, facilities, and/or open fields for active recreation primarily by children.

Principal Building or Structure: shall mean a building or structure containing the principal use of the lot.

Principal Use: shall mean the primary purpose or function that a lot serves or is intended to serve.

Private Stable: shall mean an accessory building or parcel of land where horses are kept for private use and not for remuneration, hire, or sale.

Public Realm, Public Use Area or Realm: shall mean all areas dedicated to the public or privately owned but designed and accessible to the public, including but not limited to public streets, sidewalks, pedestrian pathways, bicycle or multi-modal pathways, and other public right-of-ways, civic greens, squares, plazas, and parks, and which space may be reasonably assumed to be within view of persons in these areas, or within view of buildings, vehicles, or rooftops adjacent to or near such areas.

Queue Space or Line: shall mean a temporary waiting area for motor vehicles, generally in an orderly sequence, obtaining a service or other activity such as at a bank teller window, or near an entrance to a facility where non-driver passengers are able to either enter or exit vehicles, such as at a school.

Recreational Use, Indoor: shall mean pleasure, hobby, or amusement uses requiring some personal physical activity, located within a building, such as but not limited to game arcades, indoor arenas/coliseums, gymnasiums, billiard parlors, bowling alleys, dance halls, roller or ice skating, go-carting, paintball, and similar uses available to the general public.

Recreational Use, Outdoor: shall mean pleasure, hobby, or amusement uses requiring some personal physical activity, located principally outdoors, such as but not limited to miniature golf courses, golf courses, putting greens and driving ranges, batting cages, swimming pools, skateboarding courses, trampolines, water slides, pedestrian and equestrian trails, sports courts, ball fields, cycle or running tracks, and similar uses available to the general public.

Recyclable Materials: shall mean those materials such as aluminum cans, glass, plastics #1-5 and 7, empty aerosol cans, paperbacks and magazines, cardboard, and paper which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling Collection Center: shall mean an area containing one or more “recycling containers” operated by a unit of local government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials.

Residential Area: shall mean that portion of a project site designated for residential uses, and more specifically, the following: residential lots, streets directly serving residential lots, and common open space areas. Residential Area displays the character of a living environment, which may include a physical resemblance to a residential neighborhood through similar building height, mass, materials, and architectural elements.

Residential Area, Net: shall mean a calculation of land area for only that portion of a project site designated for residential lots and common open space areas.

Residential District, Single-Family District: shall mean any zoning category which allows by right, and is predominately used by, single-family dwelling uses, which may include detached or attached dwellings, manufactured homes, and modular homes, whether Traditional/Parallel Traditional or Conditional-Only. These districts include: R-20, R-15, R-12, R-9, R-MH, R-VS, and CrC.

Residential Use: shall mean any detached, duplex, attached, or multi family dwelling, manufactured home, group home for up to six (6) individuals, boarding house, family care home, sheltered household, accessory dwelling, or dormitory when legally used as a place for one (1) or more individuals to sleep, eat, bathe, and store clothing and other daily use and personal care items.

Restaurant: shall mean an establishment designed, in whole or in part, for the preparation, serving, and consumption of food and/or beverages. Food and beverages are primarily made available for purchase to customers or patrons located at tables, counters, vehicles, or in a buffet line by restaurant employees, or by phone or electronic ordering methods.

Restaurant, Carry-Out: shall mean a restaurant, designed in whole or part, where food and beverage orders are prepared and wrapped in disposable containers and either handed to walk-in patrons for consumption off-premises or delivered by restaurant employees to off-site customers. When part of a restaurant that also provides on-site dining, the Carry-Out counter may be physically separated from the eat-in section.



Restaurant, Drive-In: shall mean an establishment designed, in part or whole, for the preparation, sale and consumption of food and beverages, where customers may remain within their parked motor vehicles to order, pay for, be served, and consume their food and beverage orders without leaving their vehicles. A Drive-In Restaurant may also provide indoor and/or outdoor customer seating.



Restaurant, Drive-Through: shall mean an establishment designed, in part or whole, for the preparation, sale and consumption of food and beverages, where customers may remain within their motor vehicles to order, pay for, and receive their food and beverage orders from employees within the restaurant building by traversing a drive-through lane. Upon receiving a complete food and/or beverage order, those customers remaining within motor vehicles generally leave the restaurant premises to consume it elsewhere. A Drive-Through Restaurant may also provide indoor and/or outdoor customer seating.



