

CHAPTER 155: ZONING

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GENERAL PROVISIONS**§ 155.001 PURPOSE.**

(A) The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(B) They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(Ord. passed 4-16-2018)

§ 155.002 AUTHORITY.

The Town Council enacts this chapter pursuant to the authority granted by the state's General Statutes (G.S. §§ 160A-381 and 160A-392).

(Ord. passed 4-16-2018)

§ 155.003 SHORT TITLE.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Town of Norwood, North Carolina", and the zoning map referred to herein shall also be known as the "Official Zoning Map of the Town of Norwood, North Carolina".

(Ord. passed 4-16-2018)

§ 155.004 TERRITORIAL JURISDICTION.

On and after the effective date of this chapter, these regulations shall govern the use of all lands lying within areas designated as "official zoned areas" by the Town Council, and inside the corporate limits or now or hereafter fixed, the territory being more particularly described on the map entitled "Extraterritorial Jurisdiction Map of the Town of Norwood, North Carolina" as is on file in Town Hall and is recorded in the County Register of Deeds, the boundary lines on the map being incorporated and made a part of this chapter as is fully set out herein.

(Ord. passed 4-16-2018)

§ 155.005 CONFLICT WITH OTHER REGULATIONS.

(A) Whenever the regulations of this chapter require a greater width or size of yards, courts, or other open space, or require a lower height of building or lesser number of stories or require a greater percentage of lot to be left unoccupied, or impose other restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this chapter shall govern.

(B) Whenever the provisions of any other statute or agreement require more restrictive standards than are required by this chapter, the provisions of such statute or agreement shall govern; provided, however, that nothing in this chapter shall be construed to amend or repeal any other existing ordinance of the town.

(Ord. passed 4-16-2018)

§ 155.006 INTERPRETATION AND VALIDITY.

Should any section or provision of this chapter or application of a provision under this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. passed 4-16-2018)

§ 155.007 APPLICATION.

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this chapter and the specific provisions for the district in which it is located, except as otherwise provided by these regulations. No principal or accessory structure used for bona fide farm purposes and located more than 250 feet from the nearest property line abutting a residential use shall be subject to the design, height, or size requirements specified in this chapter for such.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.008 VESTED DEVELOPMENT RIGHTS.

(A) *In general.* Any amendments, modifications, supplements, repeal, or other changes in these regulations or the zoning maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

(1) For which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. § 160A-418 and the building permit has not been revoked pursuant to G.S. § 160A-422;

(2) For which a certificate of zoning compliance has been issued prior to the effective date of the ordinance making the change so long as the certificate of zoning compliance remains valid and unexpired pursuant to this section; or

(3) For which a vested right has been established and remains valid and unexpired pursuant to this section.

(B) *Additional procedures for establishing a vested right.* A vested right to commence a planned development or use of property according to a site specific development plan shall be established upon approval of a special use permit, a conditional use permit, a special exception permit, or conditional zoning by the appropriate town board. The vested right thus established is subject to the terms and conditions of the site plan. Only those design elements shown on or made a part of the site plan or certificate of zoning compliance shall be vested.

(C) *Term of a vested right.* A right, which has been vested by the town, shall remain vested for a period of three years from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the town board which approves the modification or amendment. Any request for modification or extension of a vested right shall be required to follow the same notice and hearing requirements as the initial zoning action establishing the vested right. A vested right obtained under this division (C) is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this division (C) shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued except that:

(1) When a vested development plan has been at least 50% completed by the end of the vesting period, the project as a whole shall be given two more years to complete development in conformance with the approved plan not to exceed a total vested period of five years; and

(2) Prior to the vested right terminating at the end of the three-year period, the owner of the property may petition the appropriate board for a one-time, two-year extension of the vested right not to exceed a total vested period of five years. In its deliberations regarding the extension request, the board may consider, among other things: the percentage of the project completed; a demonstration by the petitioner of good faith efforts made towards project completion; the reasons for the delay of project build-out; and the compatibility of the planned development with current town plans and the surrounding area. The board may choose to extend the vested right for the entire project or only a portion of the project and may require one or more design features shown on the plan or incorporated in the certificate of zoning compliance to meet the current ordinance.

(D) *Declaration of a vested right upon voluntary annexation.* A petition for annexation filed with the town under G.S. §§ 160A-31 or 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. §§ 160A-385.1 or 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been

established, shall be binding on the landowner and any such zoning vested right which may have existed shall be terminated.

(Ord. passed 4-16-2018)

§ 155.009 INTERPRETATION OF TERMS.

For the purpose of this chapter, certain words or terms used are herein defined. Except as defined herein, all other words used in this chapter shall have their customary dictionary definition.

(A) Interpretations shall be guided by statements of intent.

(B) Words used in the present tense include the future tense and words used in the future tense include the present tense.

(C) Words used in the singular number include the plural and words used in the plural number include the singular.

(D) The word *PERSON* includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.

(E) The word *LOT* includes the word *PLOT*, *PARCEL*, or *TRACT*.

(F) The word *BUILDING* includes the word *STRUCTURE* and the word *STRUCTURE* includes the word *BUILDING*.

(G) The word *SHALL* is always mandatory and not merely directory. The words *SHALL*, *MUST*, and *WILL* are mandatory, implying an obligation or duty to comply with the particular provision.

(H) The words *USED* or *OCCUPIED* as applied to any land or building shall be construed to include the words *INTENDED*, *ARRANGED*, or *DESIGNED* to be used or occupied.

(I) The word *MAP*, *ZONING MAP*, or *TOWN OF NORWOOD ZONING MAP* shall mean the "Official Zoning Map of the Town of Norwood, North Carolina".

(J) The word *TOWN COUNCIL* shall mean the governing board of the town as stated in G.S. § 160A-1(2).

(K) The term *THIS CHAPTER* shall refer to the town zoning ordinance.

(L) The word *MAY* is permissive, except when the context of the particular use is negative, then it is mandatory (e.g., "may not").

(M) The word *SHOULD*, whether used in the positive or the negative, is a suggested guideline.

(N) References to *DAYS* will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

(O) For purposes of interpreting this chapter, certain words, concepts, and ideas are defined in § 155.010. Except as defined herein, all other words used in this chapter, excluding architectural words and terms, shall have their everyday dictionary definition. Architectural words and terms shall be interpreted as defined in *A Visual Dictionary of Architecture*, Francis D.K. Ching, John Wiley and Sons, New York, 1995, a copy of which is available for review at Town Hall.

(P) Words used in the masculine gender include the feminine gender.

(Q) The word *STREET* includes the words *ROAD, AVENUE, PLACE, WAY, DRIVE, LANE, BOULEVARD, HIGHWAY*, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.

(R) The term *PLANNING BOARD* shall mean the Planning Board of the town.

(S) The term *ZONING ADMINISTRATOR* shall mean the Zoning Administrator of the town.

(T) The term *SUBDIVISION ADMINISTRATOR* shall mean the Subdivision Administrator of the town.

(U) The term *ADMINISTRATOR* or *TOWN ADMINISTRATOR* shall mean the Town Administrator of the town.

(V) The term *BOARD OF ADJUSTMENT* shall mean the Board of Adjustment of the town.

(W) The term *STATE* shall mean the State of North Carolina.

(X) Any reference to a section shall mean a section of the town zoning ordinance, unless otherwise specified.

(Ord. passed 4-16-2018)

§ 155.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED.

(1) A use shall be deemed to be *ABANDONED* when:

(a) The use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature);

(b) The premises are devoted to another use; or

(c) The characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within 30 days.

(2) All of the above events are considered *ABANDONMENT*, regardless of the intent of the owner, lessee, or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

ABATTOIRS. A facility used for slaughtering and processing of animals, and the refining of their byproducts.

ABUTTING PROPERTIES. Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

ACCESSORY BUILDING OR USE. A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.

ACCESSORY COMMUNICATION ANTENNAS. An antenna configuration that is attached to a building water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

ACCESSORY DWELLING UNIT. See *DWELLING UNIT*, *ACCESSORY*, *ATTACHED* and *DWELLING UNIT*, *ACCESSORY*, *DETACHED*.

ACCESSORY STRUCTURE OR USE. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. *ACCESSORY STRUCTURE* shall include freestanding satellite dishes, any other devices that access satellites, and amateur radio antennas.

ACTIVE SOLAR ENERGY GENERATION SYSTEM. A SEPG that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

ADAPTIVE REUSE. The rehabilitation, reconstruction, or renovation of existing buildings or structures for any use other than its current use.

ADJACENT PROPERTY. Anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

ADULT ESTABLISHMENT. Any principal or accessory structure or use of land which meets the definition of *ADULT ESTABLISHMENT* as set forth in G.S. §§ 14-202.10 et seq., but excluding massage therapy.

ADULT GAMING ESTABLISHMENT. Any establishment deemed legal by state law, featuring more than two stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving more than two patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods, or certificates for services which are redeemable for cash or other monetary payment on or off premises and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses. State sanctioned lottery functions shall not be considered as **ADULT GAMING ESTABLISHMENTS** for the purposes of this chapter. (ZA-18-02, 6-18-18)

AGRICULTURAL INDUSTRY. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries) on more than two acres, commercial fish or poultry hatcheries, and other similar activities.

AIRPORT. Landing fields, parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word **AIRCRAFT** shall include fixed-wing as well as rotary-wing craft.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property. A service way providing a secondary means of public access to abutting property.

ALTERATION. A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing use.

AMENDMENT. Any change by the Town Council to the text of these regulations or the official zoning maps.

AMORTIZATION. A provision requiring a non-conformance to either become conforming or be removed within a set period of time, otherwise known as the **AMORTIZATION** period.

AMUSEMENT, COMMERCIAL INDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink, or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

AMUSEMENT, COMMERCIAL OUTDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par three golf course, golf driving range, or go-cart course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

ANTENNA. A device used to receive or transmit electromagnetic waves, including, but not limited to, directional **ANTENNAS**, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

APPLICANT. Any person seeking approval under these regulations for any form of development or use of land.

ARCADES. A series of porches supported on piers or columns.

ARCHITECT. A person licensed to practice architecture in the State of North Carolina.

ARENA. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

ARTIFICIAL OBSTRUCTION. Any object or material which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

ARTS AND CRAFTS STUDIO. The creation of objects in a studio, made one at a time, by hand. Such creation includes, but is not limited to, woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes only those uses in the following NAICS group(s):

- (1) 23811 Poured Concrete Foundation and Structure Contractors; and
- (2) 324121 Asphalt Paving Mixture and Block Manufacturing.

AUTOMATIC TELLER MACHINE (ATM). A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

AUTOMOBILE JUNK YARD. Open storage of more than five dismantled, wrecked, inoperable, or unlicensed motor vehicles on any single parcel of property shall constitute an **AUTOMOBILE JUNK YARD**; however, open storage of no more than one such vehicle shall be allowed on any residentially zoned parcel of property, including the RA District.

