

9. RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

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ARTICLE 9. RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

SECTION 9.1. RULES OF CONSTRUCTION

A. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

B. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions or events apply;
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply; and
- (3) "And/or" indicates that one or more of the connected items, conditions, provisions, or events apply.

C. TENSES AND PLURALS

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice-versa.

D. TERM NOT DEFINED

If a term used in this Ordinance is not defined in Article 10 or elsewhere in this Ordinance, the Planning Department as appropriate, shall have the authority to provide a definition based on the definitions use in accepted sources including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

E. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the day subsequent that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

SECTION 9.2. GENERAL RULES FOR INTERPRETATION

A. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article and Article 10, **the specific section's** meaning and application of the term shall control.

B. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are generally provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

C. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

E. DELEGATION OF AUTHORITY

Any act authorized by this Ordinance to be carried out by a specific official of the City may be carried out by a professional-level designee of such official at the direction of the official.

F. TECHNICAL AND NONTECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

G. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Kannapolis, North Carolina, unless otherwise indicated.

SECTION 9.3. RULES OF MEASUREMENT

A. MEASUREMENT

Density, intensity, and dimensional standards shall be measured in accordance with this section:

(1) LOT AREA

Lot area shall be determined by measuring the area of a horizontal plane within the lot lines of a lot.

(2) LOT WIDTH

For all lots other than lots fronting the inside of the curve of a street, lot width shall be determined by measuring the distance in a straight line between side lot lines (see Article 10: Definitions) at the required minimum front setback. For lots fronting the inside of the curve of a street, lot width shall be determined by measuring the distance between side lot lines in a straight line that is parallel to and 30 feet behind the line connecting the side lot lines at the front lot line.

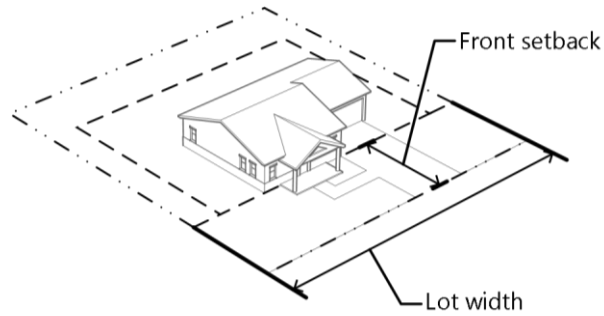
(3) SETBACK

a. Front, side, and rear setbacks on a lot shall be determined by measuring the distance between the front, side, or rear lot line (see Article 10: Definitions), respectively, to the nearest projection of a

principal structure on the lot. Setbacks shall be unobstructed from the ground to the sky except as otherwise provided in this Ordinance. Minimum required setbacks for each zoning district are set forth in Article 3, Zoning Districts.

- b. Minimum setbacks shown on a preliminary plat approved prior to a change in dimensional standards, shall be permitted for subsequent final plats, as long as the initial preliminary plat is valid at the time of filing the first final plat.

Figure 9.3.A(3): Setback and Lot Width Measurement



(4) BUILD-TO ZONE

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

(5) BUILD-TO ZONE WIDTH

The build-to zone width shall be determined by measuring the distance in a straight line between the two farthest points on the minimum build-to zone boundary.

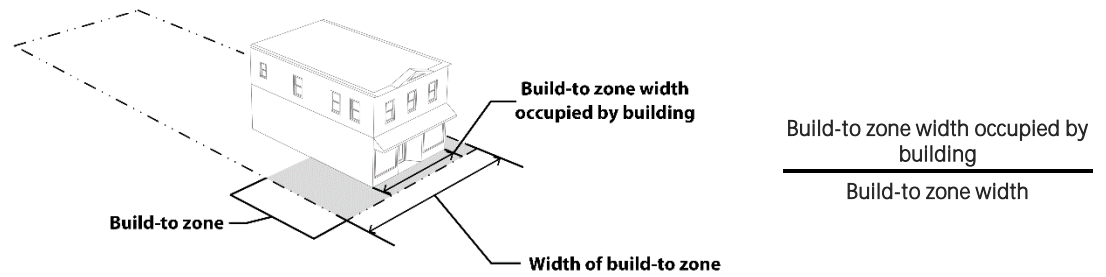
(6) BUILD-TO ZONE WIDTH OCCUPIED BY BUILDING

The build-to zone width occupied by a building shall be determined by measuring the maximum distance in a straight line, parallel to the front lot line, between the exterior building walls within the build-to zone. Where multiple principal buildings on a lot occupy the build-to zone, this distance is summed for all buildings.

(7) PERCENTAGE OF BUILD-TO ZONE WIDTH OCCUPIED BY BUILDING

The percentage of build-to zone width occupied by a building shall be determined by dividing the build-to zone width occupied by a building by the build-to zone width, then multiplying the result by 100.