Restaurant, Entertainment: shall mean a restaurant incorporating both on-site dining and family-oriented recreation where neither the dining nor recreation activity is clearly secondary or accessory to the operation of the other. Recreation may include but is not limited to television or motion pictures; sound and sight systems, mechanical-,

digital-, and/or electronic-operated games; animated mechanical devices and/or rides; and live entertainment.

Restaurant, Specialty: shall mean a restaurant whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal, such as candy, coffee, or ice cream. The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. Customers may consume their orders on-site or take them off-site.

Restaurant, Sidewalk Café or Outdoor Dining: shall mean a portion of a restaurant located on a public sidewalk or private outdoor patio, which functions as an extension of the interior building, with direct doorway access to the restaurant, where patrons may sit and be served or consume their food or beverage orders. A Sidewalk Café or Outdoor Dining area may be enclosed with low fencing, landscaping, or similar materials to separate it from the adjacent outdoor or sidewalk area, and has no permanent walls, windows, ceiling, or roof.

Roof: shall mean the outside covering of the top of a building, and may include the structural framework supporting the covering. Roof shape and style may vary, including but not limited to varieties of pitched roofs (gable, hip, mansard, gambrel, etc.) and flat, domed, and shed (single sloped). A roof may extend beyond the perimeter of the exterior building walls to create overhanging rakes or eaves, or may be enclosed by exterior walls and parapets.

Roof, Green: shall mean a roof that is partially or completely covered with materials that reduce energy consumption for the building below it. This may be accomplished through the use of vegetation planted in a growing medium over a waterproof membrane, or may accommodate some environmentally sustainable technology such as but not limited to solar thermal collectors, photovoltaic panels, insulated or heat reflective materials, and storm water recovery/irrigation systems. A Green Roof may be designed to absorb rainwater, create wildlife habitat, and lower urban heat islands.

Root Protection Zone: shall mean an area measuring approximately eighteen to twenty inches (18” to 24”) deep and at a horizontal distance from the trunk of a tree in all directions equal to one foot (1’) for each inch of DBH.

Sale, Garage, Rummage, or Yard: shall mean the occasional casual sale to the public of tangible personal property that was obtained by the person(s) making the sale, through purchase or otherwise, for his or her own use. Such Sales do not involve the resale of merchandise acquired for that purpose. The location of a Garage Sale may be on vacant, residential, institutional, or commercial property and may be inside or outside. A Garage Sale is an occasional activity, intended to be of short duration.

School, Elementary and Secondary: shall mean a public or private institution which has its primary purpose to provide full time academic instruction of language, math, science, history and related areas to children, and is licensed by the state of North Carolina as a school for children ages four (4) and up, including kindergarten, elementary, middle or junior high, and high school, generally consisting of grades K through 12, where children receive approval to move from one grade level to successively higher grade levels.

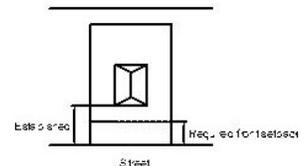
School, Trade or Vocational: shall mean a post secondary level facility offering instruction in specific occupational focus areas.

School, University or College: shall mean a public or private educational institution offering full or part time post-secondary academic coursework which may lead to certificates of completion in technical fields and/or associate or bachelor degrees or higher.

Seating Capacity: shall mean the measurement of maximum occupancy within an assembly room or area. *Seating Capacity* may be determined by: i) The number of fixed seats in the largest assembly room or area; ii) By allowing ten (10) square feet of floor area per person available for the accommodation of movable seats only in that portion of the structure that could be reasonably assumed to be part of the largest assembly room or area; or iii) By allowing fifty (50) square feet of gross floor area per person of the structure as a whole.

Setback, Established: shall mean the distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lines on the lot.

Setback, Required: shall mean the minimum distance required between a street line and the front building line of a principal building or structure, projected to the side lines of the lot.



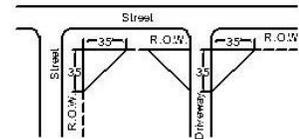
Sheltered Household: shall mean a group of individuals of any age who do not need to be related by blood, marriage, or adoption, living together in a single housekeeping unit in a structure with up to six (6) bedrooms, for the purpose of receiving/giving some specialized care, training, or support for their physical, emotional, or social health. A resident attendant individual or couple (two [2] people maximum) to provide on-site care or training, such as a nurse or houseparent, may occupy one (1) of the allowed bedrooms in the dwelling, while the remaining bedrooms must be

occupied by individuals receiving such care or training. A sheltered household does not include household settings that would meet the definition of group home without regard to the number of permitted residents. (Ord. No. 1126; passed 6-12-00)

Showroom: shall mean a business establishment primarily for the display and selling of a limited type or line of products that requires an area to set up and exhibit the products, such as furniture, mattresses, cabinets, home plumbing or lighting fixtures, rugs and flooring, and similar items or products that are generally not intended to be placed or left in an outdoor environment. These business establishments are generally characterized as having a relatively low volume of customers at any one time frame compared to other retail type businesses. A Showroom may include retail and wholesale sales, but is contained in an entirely enclosed building with no outside storage of any materials, products, or parts. Any storage of material or products not displayed can occupy no more than forty percent (40%) of the gross floor area of the building and be contained within the same building as the display area.