AUTOMOTIVE REPAIR. See **MOTOR VEHICLE REPAIR AND MAINTENANCE**.

AWNING. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans. This definition includes only those uses in the following NAICS group(s):

- (1) 5221 Depository Credit Intermediation; and

(2) 5222 Nondepository Credit Intermediation.

BANNER. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

BANQUET AND EVENTS FACILITIES. A facility for lease for private parties. Such **FACILITIES** may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays, and similar occasions.

BED AND BREAKFAST INN. An owner-occupied residential building providing rooms for temporary overnight lodging, breakfast for overnight guests, and possibly dinner for the public. A use that:

(1) Takes place within a building that prior to such establishment was designed and used as a single-family residence;

(2) That consist of renting one or more dwelling rooms on a daily basis to tourist, vacationers, and similar transients;

(3) Where the provision of meals, if provisions of meal is made, is limited to the breakfast meal, available only to guest; and

(4) Where the **BED AND BREAKFAST** operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one full-time employee.

BELVEDERE. A building or architectural feature of a building, designed and situated to look out upon a pleasing scene.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BEST MANAGEMENT PRACTICES, NON-STRUCTURAL. Non-engineered methods used to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

BEST MANAGEMENT PRACTICES, STRUCTURAL. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply.

BOARDING HOUSE. A building where, for compensation, lodging and/or meals are provided for not more than 14 persons.

BOARDING OR ROOMING HOUSE. An owner-occupied dwelling, or part thereof, in which lodging is provided to more than three but not more than eight paying guests on a weekly or longer basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.

BONA FIDE FARM.

(1) Crop lands, timber lands, pasture lands, or other farm lands, any other farm buildings or housing to be occupied by the farm owner, relatives, or other employees of the farm (more than 50% of adult occupants or household income shall be from the ***FARM***), except that any such use of such property for non-farm purposes shall be subject to such regulations.

(2) For the purposes of this definition, a ***BONA FIDE FARM*** shall be defined as any parcel/lot of record having ten or more acres being in active agricultural use as defined by G.S. §§ 105-277.1 et seq., or as determined by any other available method upon approval of the Zoning Enforcement Officer.

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities. This definition includes only those uses in the following NAICS group(s): 5151 Radio and Television Broadcasting.

BROADCAST TOWER. An above-grade tower or similar structure more than 35 feet in height, intended for communications equipment principally intended for the transmittal or reception of commercial, governmental, educational, and public television and radio signals. Towers or similar structures installed on or attached to tops of buildings, water tanks, or similar facilities shall be included in this definition. This definition includes accessory buildings and related equipment required for ***BROADCAST TOWERS.***

BUFFER. A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A ***BUFFER*** area may include any required screening for the site. See also ***SCREENING.***

BUFFER STRIP. Consists of an approved (by Zoning Enforcement Officer) wall, fence, or planted strip at least ten feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than 20 feet apart, and not less than one row of dense shrubs, spaced not more than five feet apart and five feet or more in height after one growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

BUILD-TO LINE. A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation must be erected; intended to create an even building facade line on a street. The ***BUILD-TO LINE*** is established on the record plat (final plat).

BUILDING. A temporary or permanent structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or goods.

BUILDING AREA. The area of a zoning lot remaining after the minimum setback requirements of this chapter have been satisfied.

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s):

- (1) 238140 Masonry Contractors;
- (2) 238150 Glass and Glazing Contractors;
- (3) 238160 Roofing Contractors;
- (4) 238170 Siding Contractors;
- (5) 238210 Electrical Contractors;
- (6) 238220 Plumbing, Heating, Air-Conditioning Contractors;
- (7) 238290 Building Equipment and Other Machinery Installation Contractors;
- (8) 238310 Drywall and Insulation Contractors;
- (9) 238320 Painting and Wall Covering Contractors;
- (10) 238330 Floor Contractors;
- (11) 238340 Tile and Terrazzo Contractors;
- (12) 238350 Finish Carpentry Contractors; and
- (13) 238990 All Other Special Trade Contractors.

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s):

- (1) 237110 Water and Sewer Line and Related Structures Construction;
- (2) 237120 Oil and Gas Pipeline and Related Structures Construction;
- (3) 237310 Highway, Street, and Bridge Construction;
- (4) 237990 Other Heavy and Civil Engineering Construction;
- (5) 238120 Structural Steel and Precast Concrete Contractors; and

(6) 238910 Site Preparation Contractors.

BUILDING FOOTPRINT. The outline of the total area covered by a building's exterior walls at the ground level.

BUILDING HEIGHT. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING-INTEGRATED SOLAR SYSTEM. An active solar system that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. **BUILDING-INTEGRATED SYSTEMS** include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

BUILDING LINE SETBACK. A line establishing the minimum allowable distance between the main wall of the building and the street or highway right-of-way line when measured perpendicularly thereto. Covered garages, storage areas, or porches whether enclosed or not shall be considered as part of the main building and shall not project into the required yard.

BUILDING LINES. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear **BUILDING LINES**, respectively.

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes only those uses in the following NAICS group(s): 4441 Building Materials and Supplies Dealer.

BUILDING PRESENTATION. The direction of the architectural front facade of a building in relation to the street or public space.

BUILDING, PRINCIPAL. The building in which the principal use of the zoning lot is conducted.

BUILDING SITE. An area of land or property where development is undertaken. A **BUILDING SITE** may consist of one or more legal parcels of land and shall be defined to include any and all such parcels developed with uses operating under a coordinated management or use strategy regardless of when such parcels were developed. See also **DEVELOPMENT**.

BUILDING WALL. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this chapter, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

BUILT-UPON AREA. Includes that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads,

parking lots, paths), recreation facilities (e.g., tennis courts), and the like. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious).

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). The storage on a zoning lot of 2,500 gallons water capacity or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding **STORAGE TANKS, ABOVE GROUND** and **FUEL DEALERS** as defined herein. This definition includes all uses listed in the following NAICS group(s): 4247 Petroleum and Petroleum Products Merchant Wholesalers.

BUSINESS IDENTIFICATION SIGN. A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the 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.

CALIPER. The diameter measurement of a tree-trunk.

CAMP SITE. A plot of land within a campground for the placement of a single tent or travel trailer and the exclusive use of its occupants.

CAMPGROUND. Any site or tract of land upon which two or more campsites are occupied or intended for occupancy by tents or travel trailers. See **RECREATIONAL VEHICLE PARK AND CAMPGROUND**.

CANDELA. Unit of luminous intensity; one lumen per steradian.

CANOPY. A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A **CANOPY** is not a completely enclosed structure. A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

CANOPY TREE. A species of tree which normally grows to a mature height of 35 feet or more with a minimum mature crown width of 30 feet and meets the specifications of the *American Standards for Nursery Stock* published by the American Nurserymen Association.

CAR WASH, AUTOMATIC. An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

CAR WASH, FULL SERVICE. An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of **CAR WASH** may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

CAR WASH, INDUSTRIAL. Mechanical facilities for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

CAR WASH, SELF SERVICE. A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

CARPORT. A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

CEMETERY. Land and facilities, including offices and chapels, used for the burial of the dead.

CEMETERY, LICENSED. Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under state law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the state.

CERTIFICATE OF COMPLIANCE. A certificate issued by the Zoning Administrator setting forth that a lot, building, structure, or use complies with this chapter and that the same may be used for the purposes stated therein.

CERTIFICATE OF OCCUPANCY. A certificate issued by the Building Inspector setting forth that a building, structure, or use complies with all State Building Codes in effect within the town's jurisdiction.

CHANGE OF USE. A change in the use of a structure or land for which a certificate of compliance is required.

CHANGEABLE COPY. The display area of a sign where characters, letters, or illuminations can be changed or rearranged without altering the face or surface of the sign.

CHILD CARE INSTITUTION. A facility providing residential and nonresidential care for 13 or more children under the age of 21, who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.

CHURCH OR RELIGIOUS INSTITUTION. A facility of a church, temple, synagogue, or other nonprofit religious organization operated for worship and which may include religious training or study.

CHURCH OR RELIGIOUS INSTITUTION-COMMUNITY SCALE. A church or religious institution in which the seating capacity in the sanctuary or main activity area is greater than 600 persons.

CHURCH OR RELIGIOUS INSTITUTION-NEIGHBORHOOD SCALE. A church or religious institution in which the seating capacity in the sanctuary or main activity area is 600 persons or less.

CLASS 1 LIGHTING. All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as **CLASS 1** requires a finding that the essential nature of color rendition is required for the proposed application. Recognized **CLASS 1** uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; and assembly areas such as concert or theater amphitheaters.

CLASS 2 LIGHTING. All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary concern.

CLASS 3 LIGHTING. Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, and the like.

CLINIC. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, psychologists, social workers, or other medical personnel and are not lodged overnight.

CLINIC, VETERINARY. See **VETERINARY SERVICES.**

CLUB OR LODGE, PRIVATE NONPROFIT. A building or land used for the activities of a nonprofit private club or social organization and not adjacent to, operated as, or in connection with a public tavern, café, or other place open to the public. This term shall include, but shall not be limited to, saddle clubs, civic organizations, fraternities and sororities, and similar groups and activities.

CLUB, PRIVATE. A for profit establishment as defined in G.S. § 18B-1000(5) which holds an ABC permit from the state.

CLUSTER SUBDIVISION. A subdivision in which overall density is increased and the minimum dimensional requirements for individual lots are decreased in return for the provision of a greater amount of permanent open space.

COLLECTOR STREET. See **STREET, COLLECTOR.**

COLLEGE or UNIVERSITY. An institution of higher education offering undergraduate and/or graduate degrees.

CO-LOCATION. The location of wireless telecommunications antennas/ equipment from more than one provider on one common tower or structure. The siting of two or more separate person's wireless antennas on the same support structure.

COMMUNITY CENTER. A building used for recreational, social, educational, and cultural activities, open to the public and usually owned and operated by a public or nonprofit group or agency.

COMMERCIAL COMMUNICATION TOWER. See *TELECOMMUNICATION TOWERS AND FACILITIES*.

COMMERCIAL STABLES. A lot and/or building on or in which livestock is sheltered on a contract basis. This term shall include, but may not be limited to: commercial riding stables open to the general public; boarding, breeding, and training of livestock for pay; and the training of riders/handlers involving groups of eight or more students; but shall not include polo fields or arenas which shall be treated as arenas for the purposes of this chapter.

CONGREGATE CARE FACILITY. A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly. *CONGREGATE CARE FACILITIES* do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

CONSTRUCTION, START OF. The first placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the state of excavation or the placement of a manufactured home on a foundation. This definition does not include the installation of streets or walkways nor does it include the installation of temporary buildings on the property, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

CONTIGUOUS AREA. Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONVENIENCE STORE. An establishment that is open for extended hours which sells packaged and/or prepared foods and other conveniences (which may include gasoline) primarily for consumption and use off premises. Sales of items are highly dependent upon convenience of location, store hours, speed of service, and highway accessibility, and are less dependent on comparison-shopping. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CONVENTIONAL SUBDIVISION. A subdivision which complies with the standard lot dimensions of § 155.132.