Figure 9.3.A(7): Percentage of Build-To Zone Width Occupied By Building



(8) IMPERVIOUS SURFACE RATIO

For purposes of the zoning district dimensional and intensity standards in Article 3: Zoning Districts, the impervious surface ratio of a lot shall be determined by dividing the lot's total horizontal land area covered by impervious area by the lot area. In making this determination, the impervious area shall be the horizontal area covered by impervious surface (see Article 10: Definitions).

(9) BUILDING HEIGHT

Building height is measured as the vertical distance between the average elevation of finished grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of a flat roof, excluding any parapet wall. (See Figure 9.3.A(9)-1: Building Height, and Figure 9.3.A(9)-2: Average Elevation of Finished Grade).

Figure 9.3.A(9)-1: Building Height

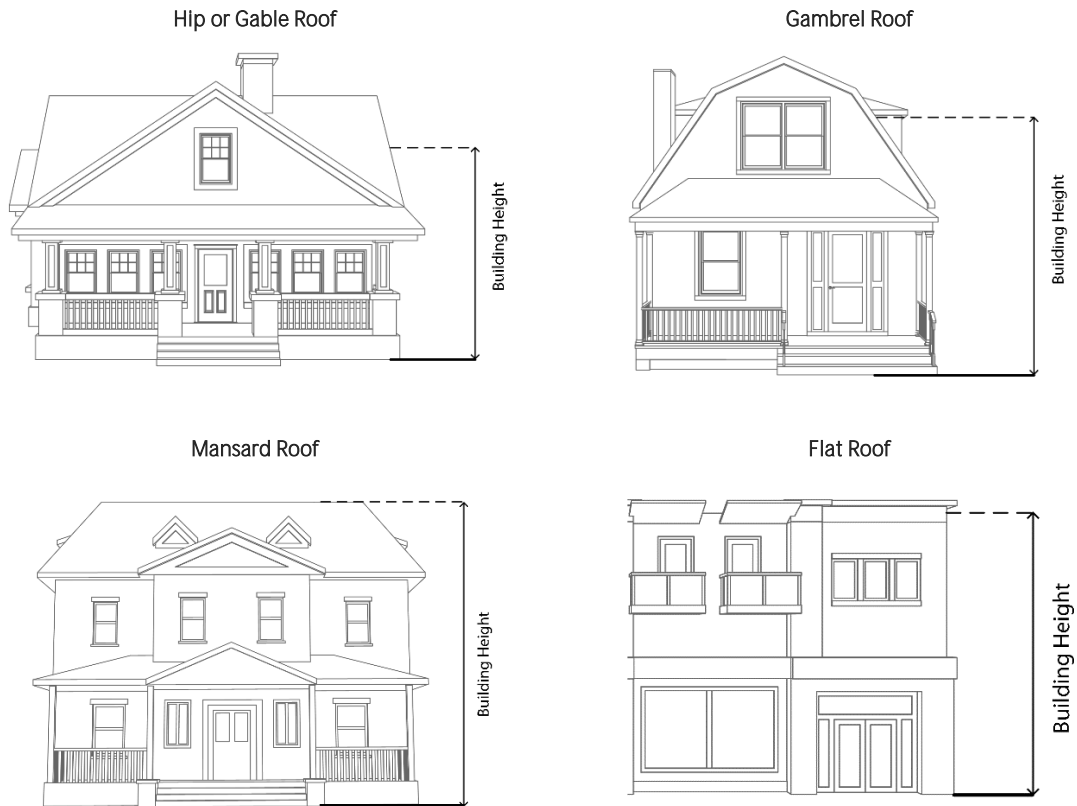
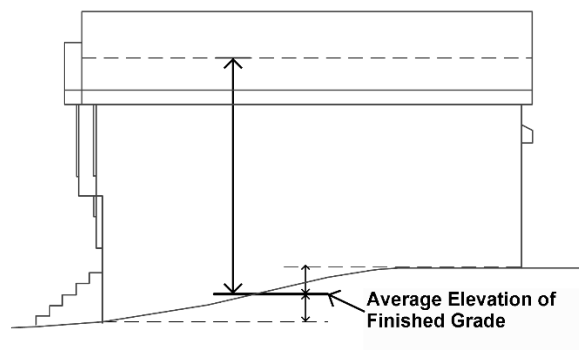


Figure 9.3.A(9)-2: Average Elevation of Finished Grade



(10) DENSITY

Unless expressly stated otherwise in this Ordinance, density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the area of the lot.

(11) SIGNS

a. SIGN AREA

1. The sign area of a sign having only one sign face is the area within the smallest square or rectangle that will encompass the extreme limits of (1) the writing, representation, emblem, or other display, and (2) any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall if the fence or wall otherwise complies with the standards of this Ordinance and is clearly incidental to the display itself.
2. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and not separated by more than 42 inches, the sign area shall be computed by the measurement of one of the faces.

b. SIGN HEIGHT

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. For the purpose of this definition, normal grade shall be defined as either (1) the existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. If the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot or parcel, whichever is lower.