Shrub: shall mean a woody plant normally containing multiple stems and a mature height of less than twelve feet (12').

Sight Triangle: shall mean the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines, or a right-of-way line and the curb or edge of pavement of a private street or driveway, each point being thirty five feet (35') from the intersection, and the two intersecting right-of-way lines (or right-of-way line and curb cut). A sight triangle may also be created with dimensions as determined by the State Department of Transportation. (Ord. No. 1532; passed 1-8-07)



Sign: shall mean any object, device, surface, or structure, in full or part, which is sufficiently visible to persons not located on the lot where such a device is situated in order i) to attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, or ii) to communicate information to them.

Sign, Advertising: shall mean a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered: i) when located at a site other than upon the premises where the sign is displayed, such as a billboard, or ii) as a minor and incidental activity upon the premises where the sign is displayed.

Sign, Airborne: shall mean any sign, including any moored blimp, gas balloon, or other inflatable element, whether or not intended to move in the wind, which is designed to inform or attract the attention of persons not on the premises on which it is located.

Sign, Attached: shall mean a sign connected or affixed to a principal building or structure or to any architectural feature of such building or structure, or dependent on such a building or structure for its support, but not including signs affixed to a fence or accessory structure.

Sign, Awning: shall mean a sign attached to or made part of an awning.

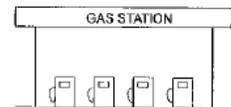
Sign, Banner: shall mean a sign made of nonrigid material, possessing some characters or ornamentation, intended to be hung either with or without an enclosing framework, but not a flag, feather, or pennant.

Sign, Billboard: shall mean a sign that has a primary purpose of identifying or communicating, by paint, posters, panels, or lighting, a message related to an activity, service, business, event, or location other than where the sign is located, or a noncommercial message that may be unrelated to the sign location or to any real property. Such Billboard signs are generally freestanding permanent structures with their sign face area designed so that the copy or featured message can be changed frequently and the advertising space is for lease.

Sign, Bulletin Board: shall mean a sign used to announce meetings or programs to be held on the premises of a place of worship, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

Sign, Business: shall mean a sign which directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Sign, Canopy: shall mean a sign attached to or made part of a canopy when the sign message elements are the same or similar material and plane as the canopy and do not extend above or below the vertical face of the canopy.



Sign, Canopy Top: shall mean a sign placed on the front top edge of a canopy.

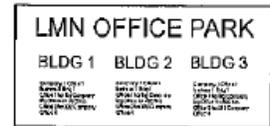
Sign, Changeable Copy: shall mean a sign that is designed so that copy on some or all of the sign area can be periodically altered, either manually in the field or through mechanical or computerized methods, including but not limited to readerboards and computerized LED or pixel-lit message boards.

Sign, Construction: shall mean a sign placed at a location where land disturbing activity is occurring, or is scheduled to occur, which identifies or announces the project or the name of the architect, engineer, contractor, financier, and/or others involved in the development of the project.

Sign, Directional: shall mean a sign, either on- or off-premise, intended to direct persons to a business, activity, event, or other location, limited only to identification of the business, activity, event or location and accompanying directional message in words or symbols.



Sign, Directory: shall mean a sign listing names and/or uses, or locations of more than one business, activity, or professional office conducted within a building, group of buildings, or shopping center. Such signs are typically located near entrances or at strategic locations within the center or complex, and contain no other identifying or advertising messages.



Sign, Feather: shall mean a form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edges so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support.

Sign, Flag: shall mean a piece of durable fabric with a distinctive design, whether or not containing a written message, that is used as a symbol or decorative feature.

Sign, Flashing: shall mean a sign that uses intermittent, varying intensity, or flashing light source or sources to attract attention.

Sign, Freestanding: shall mean a sign that is not attached to, suspended from, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but instead is supported by some structure in or on the ground or other surface or is unsupported (airborne).