COPY SHOPS AND BUSINESS SERVICE CENTERS. Shops primarily engaged in providing photocopying, duplicating, blueprinting, and other document copying services, without also providing printing services (e.g., offset printing, quick printing, digital printing, prepress services) and establishments (except private mail centers) engaged in providing a range of office support services (except printing services), such as document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales. This definition includes only those uses in the following NAICS group(s): 561439 Other Business Service Centers (including Copy Shops).

CORNER LOT. See *LOT, CORNER*.

CORRECTIONAL INSTITUTION. A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

CRITICAL ROOT ZONE. The area under a tree, which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree's canopy to the ground.

CUL-DE-SAC. See *STREET, CUL-DE-SAC*.

CULTIVAR. A cultivated plant variety or cultural selection.

CULTURAL FACILITY. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

CUPOLA. A light structure on a dome or roof, serving as a belfry, lantern, or belvedere.

CUSTOMARY HOME OCCUPATION. Use conducted for financial gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display. Not over 25% of the total floor space of any structure shall be used for *HOME OCCUPATIONS*. (See § 155.073 for specific requirements).

DAYCARE CENTER. A daycare facility in which daycare is provided for thirteen or more children when any child is preschool-age, or 16 or more other children and/or adults.

DAYCARE HOME, LARGE. A facility in which daycare is provided for six to 12 preschool-age children or up to 15 other children and/or adults.

DAYCARE HOME, SMALL. An operation in which daycare is provided for up to five preschool-age children, or up to eight other children and/or adults.

DECIDUOUS. A plant or tree with foliage that is shed annually.

DEED RESTRICTION. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. Also known as a *RESTRICTIVE COVENANT*.

DENSITY, GROSS RESIDENTIAL. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

DENTAL LABORATORY. See **MEDICAL OR DENTAL LABORATORY.**

DEPENDENT TRAILER. A travel trailer which does not have a flush toilet, a lavatory, and a bath or shower.

DETENTION STRUCTURE. A permanent structure designed for the temporary storage of stormwater runoff in order to reduce the peak rate of discharge from a site.

DEVELOPER. Any person actively engaged in the development of land. See **APPLICANT.**

DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

(1) Except as provided in division (3) below, for the purposes of these regulations, the following activities or uses shall be considered **DEVELOPMENT**:

(a) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;

(c) Alteration of the shore or bank of a pond, lake, river, or other waterway;

(d) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;

(e) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or

(f) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) **DEVELOPMENT** includes all other activity customarily associated with it. When appropriate to the context, **DEVELOPMENT** refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not **DEVELOPMENT**. Reference to particular operations is not intended to limit the generality of this definition.

(3) For the purposes of these regulations, the following operations or uses shall not be considered **DEVELOPMENT**; some may, however, require a zoning permit:

(a) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

- (b) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- (c) A change in use of land or structure from a use within a specified category of use to another use in the same category;
- (d) A change in the ownership or form of ownership of any parcel or structure;
- (e) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
- (f) The clearing of survey cuts or other paths of less than four feet in width.

DEVELOPMENT SITE. See ***BUILDING SITE.***

DIAMETER AT BREAST HEIGHT (DBH). The caliper of an existing semi-mature or mature tree measured at four and one-half feet above the existing ground on the uphill side of the tree.

DIRECTLY VISIBLE. Allowing a direct line-of-sight to the light source or lamp.

DISTURBED AREA. An area subject to erosion due to the removal of vegetative cover and/or earthmoving activities.

DORMER. A projecting structure built out from a sloping roof, usually housing a vertical window or ventilating louver.

DORMITORY. A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution and which is co-located with and subordinate to such institution. ***DORMITORY*** shall not include a boarding house, motel, hotel, group home, or health institution.

DOUBLE FRONTAGE LOT. See ***LOT, DOUBLE FRONTAGE.***

DRIVE-THROUGH SERVICE WINDOW. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle.

DRY CLEANING AND LAUNDRY PLANTS. A building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersions in volatile solvents including, but not limited to, petroleum distillates and/or chlorinated hydrocarbons and any process

incidental thereto. This definition includes only those uses in the following NAICS group(s): 8123 Drycleaning and Laundry Services.

DRY CLEANING AND LAUNDRY SERVICES. A building, portion of a building, or premises used for the collection and distribution of dry cleaning or the cleaning of fabrics, textiles, wearing apparel, or articles of any sort without the immersion of such articles in volatile solvents including, but not limited to, petroleum distillates and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system.

DWELLING, MULTI-FAMILY. A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their cooking therein, including apartments and apartment hotels.

DWELLING, SINGLE-FAMILY. A detached residential dwelling, other than a mobile home, designed for and occupied by one family only.

DWELLING, TWO-FAMILY. A residential building arranged or designed to be occupied by no more than two families living independently of each other.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family. This would not include mobile homes as defined in this chapter. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

DWELLING UNIT, ACCESSORY, ATTACHED. A second dwelling unit connected to or located within three feet of a residential building, which is restricted in area, purpose, and occupancy in accordance with this chapter.

DWELLING UNIT, ACCESSORY, DETACHED. A dwelling unit located within an accessory structure, which is located more than three feet from the principal structure and is restricted in area, purpose, and occupancy in accordance with this chapter.

DWELLING UNIT, EFFICIENCY. A dwelling unit in which the sleeping and living areas are contained in the same room.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

EASEMENT, NEGATIVE ACCESS. An easement which allows no driveway or other vehicles access to a lot from an adjacent public street.

EASEMENT, SIGHT. An easement which grants the right to maintain unobstructed view across property located at a street intersection.

EMERGENCY SHELTER. A facility providing temporary housing for one or more individuals who are temporarily or permanently homeless due to disaster, evacuation, or other similar civil emergency.

ENGINEER. A person licensed to practice engineering in the state.

EVERGREEN. A plant or tree with foliage that persists year-round.

EXHIBITION BUILDING. A structure or facility designed, intended, or used primarily for public gatherings, indoor exhibitions, galleries, or conventions.

EXISTING DEVELOPMENT. Projects that are built or projects that at a minimum have established a vested right under the state's zoning law as of the effective date of this chapter.

EXTERIOR FEATURES. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

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

FACADE. The exterior wall of a building extending from grade to the top of the parapet, wall, or eaves that is exposed to public view.

FAIRGROUNDS. An area of land use including, but not limited to: agricultural-related office buildings, animal judging shows, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

FAMILY. Any number of persons living together as a single housekeeping unit.

FARM PRODUCT SALES. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

FARMER'S MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables.

FEED AND FLOUR MILL. Establishments primarily engaged in milling flour or meal from grains (except rice) or vegetables, and/or milling flour and preparing flour mixes or doughs.

FEED AND SEED STORE. Establishments primarily engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural production.

FENCE OR WALL, OPAQUE. A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

FENESTRATION. The design and positioning of windows and doors in a building or structure.

FLAG. A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature which represents a country, state, or other political subdivision.

FLAMMABLE FUEL STORAGE (BELOW GROUND). The storage of flammable or other hazardous liquids at a below grade location in compliance with applicable state laws.

FLASHING SIGN. A sign that uses an intermittent scrolled or flashing light or message to attract attention or is otherwise designed or constructed to have intermittent, flashing, or scrolled light emitted from it.

FLEA MARKET. Sales area either indoor or outside in which spaces are rented to vendors for sale of a variety of merchandise including new, used, or hand-made articles. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open facilities or temporary structures.

FLOOD. A temporary rise in stream flow or stage that results in water over topping stream banks and inundating areas adjacent to the watercourse.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said **MAPS** also contain cross section information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOD LAMP. A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope. Such **LAMPS** are so designated by the manufacturers.

FLOOD LIGHT. A form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

FLOODPLAIN, 100 YEAR. The channel and area abutting a watercourse, which would be covered with water during a 100-year flood as designated by the most recent reports and data provided by the Federal Emergency Management Agency.

FLOODPLAIN, 500 YEAR. The channel and area abutting a watercourse, which would be covered with water during a 500 year flood as designated by the most recent reports and data provided by the Federal Emergency Management Agency.

FLOODWAY. The portion of the channel and floodplain of a stream designated by the most recent Federal Emergency Management Agency reports and data as adequate to provide passage for the 100-year flood, without increasing the elevation of that flood at any point by more than one foot.

FLOODWAY FRINGE. An area lying outside the floodway, but within the floodplain.

FLOOR. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA. The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FLOOR AREA RATIO (FAR). The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

FOOD AND BEVERAGE STORE. An establishment primarily engaged in selling food or beverages for home preparation and consumption off premises. This definition includes only those uses in the following NAICS group(s): 445 Food and Beverage Stores.

FREESTANDING/SELF-SUPPORTING TOWER. All telecommunications towers which are placed on an independent base and erected without support from other structures. Monopoles and lattice towers are types of **FREESTANDING TOWERS**.

FREEWAY or EXPRESSWAY. A divided highway with full control of access and grade separation of all intersections.

FRONT LOT LINE. See **LOT LINE, FRONT**.

FRONT YARD. See **YARD, FRONT**.

FRONTAGE, BUILDING. The facade of a structure facing the street.

FRONTAGE BUILDOUT. The portion of lot frontage which has a building or wall running parallel to it.

FRONTAGE, LOT. The lot boundary which coincides with a public street or space.

FUEL DEALER. An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels. This definition includes only those uses in the following NAICS group(s): 45431 Fuel Dealers.

FULL CUTOFF LIGHT FIXTURE. A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1,000 lamp lumens.

FULLY SHIELDED LIGHT FIXTURE. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined

by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes only those uses in the following NAICS group(s): 8122 Death Care Services.

GASOLINE STATION, LARGE. A retail establishment which primarily sells gasoline to the public and which may include a convenience store, garages for passenger vehicle repair with associated vehicle storage areas, and an automatic carwash as accessory uses.

GASOLINE STATION, NEIGHBORHOOD. A retail establishment which primarily sells gasoline to non-commercial vehicle operators, having no more than two canopies and eight separate pumping stations, and providing only minor passenger vehicle repairs.

GENERAL RETAIL. See **RETAIL, GENERAL.**

GLARE. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of **GLARE** depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

GOLF COURSE. An area designed for golf, including a par three golf course, having at least nine holes, each with a tee, fairway, and green, and may have one or more hazards. A clubhouse, pool, and other facilities associated with a country club built around a golf course are considered part of the **GOLF COURSE.**

GOLF DRIVING RANGE. An open air golf practice facility.

GOVERNMENT OFFICES. The offices of the executive, legislative, judicial, administrative, and regulatory branches of federal, state, and local governments. This definition includes only those uses in the following NAICS group(s): 92 Public Administration.

GRADE. The elevation of the land or land which is level at a specific point.