B. EXCEPTIONS AND VARIATIONS

The following exceptions and variations are applicable in all zoning districts.

(1) LOTS FOR PUBLIC UTILITIES

Lots for public utilities, using land or an unoccupied building of generally less than 2,500 square feet of site area, are exempt from the minimum lot area and minimum lot width standards of the district in which they are located.

(2) REDUCTION OF MINIMUM LOT WIDTH TO BLOCK FACE AVERAGE

The minimum lot width applicable to a lot shall be reduced below the standards applicable in the zoning district in which the lot is located to the average width of lots located on the same block face and in the same zoning district, where such average lot width is less than required in the district and where a minimum of 70 percent of such lots were recorded prior to July 1, 2022. Calculation of the average width shall exclude any lot width that exceeds the next widest lot width by more than 20 percent.

(3) REDUCTION OF MINIMUM SETBACK REQUIREMENTS TO BLOCK FACE AVERAGE

The minimum required front yard setback on a lot shall be reduced below the standards applicable in the zoning district in which the lot is located to the average established front setback on lots located

on the same block face and in the same zoning district, where such average setback is less than is required in the district and where a minimum of 60 percent of the such frontage was developed prior to July 1, 2022. Calculation of the average shall exclude any front setback depth that exceeds the next deepest depth by more than 15 feet.

(4) EXCEPTIONS TO MAXIMUM BUILDING HEIGHT

The maximum building height standards in this Ordinance shall not apply to the following structures or structural elements.

- a. Monuments, water towers, silos, granaries, barns, airway beacons, structures for essential services, flagpoles, utility transmission towers, cooling towers, fire towers, and other similar structures not intended for human occupancy;
- b. Spires, belfries, cupolas, domes, chimneys, elevator housings, water tanks, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:
 - 1. Cover not more than 33 percent of the roof area of the structure to which they are attached; and
 - 2. Comply with applicable screening standards for mechanical equipment and appurtenances;
- c. Antennas, provided they comply with height limits established for the specific use;
- d. Roof-mounted small-scale solar energy collection systems, in accordance with standards in Section 4.3.D(21), Solar energy conversion system (small-scale);
- e. Small-scale wind energy systems, in accordance with the height standards in Section 4.3.D(24), Wind energy conversion system (small-scale).

(5) ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS OR RIGHTS-OF-WAY

Every part of every required yard, as defined by the minimum setbacks, shall remain unoccupied and unobstructed by a structure or portion of a structure, except as otherwise allowed in Table 9.3.B(5): Allowed Encroachments into Required Setbacks or Rights-of-Way, or by another provision of this Ordinance.

TABLE 9.3.B(5): Allowed Encroachments into Required Setbacks or Rights-of-Way

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
ENCROACHMENT INTO SETBACKS	
Eaves, overhanging roof, buttresses, gutters, chimneys, cornices, piers, awnings, or and other minor architectural features	May extend up to 24 inches into any required yard.
Steps, stairs, ramps, stoops, balconies, or fire escapes, non-enclosed	May extend up to six feet into any required yard.
Covered, non-enclosed porches	May extend up to six feet into any required yard.
Patios or terraces, or walkways	May extend into or be located in any required yard if less than two inches high.
Retaining wall	May extend as close as 18 inches to a street line or alley line, unless the wall is 30 inches or less in height in which case no setback is required.

TABLE 9.3.B(5): Allowed Encroachments into Required Setbacks or Rights-of-Way

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
A protective hood, porch, or overhang over a doorway	May extend up to five feet into any required yard.
Required screening	May encroach into any required yard.
Bay windows	May extend up to three feet into any required yard if no more than ten feet wide.
Accessory structures not listed in this table	May extend into or be located in any required side or rear yard in accordance with Section 4.3, Accessory Uses and Structures.
Flagpole	May be located in any required yard if less than 20 feet high.
Signs, projecting, free-standing, or attached to an awning, canopy, or marquee	May extend into any required yard in accordance with Section 5.9, Sign Standards.
Fences and walls	May be located in any required yard in accordance with Section 5.5, Fence and Wall Standards.
Mailboxes (including cluster mailboxes)	May be located in any required yard
Stormwater control measures (above or below grade)	May be located in any required yard
ENCROACHMENT INTO RIGHT-OF-WAY	
Awnings, canopies, and marquees	May project over the public rights-of-way subject to the following regulations: <ul style="list-style-type: none"> • Shall not extend more than two-thirds of the distance from the building to closer of the curblines or the edge of the street surface; • Shall not project within 12 inches of the curb line or the edge of the street surface; • Shall maintain a minimum eight-foot vertical clearance above the right-of-way, except that the free-hanging valance of an awning or canopy may extend to within seven feet above the right-of-way; and • Shall not interfere with the growth or maintenance of street trees or with the maintenance of street lights and street signs.
Signs on awnings, canopies, and marquees and projecting signs	May project over the public rights-of-way in accordance with Section 5.9, Sign Standards.