Sign, Government: shall mean any temporary or permanent sign erected and maintained for any governmental purposes.

Sign, Ground or Monument: shall mean a freestanding sign which extends from the ground or is attached directly to the ground generally for the entire length of its bottom sign face dimension or which has a support which places the bottom of the sign less than twelve inches (12") from the ground.

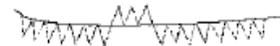
Sign, Identification: shall mean a sign used to display only the name (words and/or symbols, plus address, phone, website, etc.) of the individual, family, organization or enterprise occupying the premises, or the profession of the occupant, or the name of the building on which the sign is displayed.

Sign, Incidental: shall mean a sign which is clearly incidental to other signs on-site, and is intended to provide instruction or information to persons on-site, such as but not limited to "Exit", "Entrance", "Parking", "Bicycle parking", "Drive Through", and menu boards. Simple identification of the on-site enterprise or organization may be displayed with the informational copy.

Sign, Moving: shall mean a sign that moves as one unit or that has individual parts designed to move by mechanical means, but not including sign faces that change or move symbols or messages by means of differing light sources.

Sign, Mural: shall mean the sign area on an exterior wall that may include some illustration or design and also a discernible message, when the message is clearly related by language, logo, or pictorial depiction to the advertisement of any contemporary product or service or the identification of a contemporary business. Identification or advertisement of products, services, businesses, or locations of a historical nature and not in operation or available today may be a Mural but is not a sign.

Sign, Pennant: shall mean any lightweight material, whether or not containing a message of any kind, suspended from a rope, wire, string, or pole, usually in a series, designed to move in the wind.



Sign, Portable: shall mean a sign designed or intended to be regularly relocated, whether or not it is attached to the ground, a structure, or a building, and may include but not be limited to a sign on wheels, an A-frame sign, a sandwich board, an airborne sign, or standing (gas price) signs.

Sign, Post: shall mean a freestanding sign with one (1) or two (2) supporting posts, wires, or rods, or similar small upright structure which extends less than five feet (5') in vertical height, anchored in or placed on the ground or other surface so that the message copy area can be attached directly unto such post or to a generally



horizontal support element which is attached to the upright post.

Sign, Projecting: shall mean a sign other than a canopy or awning sign which projects from, and is attached to, the exterior wall of any building, and forming an angle to the supporting wall.



Sign, Pylon or Pole: shall mean a freestanding sign supported by one (1) or more structures or poles that are placed on, or anchored in, the ground or other surface and otherwise separated from the ground by more than twelve inches (12”) by air, generally over five feet (5’) in height, and which is independent from any building or other structure.

Sign, Real Estate: shall mean a sign that is placed on private property to offer real property for sale, lease, rent, or development.

Sign, Residential Development Message Board: shall mean a sign used to announce meetings or programs and similar noncommercial messages specifically intended for the residents of the one specific residential subdivision, development, or complex within which it is located. (Ord. No. 2083; passed 5-11-2015)

Sign, Roof: shall mean a sign erected or maintained in whole or in part upon or over the roof of a building, or on a parapet of a building higher than the top of the roof located directly behind the sign, and where no structural penthouse extends from the interior side of the parapet to increase the roof height at that location.

Sign, Sponsorship: shall mean an advertising sign employed by civic, fraternal, religious, charitable or similar organizations which identifies a sponsor of recreational facilities or special events provided on the premises where such signs are displayed.

Sign, Suspended: shall mean a sign which is suspended or hung from the underside of a horizontal plane surface, such as an arcade, and is supported by such surface.

Sign, Temporary: shall mean a sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time.

Sign, Vehicular: shall mean a sign on a parked or stationary vehicle visible from the public right-of-way where the primary purpose of the vehicle and its placement is to advertise a product or to direct people to a business or activity located on the same or nearby property, but does not include business logos, identification or advertising on a vehicle which is primarily and regularly used for other business purposes.

Sign, Wall: shall mean any sign directly attached to, painted on, or adhered to an exterior wall of a building, with the exposed display surface of the sign in a plane parallel to the plane of the wall and which does not extend above the roofline immediately behind it or more than twelve inches (12”) from the supporting wall.

Sign, Wayfinding: shall mean a sign, frequently off-premise, specifically designed to provide directional or destination information, and provided as part of an overall community plan to improve communication to the public.

Sign, Window: shall mean a sign which is applied on, affixed to, painted or stenciled on, or displayed on or through the exterior of the building glass area, located such that the identifying/advertising message or other material which communicates information can be read from off-premises.