GRADE, EXISTING. The elevation along the ground surface of a site as recorded in topographic mapping at two-foot or four-foot contour intervals, on file in the office of the Planning Department, or as surveyed and mapped at a contour interval of not more than four feet, by a licensed surveyor.

GRADE, FINISHED. The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.

GREENWAY. A linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. **GREENWAYS** often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

GROUND COVER. Any plant material that reaches an average height of not more than 12 inches.

GROUND LEVEL. For floodway purposes, the existing average elevation of the land.

GROUND SIGN. See **SIGN, GROUND.**

GROUP CARE FACILITY.

(1) A transitional housing facility for more than 20 residents, licensed by the state and operated by a nonprofit corporation chartered pursuant to G.S. Ch. 55A, which provides room and board, personal care, and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

(a) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;

(b) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and

(c) To provide shelter and support for older adults and persons who are handicapped.

(2) A **GROUP CARE FACILITY** shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including, but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

GROUP HOMES. A dwelling housing six or fewer disabled persons who live as a family unit, along with individuals charged with their care.

GROUP HOME A. A transitional housing facility with support and supervisory personnel licensed by the state and operated by a nonprofit corporation chartered pursuant to G.S. Ch. 55A, which provides room and board, personal care, and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including, but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include family care homes, as defined in G.S. § 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. § 122C-3.11(b), and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GROUP HOME B. A transitional housing facility with support and supervisory personnel licensed by the state and operated by a nonprofit corporation chartered pursuant to G.S. Ch. 55A, which provides room and board, personal care, and rehabilitation services in a supportive family environment for not

more than 12 residents, exclusive of supervisory personnel, including, but not limited to, handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. § 122C-3.11(b), and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GROSS FLOOR AREA. The total area of any buildings in the projects, including the basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops.

HABILITATION FACILITY A. Any facility in which one to eight handicapped persons receive habilitation services, rehabilitation services, or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These **FACILITIES** are licensed by the state and do not provide room and board. This definition does not include the principal uses "schools, elementary or schools, secondary". These **FACILITIES** are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HABILITATION FACILITY B. Any facility in which more than eight handicapped persons receive habilitation services, rehabilitation services, or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These **FACILITIES** are licensed by the state and do not provide room and board. This definition does not include the principal uses "schools, elementary or schools, secondary." These **FACILITIES** are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by G.S. § 122C-3.11(b).

HAZARDOUS MATERIALS TREATMENT FACILITY. A building, structure, or use of land devoted, or intended to be devoted, primarily to changing by any method, technique, or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a **HAZARDOUS MATERIALS TREATMENT FACILITY** to be construed to be any of the following:

- (1) A facility which manufactures hazardous materials from component non-hazardous materials;
- (2) A facility or location for the long term or perpetual storage of hazardous materials; or

(3) A facility for the treatment of hazardous materials which is clearly subordinate, incidental, and related to the principal structure, building, or use of land and is located on the same lot as the principal structure, building, or use.

HAZARDOUS OR TOXIC MATERIALS. Any substance or matter, which is highly ignitable, corrosive, reactive, or toxic, including hazardous waste which is discarded hazardous material. In general, a **HAZARDOUS OR TOXIC MATERIAL** is any substance which could damage the public health or environment if it is not handled properly. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) § 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Hazardous Substances; § 311 of the Clean Water Act (CWA) (oil and hazardous substances); or any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

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

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

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of State Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives, or irritants.

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. A **HAZARDOUS WASTE FACILITY** means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This definition includes hazardous materials treatment facilities as defined herein.

HEALTH SERVICES, MISCELLANEOUS. This class of use includes outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses. This definition includes only those uses in the following NAICS group(s):

- (1) 6214 Outpatient Care Centers;
- (2) 6215 Medical and Diagnostic Laboratories; and
- (3) 62199 All Other Ambulatory Health Care Services.

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed

penthouses or equipment rooms are considered a part of the building and included in the calculation of **BUILDING HEIGHT**.

HELICOPTER LANDING PAD. The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

HELIPORT. A helicopter terminal facility for general public transportation with support facilities. The word **HELIPORT** shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking and other necessary buildings and open spaces. The term **HELIPORT** includes the terms **HELIPORTS** and **PUBLIC-USE HELIPORT** used in Federal Aviation Administration publications.

HELISTOP. A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word **HELISTOP** shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term **HELISTOP** includes the terms **PRIVATE-USE HELIPORT** and **PERSONAL-USE HELIPORT** contained in Federal Aviation Administration publications, except for the limitations on the facility as noted in this definition.

HOME OCCUPATIONS. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes only those uses in the following NAICS group(s): 622 Hospitals.

HOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. **HOTELS** may or may not provide on-site parking and access to hotel rooms is generally provided through interior hallways.

ILLUMINANCE. The amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (foot candles).

IMPERVIOUS SURFACE COVER. Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. **IMPERVIOUS SURFACE COVER** includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating **IMPERVIOUS SURFACE COVERAGE** requirements pursuant to this chapter, wooden slatted decks and the water area of a swimming pool are considered pervious.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INDEPENDENT LIVING FACILITY. An unlicensed facility providing living arrangements for the elderly and their spouses in single-family, duplex, or multi-family units designed to allow a predominately independent lifestyle within the framework of a larger, unified, health maintenance environment.

INFILL DEVELOPMENT. The construction of a building on a vacant parcel located in a predominately built up area.

INSTALLED. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

JAIL. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

JUNKYARD. The use of more than 600 square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery, or parts thereof regardless of whether such material is for sale.

KENNEL. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale and/or for the training or overnight boarding of animals for persons other than the owner of the lot. This definition shall not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

LANDFILL, CONSTRUCTION AND DEMOLITION. A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

LANDFILL, SANITARY. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

LANDSCAPE ARCHITECT. A person licensed to practice landscape architecture in the state.

LANDSCAPING. The installation and maintenance of trees, shrubs, plant materials, and/or ground cover, including grass, mulch, decorative stone, and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

LARGE MATURING TREE. A tree whose height is greater than 35 feet at maturity and meets the specification of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

LAUNDRY AND LINEN SUPPLY SERVICE. Establishments primarily engaged in supplying laundered items, such as table and bed linens, towels, diapers, and types of uniforms.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

LIGHT POLLUTION. Any adverse effect of human-made light.

LIGHT TRESPASS. Light falling where it is not wanted or needed, typically across property boundaries.

LINEAR FRONTAGE. The length of a property abutting a public right-of-way from one side lot line to another.

LINTEL. A beam supporting the weight above a door or window opening.

LIVESTOCK SALES AND AUCTIONS. A commercial establishment where livestock are collected for sale or auction.

LOGO. A business trademark or symbol.

LOT. A physically defined parcel of land occupied or capable of being occupied by a building or group of buildings, recorded in the office of the Register of Deeds of the county. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

LOT COVERAGE. The portion of the lot area, expressed as a percent, that is covered by impervious surface cover.

LOT DEPTH. The mean horizontal distance between front and rear lot lines.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line which separates the lot from a street right-of-way. Corner lots shall have only one **FRONT LOT LINE**.

LOT LINE, INTERIOR. A side lot line which separates one lot from another lot.

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Zoning Administrator shall designate the **REAR LOT LINE**.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Stanly County, or a lot described by metes and bounds, the description of which has been so recorded. A lot described by plat or by metes and bounds which has been recorded in the office of the Davie County Register of Deeds.

LOT WIDTH. The distance between side lot lines measured at the building line setback. The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOT, ADJACENT. See **ADJACENT PROPERTY**.

LOT, CORNER. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two or more public streets. A corner lot shall not be considered as having **DOUBLE FRONTAGE** unless it has frontage and access on three or more streets.

LOT, FLAG. A lot where access to the street is provided by a long, narrow strip of land (the “flag pole”) and the usable land itself is a rectangular piece at the end of the strip (the “flag”) away from the street.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

LOT, REVERSE FRONTAGE. A lot having frontage on two or more streets, one of which is a minor or less important street in the community, the access to which is restricted to the minor street.

LOT, THROUGH. See **LOT, DOUBLE FRONTAGE**.

LOT, ZONING. A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or certificate of zoning compliance as being that land which is proposed for development under a single development plan.

LUMEN. Unit of luminous flux; used to measure the amount of light emitted by lamps.

MAINTAINED EASEMENT. A recorded right-of-way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained in it. **MANUFACTURED HOME** includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976. **MANUFACTURED HOMES** are not constructed in accordance with the standards set forth in the State Building Code and may also be referred to as a **MOBILE HOME**. A dwelling unit that is not constructed in accordance with the standards of the State Building Code for one and two-family dwellings; is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and exceeds 40 feet in length and eight feet in width. (See G.S. § 143-145(7))

MANUFACTURED HOME, CLASS A. A multi-sectional manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (1) Is occupied only as a single-family dwelling;
- (2) Has a minimum width of 16 feet;
- (3) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- (4) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- (5) Has an eave projection of no less than six inches, which may include a gutter;
- (6) Is set up in accordance with standards established by the state's Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the state's Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, with no visible exposed concrete block;
- (7) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:

- paint);
- (a) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
 - (b) Cedar or other wood siding;
 - (c) Wood grain, weather-resistant press board siding;
 - (d) Stucco siding; or
 - (e) Brick or stone siding.
- (8) Has a roof pitch minimum vertical rise of (2.2) feet for each 12 feet of horizontal run;
- (9) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
- (10) Has an eave projection on all sides of no less than six inches, which may include a gutter; and
- (11) Has stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set by the State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform one of which shall consist of a platform of not less than 24 square feet and any additional entrance with a platform of not less than nine square feet. The use of wood stairs alone is prohibited at any entrance.

MANUFACTURED HOME, CLASS B. A multi-sectional or single section manufactured home constructed after July 1, 1976 that meets or exceeds the constructions standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction but does not meet the dimensional requirements of a Class A manufactured home:

- (1) Is occupied only as a single-family dwelling;
- (2) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- (3) Is set up in accordance with standards established by the state's Department of Insurance. The foundation may be either:
 - (a) A continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the state's Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, and no visible exposed concrete block; or
 - (b) A replica hand-laid brick or hand-cut stone that provides the authenticity of real brick or stone, with panels made from an injection molded thermoplastic resin formulated with special

additives to enhance long-term performance; a weight of approximately four and one-half pounds each for brick or stone panels and 20 pounds per square; panels contain UV inhibitors to protect against damaging sun effects and are highly resistant to harsh weather conditions; the thickness of panels is approximately one-fourth inch in brick area to one-eighth inch in mortar area; and will not support combustion.

(4) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:

(a) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);

(b) Cedar or other wood siding;

(c) Wood grain, weather-resistant press board siding;

(d) Stucco siding; or

(e) Brick or stone siding.

(5) Has a roof pitch minimum vertical rise of 2.2 feet for each 12 feet of horizontal run;

(6) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;

(7) Has an eave projection on all sides of no less than six inches, which may include a gutter; and

(8) Has stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set by the State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform, one of which shall consist of a platform of not less than 24 square feet and any additional entrance with a platform of not less than nine square feet. The use of wood stairs alone is prohibited at any entrance.

MANUFACTURED HOME, CLASS C. A manufactured home that was constructed either prior to, or after, July 1, 1976 that either complies or fails to comply with the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and does not meet the definitional criteria of a Class A, or Class B manufactured home.

MANUFACTURED HOME PARK. Any lot, tract, or parcel of land used, maintained, or intended to be used, leased, or rented for occupancy by four or more manufactured homes, or trailers together with accessory structures provided in connection therewith. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale. A development site, whether a single parcel or multiple contiguous parcels, containing spaces leased or intended to be leased for occupancy by manufactured homes used as

residential dwellings regardless of whether such homes are provided as part of the lease and including all uses accessory to the residential use. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

MANUFACTURED HOME SPACE. The land in a manufactured home park allotted to or designated for the accommodation of one manufactured home.

MANUFACTURED HOME SUBDIVISION. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

MANUFACTURING A. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components, or tobacco products, and the fabrication of wood, leather, paper, water, or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- (1) 313 Textile Mills;
- (2) 322 Paper Manufacturing;
- (3) 337 Furniture and Related Product Manufacturing;
- (4) 3119 Other Food Manufacturing;
- (5) 3122 Tobacco Manufacturing;
- (6) 3169 Other Leather and Allied Product Manufacturing;
- (7) 3219 Other Wood Product Manufacturing;
- (8) 3231 Printing and Related Support Activities;
- (9) 3261 Plastics Product Manufacturing;
- (10) 3341 Computer and Peripheral Equipment Manufacturing;
- (11) 3342 Communications Equipment Manufacturing;
- (12) 3343 Audio and Video Equipment Manufacturing;
- (13) 3344 Semiconductor and Other Electronic Component Manufacturing;
- (14) 3351 Electric Lighting Equipment Manufacturing;
- (15) 3353 Electrical Equipment Manufacturing; and

(16) 3391 Medical Equipment and Supplies Manufacturing.

MANUFACTURING B. A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing A, Manufacturing B, or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing C may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- (1) 331 Primary Metal Manufacturing;
- (2) 3133 Textile and Fabric Finishing and Fabric Coating Mills;
- (3) 3161 Leather and Hide Tanning and Finishing;
- (4) 321114 Wood Preservation;
- (5) 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing;
- (6) 3221 Pulp, Paper, and Paper Board Mills;
- (7) 3241 Petroleum and Coal Products Manufacturing;
- (8) 3259 Other Chemical Product and Preparation Manufacturing;
- (9) 3262 Rubber Product Manufacturing;
- (10) 3271 Clay Product and Refractory Manufacturing;
- (11) 3272 Glass and Glass Product Manufacturing;
- (12) 3279 Other Nonmetallic Mineral Product Manufacturing;
- (13) 3329 Other Fabricated Metal Product Manufacturing;
- (14) 3333 Commercial and Service Industry Machinery Manufacturing;
- (15) 3353 Electrical Equipment Manufacturing;
- (16) 3359 Other Electrical Equipment and Component Manufacturing; and
- (17) 3369 Other Transportation Equipment Manufacturing.

MASSAGE AND BODY WORK THERAPY. Any massage or body work therapy as defined by the state's Massage and Bodywork Therapy Practice Act, G.S. §§ 90-621 et seq., provided by a person licensed as provided therein to perform such therapy.

MASSING. The shape and form a building or assemblage of buildings assumes through architectural design.

MEAN SEA LEVEL. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the flood insurance rate maps for Davie County are referenced.

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. The definition includes all uses in the following NAICS group(s): 3116 Animal Slaughtering and Processing.

MEDICAL OR DENTAL LABORATORY. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession. This definition includes only those uses in the following NAICS group(s):

- (1) 3391 Medical Equipment and Supplies Manufacturing; and
- (2) 6215 Medical and Diagnostic Laboratories.

MEDICAL AND SURGICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state. This definition includes only those uses in the following NAICS group(s):

- (1) 6211 Offices of Physicians;
- (2) 6212 Offices of Dentists; and
- (3) 6213 Offices of Other Health Practitioners.

MEMORIAL SIGN OR PLAQUE. A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

MIXED-USE BUILDING. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

MIXED-USE DEVELOPMENT. A planned development where two or more use categories (commercial, residential, industrial, institutional, and the like) are incorporated on a single development site.

MOBILE HOME. See **MANUFACTURED HOME.**

MOBILE HOME PARK. See **MANUFACTURED HOME PARK.**

MOBILE HOME SUBDIVISION. See **MANUFACTURED HOME SUBDIVISION.**

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a **MODULAR HOME** may consist of two sections transported to the site in a manner similar to a manufactured home (except that the **MODULAR HOME** meets the State Building Code), or a series of panels or rooms sections transported on a truck and erected or joined together on the site. Modular units meeting Regulations for Mobile and Modular Homes of the state (G.S. § 143-139-1) and built to the standards of the State Uniform Residential Building Code shall be allowed in all residential zones districts; either as single-family or multi-family structures as permitted within the various districts. A dwelling unit which is constructed in compliance with the State 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 or other acceptable means established by the State Building Code.

MOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. **MOTELS** provide on-site parking and access to most rooms is provided directly from a parking area.

MOTOR VEHICLE. Any vehicle which is self-propelled and every vehicle designated to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term **MOTOR VEHICLE** shall not include vehicles or implements used in farming or construction but shall include all forms of motorized watercraft.

MOTOR VEHICLE, INOPERATIVE. A motor vehicle which meets at least one of the following criteria:

- (1) Vehicle is presently unable to satisfy the vehicle inspection standards of the state, regardless of whether said vehicle possesses a currently valid inspection certificate;
- (2) Vehicle lacks a current inspection certificate, or displays an expired certificate;
- (3) Vehicle is partially dismantled or wrecked;

(4) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or

(5) Vehicle has expired license plate or is unlicensed.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles. This definition includes only those uses in the following NAICS group(s): 81112 Automotive Body, Paint, Interior, and Glass Repair.

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Any open area of more than 200 square feet used for storing or dismantling inoperative motor vehicles. This definition includes only those uses in the following NAICS group(s):

(1) 4211 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesaler; and

(2) 4219 Miscellaneous Durable Goods Merchant Wholesalers.

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement, and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes only those uses in the following NAICS group(s):

(1) 8111 Automotive Repair and Maintenance; and

(2) 81112 Automotive Body, Paint, Interior, and Glass Repair.

MOTOR VEHICLE SALES, RENTAL, AND LEASING. Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit. This definition includes only those uses in the following NAICS group(s):

(1) 4411 Automobile Dealers;

(2) 4412 Other Motor Vehicle Dealers;

(3) 45393 Manufactured (Mobile) Home Dealers; and

(4) 5321 Automotive Equipment Rental and Leasing.

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition. This definition does not include NAICS group(s):

(1) 423140 Motor Vehicle Parts, Used;

- (2) 5093 Waste Materials;
- (3) 423930 Recyclable Material Merchant Wholesalers;
- (4) 441310 Automotive Parts and Accessories Stores; and
- (5) 441320 Tire Dealers.

MULTIPLE BUILDING SITE. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

MULTI-CLASS LIGHTING. Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for Class 1, 2, and 3 lighting.

MULTI-FAMILY. See *RESIDENTIAL BUILDING, MULTI-FAMILY*.

MUSEUM or ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes only those uses in the following NAICS group(s): 7121 Museums, Historical Sites, and Similar Institutions.

NAICS. North American Industry Classification System, 2002.

NATURAL OBSTRUCTION. Any rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a non-human cause.

NEIGHBORHOOD RECREATION AREA. Public or private tennis, basketball, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in a specific area or neighborhood in which the facility is located. **NEIGHBORHOOD RECREATION AREAS** may include accessory uses such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

NET ACREAGE. The remaining area after deleting all portions for proposed and existing streets within a development parcel or subdivision. For parcels including recreational facilities and outdoor display lots, the area devoted to the special use shall also be excluded from the **NET ACREAGE**.

NONCOMMERCIAL COPY. A sign message through pictures, illustrations, symbols, and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement, or expression that is protected by the First Amendment to the Constitution of the United States.

NONCONFORMING LOT. Any lot of record which does not meet the dimensional requirements established in these regulations as adopted or amended.

NONCONFORMING STRUCTURE. Any structure which does not comply with all of the standards and regulations of this chapter as adopted or amended.

NONCONFORMING USE. Any use of land or buildings which does not comply with all of the regulations of this chapter as adopted or amended.

NONCONFORMING USE OR STRUCTURE. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture, and silviculture.

NONSTORE RETAIL. See **RETAIL, NONSTORE.**

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants, which are grown at the establishment. This definition includes only those uses in the following NAICS group(s): 4442 Lawn and Garden Equipment and Supplies Store.

NURSING CARE INSTITUTION. A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six or more non-related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A **NURSING CARE INSTITUTION** may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specifically for mentally ill persons who are dangerous to others as defined in G.S. § 122C-3.11(b).

OFF GRID SOLAR SYSTEM. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

OFF-STREET PARKING. Parking which occurs on a lot and not on a street or other public right-of-way.

OFFICE. A use or structure in which business or professional services are conducted or rendered.

OFFICE, MISCELLANEOUS. Office uses not specifically listed and defined elsewhere in this chapter as a principal use.

OFF-PREMISES SIGN. A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located.

OFFICES, PROFESSIONAL. See **PROFESSIONAL OFFICES.**

ON-PREMISES SIGN. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

OPEN SPACE. Land used for recreation, natural resource protection, amenities, protection of important rural and town vistas and/or buffer yards. **OPEN SPACE** may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, and greenways.

OPEN SPACE, COMMON. Open space within a development not in individually owned lots, which is designated and intended for the common use or enjoyment of the residents of the development or the public at large.

OPEN STORAGE. An unroofed area for the storage of bulk materials or discarded items, whether fenced or not.

OPTICAL SERVICES. An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. **OPTICAL SERVICES** also include the prescription and sale of such products as eye glasses, contacts, or other instruments intended to enhance visual perception.

ORTHOPEDIC SUPPLY HOUSES. A place where prosthetic appliances, surgical dressings, crutches, surgical sutures, and personal industrial safety devices are prepared and distributed.

OUTDOOR DISPLAY, RETAIL. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display. This definition includes only those uses in the following NAICS group(s):

- (1) 4411 Automobile Dealers;
- (2) 4412 Other Motor Vehicle Dealers; and
- (3) 4539 Other Miscellaneous Store Retailers.

OUTDOOR LIGHTING. Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

OUTDOOR STORAGE AREA. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, but excluding temporary construction and related activities and closed bay docks.

OUTPARCEL. A separately leased or owned lot developed apart from but linked functionally to a larger development site.