Sign Area: shall mean i) the smallest square, rectangle, or circle that physically and visually forms the boundary of the complete message area of a sign, such as a board, frame, painted border, or canister, or ii) the smallest square, rectangle, or circle that encloses separate elements of the message of a sign composed in whole or in part of freestanding letters, devices, or sculpted matter not mounted on a measurable surface.

Skilled Care Facility (Nursing Home): shall mean a home for three or more 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 nursing care is 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. (Ord. No. 1532, passed 1-8-07)

Slick Stick: Shall mean a unipole constructed similar to a flagpole, but without the flag. The intent is to conceal antennas and equipment within the unipole, not to extend beyond the perimeter of the pole itself.



Small Cell Site (SCS): shall be an umbrella term for operator-controlled, low-powered radio access nodes, including those that operate in licensed spectrum and in licensed carrier-grade Wi-Fi. Small

cells typically have a signal range from approximately 32 ft to 650 ft and are fully featured, short range wireless base stations used to complement service from the larger macro cell towers. Small cell sites are a good way to increase mobile phone coverage and data speeds for both voice and data. Sizes range from compact residential to a pole in public right-of-way. SCS are flexible enough to also be deployed indoors in large buildings or venues where large crowds can overwhelm traditional infrastructure.

Small Wireless Facility: shall mean a wireless facility that meets both of the following: i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, case of an antenna, that has exposed elements, the antenna and all of its exposed elements, if enclosed could fit within an enclosure no more than six (6) cubic feet; and ii) all other wireless equipment associated with the facility has a cumulative volume of no more than twenty eight (28) cubic feet in volume. The following types of ancillary equipment are not included in the calculation of equipment volume: 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 Collector Installation: shall mean a device or structure which transforms solar radiant energy into other forms of energy, which may take the form of a series of photovoltaic cells or an array of panels aimed to directly collect the sun's rays, along with necessary lines, wires, pumps, batteries, mounting brackets, framing, and other related equipment to support the placement of the solar energy receiving elements and to assist in the delivery or transformation of the received energy.

Solar Glare: shall mean the effect produced by light reflecting from a solar panel to an individual not within the confines of the solar collector installation with an intensity sufficient to cause physical discomfort, or loss in visual performance and visibility.

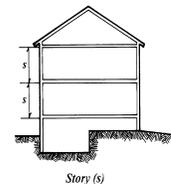
Spa: shall mean a personal service establishment which employs professional, licensed therapists whose services include nonsurgical body or facial treatments, such as cleansing facials, electrolysis, exfoliation, waxing, and body wraps. Steam and sauna facilities, massage and relaxation facilities, hair salons, manicure and pedicure stations and other similar personal treatment areas may also be provided.

Stealth or Concealed Structure: shall mean the support structure for a communications antenna which is primarily for another principal use or accessory to the principal use on the lot where it is located, and partially or wholly conceals the antenna or minimizes its appearance in relation to the principal use of the stealth structure. A stealth or concealed structure may also be a freestanding structure with no other use connection to the principal use on the site when it is designed to match features on the site, such as a "tree" structure within natural trees. A stealth structure shall visually blend in and fit with the overall activities and structures on the site. All appurtenances to the antenna are wholly concealed by the same structure or other structure in the immediate vicinity, except where a stealth application is not part of a building, then the equipment and wiring shall not be required to be wholly concealed.

Stealth Application: shall mean a concealed wireless facility, designed and intended to make the wireless facility difficult to detect in the public view.

Stealth Structure, Existing: shall mean a stealth structure in place as of January 27, 1997, the initial date of adoption of regulations concerning communications towers and antennas, is considered existing. Essentially equivalent replacement of such a structure in which its height does not increase more than twenty feet (20'), and compliance to this height limit can be verified, may also be deemed to be existing.

Story: shall mean that part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third (1/3) of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third (1/3) of the area of the roof.



Street, Arterial: shall mean a multi-lane major roadway, designated as a Class I, II, III, III-C, or IV street, connecting freeways, expressways, or other main roads with lesser streets in the network and is designed to accommodate large volumes of traffic at moderate speeds. There are several categories of arterial streets: limited access arterial streets, which have access points only at cross streets rather than individual driveways; major arterial streets, which may also connect regions, but are not intended to provide primary access to trip generating uses; commercial arterial streets, whose function, in part, is to provide direct access to nonresidential high trip generating land uses; and minor arterial streets, which, built on a smaller scale than other types of arterial streets, usually only handle trips for short to moderate distances.