OWNER. Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

PACKAGE SEWER TREATMENT PLANT. A pre-fabricated set of devices used in the storage, treatment, and ultimate discharge or reclamation of sanitary sewer or industrial wastes of a liquid nature.

PARAPET. The portion of a building wall or false front that extends above the roof line.

PARAPET WALL. A building wall which extends to or above a flat roofed platform or building roof.

PARCEL. See *LOT*.

PARK. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK, NEIGHBORHOOD. A town- or county-owned park intended to serve the recreational needs of people living or working within a one-half mile radius of the park.

PARK, REGIONAL. A town- or county-owned park intended to serve the recreational needs of all residents of the town and perhaps a large portion of the county with activities and natural features not included in most other types of parks, and often based on a specific natural feature or scenic or recreational opportunity.

PARKING, LOT OR DECK. A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PEDESTRIAN-ORIENTED DEVELOPMENT. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which equally balance the need of the pedestrian and car.

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions and identified on seven and one-half minute United States Geological Survey Quadrangle Maps by solid blue lines.

PERSONAL SERVICES. Establishments primarily engaged in providing services involving the care of a person or his or her apparel. **PERSONAL SERVICE** shall include: laundry and dry cleaning establishments, carpet and upholstery cleaning, photographic studios, beauty and barber shops, shoe repair, physical fitness centers and clubs and tanning salons. An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, a dry-cleaning establishment,

advertising, or computer services, but shall not include any use which may be defined as adult entertainment. **PERSONAL SERVICES** include the following list of uses:

- (1) 5419 Other Professional, Scientific, and Technical Services (except 54194 “Veterinary Services”);
 - (2) 5617 Services to Buildings and Dwellings;
 - (3) 81143 Footwear and Leather Goods Repair;
 - (4) 8121 Personal Care Services;
 - (5) 8123 Dry Cleaning and Laundry Services, (excluding “Dry Cleaning and Laundry Plants”);
- and
- (6) 8129 Other Professional Services (except 81293 “Parking Lots and Garages”).

PERVIOUS SURFACE COVER. A surface cover that presents an opportunity for precipitation to infiltrate into the ground.

PHARMACY. A place where drugs and medicines are prepared and dispensed by prescription from a hospital, medical, or dental clinic.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

PLANTING YARD. Area where required plantings are located.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been, subdivided.

PLAZA. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

POST OFFICE. A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.

POSTAL FACILITY, NEIGHBORHOOD. A facility that has: distribution boxes (cluster boxes) and collection services for the general public; no mail carriers or retail services; and, is located in a neighborhood where most of the users are within walking distance of the facility, or live in the neighborhood.

PREMISES. See **LOT**.

PRINCIPAL BUILDING OR STRUCTURE. A building or structure containing the principal use of the lot.

PRINCIPAL USE. The primary purpose or function that a lot serves or is proposed to serve.

PRIVATE ROAD OR ROADWAY. Any street within a campground not publicly maintained and utilized for access by the occupants of the campground, their guests, and the public.

PROCESSING FACILITY. A building or an enclosed space used for the collection and processing of recyclable material or for the purpose of re-preparation of materials for efficient shipment.

PROFESSIONAL OFFICES. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers, and carriers; the services of security and commodity brokers; and the services of bank holding companies. This definition includes only those uses in the following NAICS group(s):

- (1) 5111 Newspaper, Periodical, Book, and Database Publishers;
- (2) 5112 Software Publishers;
- (3) 5231 Securities and Commodity Contracts Intermediation and Brokerage;
- (4) 5241 Insurance Carriers;
- (5) 5242 Agencies, Brokerages, and Other Insurance-Related Activities;
- (6) 5312 Offices or Real Estate Agents and Brokers;
- (7) 5411 Legal Services;
- (8) 5412 Accounting, Tax Preparation, Bookkeeping, and Payroll Services;
- (9) 5413 Architectural, Engineering and Related Services;
- (10) 5415 Computer System Design and Related Services;
- (11) 5416 Management, Scientific and Technical Consulting Services;
- (12) 5418 Advertising and Related Services (except 54185 Display Advertising);
- (13) 5511 Management of Companies and Enterprises;
- (14) 56144 Collection Agencies;

(15) 56145 Credit Bureaus; and

(16) 5615 Travel Arrangement and Reservation Services.

PROGRESSIVE CARE COMMUNITY. An area of land including one or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two of the following: independent living and care, congregate care, or nursing care institutions.

PROJECT AREA. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations. See **DEVELOPMENT**.

PROJECTING SIGN. See **SIGN, PROJECTING**.

PROPOSED RIGHT-OF-WAY LINE. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by the thoroughfare's classification and dimensional requirements or location criteria as established in the subdivision ordinance.

PROTEST PETITION. A petition, authorized by state law, submitted to the Town Council by adjacent property owners in opposition to a proposed zoning amendment.

PUBLIC. Under the control or responsibility of the Town Council on behalf of the general population, rather than individual or private control.

PUBLIC SEWAGE DISPOSAL SYSTEM. An approved sewage disposal system serving ten or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by county or state health officials.

PUBLIC WATER SUPPLY SYSTEM. Any water supply system serving more than one dwelling unit, approved by county or state health authorities, shall be considered a public water supply system; except that dwellings located on the same lot or parcel as any such system shall be considered as being served by a private system, and minimum lot or parcel sizes shall be maintained as such.

PUBLIC WORKS FACILITY. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the state's Utilities Commission. This definition does not include pump stations, lift stations, water towers, utility substations, or similar appurtenances.

QUALIFIED PROFESSIONAL. A professional licensed and/or registered in the State of North Carolina performing services only in their areas of competence. This term shall include only registered land surveyors, registered engineers, registered architects, and registered landscape architects.

QUARRY. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

REDEVELOPMENT. The demolition and reconstruction of a building or a portion of a building.

REAL ESTATE SIGN. See *SIGN, REAL ESTATE.*

REAR LOT LINE. See *LOT LINE, REAR.*

REAR YARD. See *YARD, REAR.*

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. **INDOOR RECREATION** structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

- (1) 6116 Other Schools and Institutions;
- (2) 711 Performing Arts, Spectator Sports, and Related Industries;
- (3) 7111 Performing Arts Companies; and
- (4) 71394 Fitness and Recreational Sports Centers.

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as country clubs, swimming pools, tennis courts, ball fields, and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. **OUTDOOR RECREATION** shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

- (1) 7112 Spectator Sports; and
- (2) 7139 Other Amusement and Recreation Industries.

RECREATIONAL FACILITY, PUBLIC. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots, and similar uses, available to the public and under the management or control of a public agency.

RECREATIONAL VEHICLE. A vehicle type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreational purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK AND CAMPGROUND. Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

RECYCLING CENTER. A facility at which recovered resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include motor vehicle parts, used merchant wholesalers, NAICS group 423140, which is listed as a separate use.

RESIDENTIAL BUILDING. A building which contains one or more dwelling units.

RESIDENTIAL BUILDING, DUPLEX. A residential building which contains two dwelling units and which occupies one zoning lot.

RESIDENTIAL BUILDING, MULTI-FAMILY. A residential building which contains three or more dwelling units. This definition includes condominiums and apartment complexes but does not include townhouses.

RESIDENTIAL BUILDING, SINGLE-FAMILY. A residential building which contains one dwelling unit and which occupies its own zoning lot. This term includes modular housing units.

RESIDENTIAL BUILDING, TOWNHOUSE. A residential building which contains three or more dwelling units where each unit occupies a separate lot of record.

RESTAURANT (WITH DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE). An establishment which serves prepared food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafés, tea rooms, and outdoor cafés.

RETAIL, GENERAL. An establishment primarily engaged in selling goods to the public. This definition includes only those uses in the following NAICS group(s):

- (1) 44131 Automotive Parts and Accessories Stores (indoor sales only);
- (2) 442 Furniture and Home Furnishings Stores;
- (3) 443 Electronics and Appliance Stores;
- (4) 44413 Hardware Stores;
- (5) 446 Health and Personal Care Stores;

- (6) 448 Clothing and Clothing Accessories Stores;
- (7) 451 Sporting Goods, Hobby, Book, and Music Stores;
- (8) 452 General Merchandise Stores; and
- (9) 453 Miscellaneous Store Retailers.

RETAIL, NONSTORE. A use that retails merchandise using nonstore methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping. This definition includes only those uses in the following NAICS group(s):

- (1) 4541 Electronic Shopping and Mail-Order Houses;
- (2) 4542 Vending Machine Operators; and
- (3) 4543 Direct Selling Establishments (excluding Onsite Fuel Storage).

RETAIL STORE, LARGE. A single retail or wholesale use which occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Such **STORES** include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

RETAIL STORE, MEDIUM. A single retail or wholesale use which occupies between 25,000 and 75,000 square feet of gross floor area, typically requires moderate parking to building area ratios and has a local sales market.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 25,000 square feet of gross floor area, typically requires low parking to building area ratios, and has a local or neighborhood sales market.

RIDING STABLES. An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

RIGHT-OF-WAY. The legal right of public passage, especially vehicular, over land.

ROOF LINE. The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys, or other minor projections or ornamentation.

ROOF PITCH. A comparison of the vertical rise to the horizontal run of a roof structure above a building.

ROOF SIGN. See **SIGN, ROOF.**

ROOMING HOUSE. See **BOARDING OR ROOMING HOUSE.**

ROOT PROTECTION ZONE. Generally 18 to 24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

SANITARY LANDFILL. See *LANDFILL, SANITARY*.

SANITARY STATION. A facility provided for the removing and disposing of wastes from trailer holding tanks.

SATELLITE DISH. A type of receive-only antenna, which is dish-shaped and is used to receive satellite signals, primarily television transmissions.

SAWMILL. A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCHOOL, ELEMENTARY AND SECONDARY. A public or private school providing instruction to students in kindergarten through grade 12.

SCHOOL, PRIVATE. A structure used primarily by and for any two or more age or grade levels not operated by the public school system, but registered with the state's Department of Public Instruction. Any school for children age six or under not meeting these requirements shall be considered a daycare facility for purposes of this chapter.

SCHOOL, PUBLIC. A structure used primarily by and for any two or more age or grade levels in grades kindergarten through 12 and operated by the public school system or approved by the state's Department of Public Instruction as meeting the requirements of state law. Any school for children age six or under not meeting these requirements shall be considered a daycare facility for purposes of this chapter.

SCHOOL, VOCATIONAL OR PROFESSIONAL. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or elementary or secondary school.

SCREENING. A fence, wall, hedge, landscaping, buffer area, or any combination of these provided to visually shield or obscure one abutting or nearby structure or use from another.

SENSITIVE AREA. An area not suitable for development which includes the occupancy of animal and plant habitats that are rare and valuable due to their special role in an ecosystem, which could be disturbed by human activities and development. These areas are known to include wetlands, floodplains, and geologically hazardous sites.

SERVICE BUILDING. A structure housing toilet, lavatory, bathing, and such other facilities as may be required by this chapter for the purpose of supplementing the facilities contained in dependent trailers and tents.

SERVICE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

SERVICE STATION. See *GASOLINE STATION, LARGE* or *GASOLINE STATION, NEIGHBORHOOD*.

SERVICES A, BUSINESS. An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This definition includes only those uses in the following NAICS group(s):

- (1) 5322 Consumer Goods Rental;
- (2) 5414 Specialized Design Services;
- (3) 5415 Computer Systems Design and Related Services;
- (4) 5614 Business Support Services; and
- (5) 56141 Document Prep Services.

SERVICES B, BUSINESS. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This definition includes only those uses in the following NAICS group(s):

- (1) 5323 General Rental Centers;
- (2) 5418 Advertising and Related Services;
- (3) 5617 Services to Buildings and Dwellings;
- (4) 8113 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance;
- (5) 8114 Personal and Household Goods Repair and Maintenance; and
- (6) 8123 Dry Cleaning and Laundry Services.

SERVICES, PERSONAL. See *PERSONAL SERVICES*.

SETBACK. The minimum required horizontal distance between a structure and the lot line or street centerline.

SETBACK, ESTABLISHED. The setback established by existing structures along a block front.

SETBACK, REQUIRED. The setback required by this chapter.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHOOTING RANGE, INDOOR. The use of a completely enclosed structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR. The use of land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOPPING CENTER. Any single commercial structure group of structures designed to house five or more businesses on the same lot of record. A building or group of buildings with two or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. **SHOPPING CENTERS** shall be construed to include all out-parcels, whether or not developed, and shall permit any permitted within the zoning district in which it is located except for those uses that require outdoor storage.

SHOPPING CENTER, LARGE. A shopping center totaling 75,000 square feet or more of gross floor area.

SHOPPING CENTER, MEDIUM. A shopping center containing between 25,000 and 75,000 square feet of gross floor area.

SHOPPING CENTER, SMALL. A shopping center totaling 25,000 square feet or less of gross floor area.

SHRUB. A woody, branching plant of relatively low height.

SIGHT DISTANCE TRIANGLE. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection.

SIGHT EASEMENT. See **EASEMENT, SIGHT.**

SIGN. Any object, display, or structure, or part thereof, which includes words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN AREA. The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing **AREA**, only one side of a double-faced sign shall be considered.

SIGN FACE. The part of the sign that is or can be used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract attention.

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

SIGN STRUCTURE. The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

SIGN, ANIMATED. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, ATTENTION-GETTING DEVICES. Inflatable characters or shapes, air puppets, statues (other than memorials or grave markers), symbols, and objects used to attract attention to a lot, building, business, or activity are considered **SIGNS**.

SIGN, BANNER. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind.

SIGN, BEACON. Any sign with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

SIGN, BILLBOARD. A type of sign, generally off-site and often, but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building.

SIGN, BLADE. A flag sign which is normally taller than wide and in any shape (i.e., feather, flutter, teardrop, rectangle). **BLADE SIGNS** are a type of temporary sign.

SIGN, CANOPY (AWNING). A sign attached to or painted or printed onto a canopy or awning. See also **SIGN, MARQUEE**.

SIGN, CHANGEABLE COPY. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.

SIGN, COPY. Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

SIGN, DIRECTIONAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic.

SIGN, DIRECTORY. A sign on which the names and locations of occupants or the use of a building or property is identified.

SIGN, FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

SIGN, FLASHING. A sign that uses an intermittent, scrolled, or flashing light source or windblown, solar, and/or mechanically moved reflective material to attract attention.

SIGN, FREE-STANDING. Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such **SIGN** may include a ground, pole, or monument sign.

SIGN, GROUND-MOUNTED. Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

SIGN, IDENTIFICATION. A sign which indicates the name, purpose, or importance of a structure, feature, or place.

SIGN, ILLUMINATED. A sign either internally or externally illuminated. See **SIGN, LIGHTED** or **SIGN, LUMINOUS**.

SIGN, INCIDENTAL. A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive-through menu boards, signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

SIGN, INSTRUCTIONAL. See **SIGN, DIRECTIONAL**.

SIGN, INTERACTIVE. An electronic or animated sign that reacts to the behavior or electronic signals of the viewer.

SIGN, LIGHTED. A sign illuminated only by light cast upon the sign from an external light source.

SIGN, LUMINOUS. A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

SIGN, MARQUEE. Any sign attached to, in any manner, a marquee. For the purposes of this definition, a **MARQUEE** is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed to provide protection from the weather.

SIGN, MEMORIAL OR PLAQUE. A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

SIGN, MONUMENT. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than 18 inches above the adjacent grade.

SIGN, MULTI-TENANT. See **SIGN, DIRECTORY**.

SIGN, MURAL, BUILDING WRAP, SUPER GRAPHICS. A sign mounted, painted, or mounted on the side of a building.

SIGN, OFF-PREMISES. A sign at a location other than the premises for which the purpose of the sign is erected.

SIGN, ON-PREMISES. A sign on the premises for which the purpose of the sign is erected.

SIGN, PEOPLE. A sign held by a person or a person in a costume or decorative clothing.

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

SIGN, PERMANENT BANNER. Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags.

SIGN, POLE. A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building, but not including ground-mounted or monument signs. The bottom of such **SIGN** shall be greater than three and one-half feet from the ground directly beneath the sign.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs attached to A- or T-frames (sidewalk signs); changeable letter signs, electronic message signs, menu, and sandwich board signs; and balloons and umbrellas. **PORTABLE SIGNS** are considered to be temporary signs.

SIGN, PROJECTED-IMAGE. Any image projected onto a building, sidewalk, or other surface using laser light or other projection technology.

SIGN, PROJECTING. Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

SIGN, PUBLIC INTEREST. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

SIGN, ROOF. Any sign erected and constructed wholly or partially on or over the roof or parapet of a building.

SIGN, SNIPE. Any sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, or other objects, or placed on any public property or in the public right-of-way.

SIGN, SUSPENDED. A sign that is suspended from the underside of a surface and is supported by such surface.

SIGN, TEMPORARY. A sign that is not permanently installed in the ground or affixed to any structure or building.

SIGN, VEHICULAR. Signs painted on or attached (wrapped) to parked vehicles visible from the public right-of-way and located on or near the premises for which the purpose of the sign was created.

SIGN, WALL. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered **WALL SIGNS**.

SIGN, WINDOW. Any sign, pictures, symbol, or combination thereof, placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. This may include an etching of the glass.

SIGNIFICANT TREE. Any tree other than a pine tree with a caliper of 18 inches or more.

SINGLE-FAMILY DWELLING. See **RESIDENTIAL BUILDING, SINGLE-FAMILY**.

SITE PLAN. A scaled plan showing uses and structures proposed for a parcel of land as required by this chapter, which includes lot lines, streets, building sites and buildings, reserved open space, major landscape features (natural and human-made), and the location of proposed utility lines when applicable in addition to other features which may be required by this chapter.

SMALL MATURING TREES. A tree whose height is less than 35 feet at maturity and meets the specifications of *American Standards for Nursery Stock* published by the American Association of Nurserymen.

SOLAR COLLECTOR. A device, structure, or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof-mounted or ground-mounted as an accessory use.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR FARM. A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power from an area greater than the principal use on the site.

SOLAR MOUNTED DEVICES. Devices that allow the mounting of a solar collector onto a roof surface or the ground.

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

- (1) Fowl and animal fecal waste;

(2) Solid or dissolved material in any of the following:

(a) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;

(b) Irrigation return flows; or

(c) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under § 402 of the Federal Water Pollution Control Act, as amended (33 USC §§ 1251 et seq.) and permits granted under G.S. § 143-215.1 by the Environmental Management Commission;

(3) Oils and other liquid hydrocarbons controlled under G.S. Ch. 143, Art. 21A;

(4) Any radioactive material as defined by the state's Radiation Protection Act (G.S. §§ 104E-1 through 104E-23); or

(5) Mining refuse covered by the state's Mining Act (G.S. §§ 74-46 through 74-68), and regulated by the state's Mining Commission (as defined under G.S. § 143B-290).

SPECIMEN TREE. A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a ***SPECIMEN TREE*** based on its size, age, rarity, or special historical or ecological significance and may also meet the following criteria:

(1) Large hardwoods (e.g., oaks, poplars, maples, and the like) and softwoods (e.g., pines sp.) in good or better condition with a DBH of 24 inches or greater;

(2) Smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, and the like) in good or better condition with a DBH of 12 inches or greater; or

(3) Lesser-sized trees of rare species or special intrinsic value as approved by the town.

SPOT LIGHT. A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

STEALTH TELECOMMUNICATIONS ANTENNAS. Telecommunications antennas which are housed within a building or on a structure so that the antennas are disguised as some other permitted structure or use.

STEALTH TOWER. Human-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

STORAGE AND SALVAGE YARD. The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard, motor vehicle dismantling operations, or junkyards.

STORAGE TANKS, ABOVE GROUND. Storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

STORAGE TANK, WATER. A standpipe or elevated tank used to store a supply of water or to maintain equal pressure on a water system.

STORY. The 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 of the area of the floor immediately below. A penthouse shall be considered a **STORY** if it exceeds one-third of the area of the roof.

STREAM BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The **STREAM BUFFER** is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

STREET. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties, as well as any right-of-way which has been recorded in the office of the Register of Deeds of the county which provides access to private properties. A right-of-way for vehicular travel.

STREET, ARTERIAL. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another; a thoroughfare. Also referred to as a **MAJOR THOROUGHFARE**.

STREET, COLLECTOR. A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

STREET, CUL-DE-SAC. A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

STREET, MINOR NONRESIDENTIAL. Those streets whose primary function is to provide direct access to commercial or industrial property.

STREET, MINOR RESIDENTIAL. Those streets whose primary function is to provide direct access to residential property.

STREET, PARALLEL FRONTAGE ROAD. A public or private street adjoining or parallel to an arterial street designed to provide access to abutting property in place of the arterial.

STREET, PRIVATE. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

STREET, PUBLIC. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the town or the state.

STREET, RURAL. A street designed for and located in non-urban and non-urbanizing areas as classified by the town.

STREET, STUB. A non-permanent dead-end street intended to be extended in conjunction with the subdivision or development of adjacent land.

STREET, URBAN. A street designed for and located in urban or urbanizing areas as classified by the town.

STREET LINE. The outer boundary of a street right-of-way.

STREET ORIENTATION. See ***BUILDING PRESENTATION.***

STREET RIGHT-OF-WAY. Any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the state or the town or Davie County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the town; or has otherwise been established as a public street prior to the adoption of this chapter.

STREET VISTA. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

STREET YARD. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping.