Street, Close: shall mean a segment or final block of a local street which incorporates a small public green area surrounded by a public pavement or shared private street serving as vehicular access for a limited number of adjoining lots, which offers a design alternative to a cul-de-sac end segment.

Street, Collector: shall mean a roadway which assembles traffic from local streets, and distributes it to the nearest arterial street, provides direct primary access to low/medium density land uses, and is designed to carry low to moderate traffic volumes at low to moderate speeds.

Street, Cul-de-sac: shall mean a permanently dead-ended street segment, with only one motor vehicular entry and exit point and the other end in a form that allows at minimum size private passenger vehicles to maneuver within the improved pavement area to turn one hundred eighty degrees (180°).

Street, Minor Residential Access: shall mean a street used predominantly to provide access to abutting residential properties and classified as a Class VI Local, or VI-L Local Limited.

Street, Private: shall mean, where allowed, an interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private residences, business establishments, or parking and service areas and which is not maintained by the public.

Street, Public: shall mean a public right-of-way not less than thirty feet (30') in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina or by the Town of Matthews, has been established as a public street prior to the adoption date of this section, or which has been dedicated for public travel by the recording of a plat of subdivision which has been approved by the Board of Commissioners.

Street, Thoroughfare: shall mean any street designated on an adopted thoroughfare plan or any street which is an extension of any street on a thoroughfare plan and which extends into the area not covered by a thoroughfare plan. The terms thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, II-C, or IV.

Street Line, Right-of-Way Line: shall mean a dividing line between a lot and a street right-of-way. In cases where the right-of-way has not been recorded through the subdivision process or otherwise recorded with specific dimensions, the right-of-way width is the area maintained by the Town or the State.

Streetscape Plan: shall mean a plan that specifies planting strips, tree species, sidewalk locations, and other design aspects along public and/or private streets within Matthews. Such plans are effective following approval by the Board of Commissioners.

Structure: shall mean anything constructed or erected, the use of which requires location on the land or attachment to something having a permanent location on the land, excluding fences, walls used as fences, garden trellises, arbors, sports backstops, and similar items when such items are less than six feet (6') in height and twelve inches (12") in depth.

Subdivider: shall mean any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision.

Subdivision: shall mean 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) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition: i) 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 of this Title; ii) the division of land into parcels greater than ten (10) acres where no street right-of-way dedications is involved; iii) the public acquisition by purchase of strips of land for the widening or opening of streets; and iv) the division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Title and the underlying zoning district.

Subdivision, Limited: shall mean a subdivision that is not otherwise exempt from the provisions of this Title and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres.

Subdivision, Minor: shall mean any subdivision containing not more than nine (9) lots fronting on an existing street that does not involve any of the following: i) the creation of any new public streets or street right-of-way, or improvements to an existing street; ii) the extension of any needed rights-of-way or easements for the water or sewer system operated by Charlotte-Mecklenburg Utility Department; iii) the installation of drainage improvements through one or more lots to serve one or more other lots; and iv) the installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Substantial Modification to Wireless Facility: shall mean 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 criteria: a) Increasing the existing vertical height of the structure by the greater of i) more than ten percent (10%) or ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet. b) 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. c) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

Tap Room: shall mean a room or defined interior space that is ancillary to the production of beer at a microbrewery, brewpub, or large brewery where the public can purchase and/or consume only the beer produced on-site.

Telephone Exchange: shall mean an enclosed structure containing electronic components and digital systems which are necessary to transmit and complete audio elements of telephone calls between callers and receivers.

Thoroughfare Plan: shall mean a map and any attendant documents approved by the Town of Matthews or Mecklenburg County Board of Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. This is a general term used to describe officially adopted documents explaining intended future road improvements.

Topping: shall mean any pruning practice generally employed on the top of a tree that indiscriminately makes cuts without regard to the proximity of a side branch, and which practice is very detrimental to tree health.

Town: shall mean the Town of Matthews.

Traffic Calming Device: shall mean speed humps, speed tables, traffic circles, chicanes and other devices designed to control motor vehicular speeding and high through traffic volumes on streets.

Trailer, Hauling or Utility: shall mean a vehicle or structure designed to be transported and intended for carrying animals or goods.

Trailer, Overnight Camping: shall mean a vehicle or structure designed to be transported and intended for occasional recreational use for living and sleeping accommodations, which may include one of the following: i) *Camping Trailer:* shall mean a canvas, temporary, folding structure mounted on wheels and designed for travel, recreation, and vacation use; ii) *Motor Home:* shall mean a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; iii) *Pick-Up Coach:* shall mean a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; and, iv) *Travel Trailer:* shall mean a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation, having its body width not to exceed eight feet (8') and its body length not to exceed thirty two feet (32').

Trailer Park, Overnight Camping: shall mean a site, tract of land, or lot upon which not less than two (2) overnight camp sites for use by camping or recreation trailers or vehicles may be located, regardless of whether or not a charge is made for that service.

Transit Station: shall mean an identified and approved location currently or eventually to be owned or leased by a local or regional transit providing agency, on which facilities have or will be located to allow public access to regional mass transit vehicles. A Transit Station may include, but not limited to: station platforms as designated places for loading and disembarking of passengers; ticket stations (manned or automated); passenger drop-off areas and parking spaces for use by passengers prior to and following travel by transit vehicle; travel mode transfer facilities such as a change from bus to rail; and passenger comfort amenities such as benches, covered walkways, waiting rooms, and rest rooms.

Transit Stop Shelter: shall mean a free standing structure, of less than one hundred (100) square feet, located on any type of mass transit route which is designed to accommodate embarking and disembarking transit passengers. Mass transit routes include, but are not limited to, public bus, trolley, rail and light rail transportation systems.

Tree, Large Maturing: shall mean a tree whose height is greater than thirty five feet (35') at maturity.

Tree, North Carolina Champion: shall mean any tree that is listed in the North Carolina Big Tree List.

Tree, Protected: shall mean an individual tree having special regulatory procedures for removal on public and private property. Protected Trees include all trees on public property, North Carolina Champion Trees, and Matthews Specimen Trees as designated by the Matthews Board of Commissioners. Protected Trees can include individual trees or all trees in a stand on a construction site designated to be preserved on a required landscape plan.

Tree, Small Maturing: shall mean a tree whose height is generally less than thirty five feet (35') at maturity.

Tree, Specimen: shall mean any tree designated by the Town as having unique value, historical interest, or other noteworthy characteristics. A tree may be considered a Specimen Tree based on its size, age, rarity, history, or ecological significance as determined by the Town Landscape Manager and a Certified Arborist consultant.



Tree, Streetscape: shall mean any tree planted within or adjacent to a public right-of-way.

Tree Canopy: shall mean the combined crown areas of all trees on a tract of land.

Tree Canopy, Existing: shall mean the tree canopy that has existed for at least three (3) years on a site as verified by aerial photographs.

Tree Evaluation Formula: shall mean a formula for determining the value of trees and shrubs as published by the International Society of Arboriculture.

Tree Protection Area: shall mean that area or areas designated for the protection of both preserved and planted trees depicted on tree protection and landscape plans.

Tree Stand: shall mean a group of trees in close spatial proximity that can be treated as a unit for the implementation of a tree protection area.

Truck Terminal: shall mean a facility used for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in this use type would be express and other mail and package distribution facilities. A truck terminal facility does not include permanent or long-term accessory storage for principal land uses at other locations. (Ord. No. 1524, passed 12-11-06)

Unobstructed Open Space: shall mean land not covered by buildings or structures. Unobstructed Open Space is further defined in Chapter 8 Post Construction Regulations.

Usable Open Space: shall mean that required portion of a lot at ground level, unoccupied by principal or accessory buildings and available for all occupants of the building. This space of minimum prescribed dimensions shall not be devoted to service driveways, off-street parking, or loading berths but shall be usable for greenery, drying yards, recreation space, and other leisure activities normally carried on outdoors.

Utility Pole: shall mean a structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or provide lighting.

Vegetation Survey: shall mean an inventory and assessment of existing vegetation, particularly trees, on a site prior to any land disturbing activity, and/or any vegetation that existed on the site prior to clear cut activity that occurred within the previous three years.

Vehicle, Commercial, Mid-Range: shall mean a vehicle that is designed or used for business purposes, is generally marked with a sign or carries a commercial vehicle license plate, and that has a gross vehicle weight rating (GVWR) of less than thirteen thousand (13,000) pounds and a cargo area/work platform (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc.) that does not exceed eight feet (8') in height. Cargo area/work platforms separate from the cab shall not exceed fourteen feet (14') in fixed length. A camper shell, toolbox within the bed, and similar accessory equipment or a conversion van that is clearly intended and being used for regular personal or household use, but not for any business or commercial activity, will not qualify the vehicle as a commercial vehicle. However, ladder racks, cranes, compressors, hose reels, welders and similar equipment make the vehicle a commercial vehicle.

Vehicle, Commercial, Large: shall mean a vehicle that is designed or used for business purposes, is generally marked with a sign or carries a commercial vehicle license plate, and that has a gross vehicle weight rating (GVWR) of thirteen thousand (13,000) pounds or more. Large commercial vehicle also includes a vehicle with a GVWR of less than thirteen thousand (13,000) pounds if the height of any portion of the vehicle exceed eight feet (8') (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc.), or the length of the cargo area/work platform exceeds fourteen feet (14') in fixed length.

Vehicle, Compact: shall mean a car used for transportation by one or more individuals in their daily routines and occasional activities, marketed as an economical compact or subcompact vehicle for personal or family use, with a wheelbase generally not exceeding one hundred seven inches (107") and overall length not exceeding one hundred ninety inches (190").

Vehicle, Standard or Passenger: shall mean a car, pick-up truck, van, sport utility vehicle, and similar sized vehicle used for transportation by one or more individuals in their daily routines and occasional activities, excluding buses and trains.

Vehicle, Recreational: shall mean a vehicle other than a passenger or commercial vehicle for noncommercial recreational use, either self-propelled or able to be mobile on land when towed by a separate vehicle or when placed on a separate trailer, including but not limited to a motor home, travel trailer, camper shell, cab-over-camper, fifth wheel, horse trailer, or a trailer which transports a recreational vehicle such as a boat, water craft, or off-road vehicle.

Veterinary Clinic: shall mean a facility where small animals or pets are given medical or surgical treatment and are cared for only while they are there for the treatment.

Veterinary Hospital: shall mean an establishment for the diagnosis, treatment, and prevention of animal diseases and injuries which may include medical and surgical services and twenty four (24) hour surveillance of recuperating animals.

Water Tower: shall mean a water storage tank, a standpipe, or elevated tank situated on a support structure originally and primarily constructed for use as a reservoir or facility to store or deliver water.

Wireless Communication Equipment Base Station: shall mean a fixed point of communication for customer digital device on a carrier network. A specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antenna, coaxial cables, power supplies, and other associated electronics. Base station elements must be in close physical location to SCS, DAS and/or tower.

Wireless Facility: shall mean 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 shall not include any of the following: (i) the structure or improvements on, under, within, or adjacent to which the equipment is collocated; (ii) Wireless backhaul facilities; iii) Coaxial or fiber optic cable that is between wireless structures or utility poles or town utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. This definition does not include small and micro wireless facilities.

Wireless Infrastructure Provider: shall mean any person or business entity 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: shall mean 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: shall mean a person or business entity who provides wireless services.

Wireless Support Structure: shall mean 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. Utility poles are not wireless support structures.

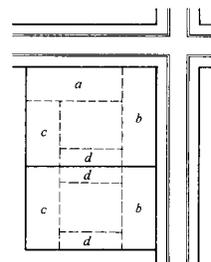
Xeriscape: shall mean a landscape site planted with plant materials that have a very low water requirement or are very drought tolerant as designated by the North Carolina State University Agricultural Extension Service.

Yard, Front, Established: shall mean an open, unoccupied space between a street line and the front of a building or structure, as constructed, projected to the side lines of the lot.

Yard, Front, Required: shall mean the minimum open, unoccupied space required between a street line and the front building line of a principal building or structure, projected to the side lot lines of the lot.

Yard, Rear, Required: shall mean the minimum open space required between the rear lot line and the rear building line of a principal building or structure, projected to the side lot lines of the lot, and containing permitted accessory buildings, structures, or uses.

Yard, Side, Required: shall mean the minimum open, unoccupied space including driveways and parking areas required between the side line and the side building line, extending from the required setback to the required rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the required rear yard.



Yards:
 (a) Corner Side Yard
 (b) Front Yard
 (c) Rear Yard
 (d) Side Yard

(’72 Code, § 24-1100) (Ord. 477, passed 2-8-88; Am. Ord. 716, passed 2-3-92; Am. Ord. 731, passed 5-4-92; Am. Ord. 752, passed 8-3-92; Am. Ord. 869, passed 7-14-95; Am. Ord. 871, passed 9-12-94; Am. Ord. 872, passed 8-8-94; Am. Ord. 875, passed 5-9-94; Am. Ord. 885, passed 3-18-96; Am. Ord. 2025A, passed 6-9-14; Am. Ord. 2059, passed 12-8-14; Am. Ord. 2141, passed 4-11-16; Am. Ord. 2231, passed 6-12-17; Am. Ord. 2279, passed 2-12-18; Am. Ord. 2280A, passed 2-12-18; Am. Ord. 2461, passed 12-9-19)