STREETSCAPE. An area within a street's right-of-way that may contain sidewalks, street furniture, landscaping or trees, and similar features.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location of the ground or which is attached to something having more or less permanent location on the ground, but excluding metal telephone, cable television, or similar electronic cabinets. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. ***STRUCTURE*** also includes, but is not limited to,

swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

STRUCTURE, DETACHED. For purposes of determining setback requirements for accessory structures, a structure which is separated from an adjacent structure by at least three feet, as measured from any part of the structures.

STUDIOS. A working place or place of study for a painter, sculptor, photographer, dancer, or person engaged in a similar artistic pursuit. This definition includes only those uses in the following NAICS group(s):

- (1) 541430 Graphic Design Services;
- (2) 541921 Photography Studios, Portrait;
- (3) 541922 Commercial Photography; and
- (4) 611610 Fine Arts Schools.

SUBDIVIDER. Any person, firm, corporation, or entity who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

(1) 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 the town subdivision regulations;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town subdivision regulations;

(5) The division of land into plots or lots for use as a cemetery; and

(6) Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to G.S. Ch. 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this chapter or the town subdivision regulations.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50% of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. ***SUBSTANTIAL IMPROVEMENT*** shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or town code specifications necessary to ensure safe habitation of the structure.

SURVEYOR. A person licensed to practice surveying in the state.

TAXICAB STANDS. See ***TERMINAL, BUS OR TAXI.***

TELECOMMUNICATIONS EQUIPMENT BUILDING. The buildings in which the electronic receiving and relay equipment for a telecommunication facility is housed.

TELECOMMUNICATION TOWERS AND FACILITIES. A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennas used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as “stealth” locations, shall be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunication facility. This definition does not include ham radio operations, radio broadcast towers, or television broadcast towers. Examples of ***TELECOMMUNICATIONS TOWERS*** include monopoles and lattice construction steel structures. A structure, either freestanding or attached to a building, principally intended to radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and primary and accessory equipment related to broadcast services, cellular or digital telephone services, pagers, beepers, data, and common carriers (as regulated by the Federal Communications Commission), including FM, AM, two-way radio, fixed point microwave, commercial, satellite, cellular, and PCS communication systems. The term ***TELECOMMUNICATION TOWER*** does not include electrical or telephone transmission lines or supporting structures, antennas of amateur radio (HAM) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennas less than 60 feet in height with transmitting power of 250 watts or less.

TEMPORARY STRUCTURE. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of ***TEMPORARY STRUCTURES*** are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

TENANT BAY. The exterior portion of a multi-tenant building devoted to a single tenant.

TENT. A collapsible shelter of canvas or other material stretched and sustained by poles and intended for human occupancy as a temporary dwelling for short periods of time.

TENT OR TRAILER SPACE. The portion of an individual camp site which is intended for occupancy by the tent or travel trailer.

TERMINAL, BUS OR TAXI. A facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas. This definition includes only those uses in the following NAICS group(s): 485 Transit and Ground Passenger Transportation.

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities. This definition includes only those uses in the following NAICS group(s):

- (1) 492 Couriers and Messengers; and
- (2) 48849 Other Support Activities for Road Transportation.

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, and the like. This definition includes only those uses in the following NAICS group(s): 5417 Scientific Research and Development Services.

THE 10/70 PROVISION. A provision of NCAC §§ .0200 et seq. that allows a local government to permit up to 10% of its watershed jurisdiction outside of the critical area to be covered with up to 70% built-upon (impervious) surface.

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes only those uses in the following NAICS group(s): 512132 Drive-In Motion Picture Theaters.

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons. This definition includes only those uses in the following NAICS group(s): 512131 Motion Picture Theaters (except drive-ins).

THOROUGHFARE. See **STREET, ARTERIAL.**

THOROUGHFARE PLAN. The most recent map adopted by the Town Council which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

TIRE RECAPPING SHOPS. Establishments primarily engaged in repairing, re-treading, and rebuilding tires from natural or synthetic rubber. This definition includes only those uses in the following NAICS group(s): 326212 Tire Re-treading.

TOURIST HOME. A dwelling where lodging only is provided for compensation for not more than 14 and open to transients.

TOWER, GUYED. A type of wireless transmission tower that is supported by guy wires.

TOWER, LATTICE. A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These ***TOWERS*** can be either three- or four-legged steel girdered structures designed typically to support multiple telecommunications users.

TOWER, MONOPOLE. A freestanding, slender, often telescoping, and self-supporting single pole structure that supports telecommunication equipment.

TOWER, STEALTH. Human-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure. Any ***TOWER*** which is designed to blend into the surrounding environment.

TOWER, TELECOMMUNICATIONS. See ***TELECOMMUNICATIONS TOWERS AND FACILITIES.***

TOWNHOUSE. See ***RESIDENTIAL BUILDING, TOWNHOUSE.***

TRADITIONAL NEIGHBORHOOD. One that incorporates design principals that produce compact, mixed-use, pedestrian scaled communities designed to:

- (1) Promote independence of movement for the elderly and young by bringing many activities of daily living within walking distance;
- (2) Reduce traffic congestion and road construction costs by reducing number and length of car trips;
- (3) Use or allow for future use of alternative forms of transportation by organizing appropriate building densities;
- (4) Improve security of public spaces organized to stimulate informal surveillance by residents and business operators;
- (5) Enhance the sense of community and improve security through the provision of a range of housing types and workplaces in proximity to one another; and
- (6) Provide accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

TRAILERS, CAMPERS, AND TRAVEL TRAILERS. A vehicle with or without its own motive power, equipped or used for temporary living purposes and mounted on wheels or designed to be so mounted and transported. See *TRAVEL TRAILER, SELF-CONTAINED*.

TRANSITIONAL SETBACK OR YARD. The area, if any, along a thoroughfare, which lies between the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and the minimum setback or yard line measured from the proposed right-of-way line.

TRANSITIONAL USE. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

TRAVEL TRAILER. Any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, such vehicle containing limited or no kitchen and bathroom facilities.

TRAVEL TRAILER, SELF-CONTAINED. A travel trailer which can operate independently of connections to sewer, water, and electric systems, containing a water flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the unit.

(1) **CAMPING TRAILER.** A folding structure manufactured of metal, wood, canvas, or other materials, mounted on wheels and designed for travel, recreation, and vacation use.

(2) **HOUSE TRAILER.** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle, for use as a temporary dwelling for travel, recreational, and vacation uses, having a body width not exceeding eight feet and a body length not exceeding 32 feet when equipped for road travel.

(3) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

(4) **PICKUP COACH.** A portable structure for use as a temporary dwelling for travel, recreation, and vacation, designed to be mounted on a truck chassis for transportation and to be used for a temporary dwelling while either mounted or dismounted.

TREE. A large, woody plant having one or more self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen.

TREE STAND. An aggregation of trees occupying a specific area and sufficiently uniform in composition, age, arrangement, and condition to make it distinguishable from the forest or adjoining areas.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of 15 to 35 feet in height and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurseryman.

UNIVERSITY, COLLEGE, and JUNIOR COLLEGE. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level. See **COLLEGE** or **UNIVERSITY**.

USE, PRINCIPAL. The primary or predominant use of any lot or parcel.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

USGS. United States Geological Survey.

UTILITIES. Facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic sign, or rail transportation. The term **UTILITY** shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing, or storage facilities; transmission towers; or postal facilities.

UTILITIES, ABOVE GROUND. Above ground facilities associated with the distribution and collection of water, sewer, electric, gas, cable TV, telephone, or internet service except that such shall not include any facility otherwise defined and regulated by this chapter such as telecommunication towers or public works facilities.

UTILITIES, BELOW GROUND. Utility facilities located entirely below ground associated with the distribution and collection of water, sewer, electric, gas, cable TV, telephone, or internet service except that such shall not include any facility otherwise defined and regulated by this chapter.

UTILITIES SERVICE AREA. An area which contains any surface-mounted heating, ventilation, or air conditioning equipment or freestanding above ground devices, such as utility boxes, booster boxes, switch gear, transformers, water towers, pump stations, lift stations, utility substations, or similar appurtenances which are part of an underground utilities system.

(1) **PRIVATE UTILITY SERVICE AREA.** An area, on private property, which contains privately-owned utility structures for the exclusive service of the premises where they are installed.

(2) **PUBLIC UTILITY SERVICE AREA.** An area, on either private or public property, which contains utility structure owned by a utility for the service of one or more premises, but excluding utility substations.

VARIANCE. Relief from the requirements of this chapter granted by the Board of Adjustment.

VESTED RIGHT (ZONING). A right established pursuant to the provisions of this chapter to undertake and complete the development and use of property.

VETERINARY SERVICES. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming,

boarding, or selling of pet supplies. This definition includes only those uses in the following NAICS group(s):

- (1) 54194 Veterinary Services; and
- (2) 81291 Pet Care (except Veterinary) Services.

WALL, BUILDING. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this chapter, the area of a **WALL** will be calculated for a maximum of 50 feet in height of a building.

WALL SIGN. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered **WALL SIGNS**. See **SIGN, WALL**.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition includes only those uses in the following NAICS group(s): 4931 Warehousing and Storage.

WAREHOUSING, SELF STORAGE. Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units. This definition includes only those uses in the following NAICS group(s): 531130 Lessors of Mini Warehouses and Self-Storage Units.

WASTE INCINERATOR. A site with one or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities.

WASTE TRANSFER STATION. A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads, and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not **WATER DEPENDENT STRUCTURES**.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.

WATERING STATION. A facility for providing potable water for the re-supply of water storage tanks.

(1) *Site requirements and specifications for campgrounds generally.* All campgrounds shall conform to the following requirements and specifications.

(a) *Size of campground.* Every campground shall be located on a tract of land not less than five acres in size.

(b) *Size of campsites.* Every campsite shall consist of a minimum of 2,500 square feet, having a minimum width of 40 feet. Each campsite shall be clearly established on the ground by permanent monuments or markers.

(c) *Number of trailers per camp site.* No more than one travel trailer may be parked on any campsite and for no longer than a nine-month period.

(d) *Recreation area.* In all campgrounds, there shall be at least one developed recreation area, which shall be easily accessible from all campsites. The gross amount of such recreation areas shall be not less than 7% of the gross site area. Any individual area shall be not less than 2,500 square feet in size. Plans for recreation area development shall be approved by the Planning Board and may include such facilities as picnic, playground, ball field, or beach areas.

(e) *Access to streets generally.* All campgrounds shall be provided with safe and convenient vehicular access from abutting public streets or roads to each camp site. Surfacing and maintenance shall provide a smooth, hard and dense surface (asphalt or similar surfacing material) and shall be free of dust and well drained, with at least a 16-foot continuous width of right-of-way exclusive of parking areas, drainage ditches, or other structures.

(f) *Camp sites generally.* Each camp site shall have a space for one tent or travel trailer and a parking space for at least two cars (ten feet by 20 feet per parking space).

(g) *Camp site location.* All camp sites shall be located at least 40 feet from any campground boundary line and at least 60 feet from a street or highway right-of-way, or any boundary of a residential dwelling district. Each tent or trailer space shall be set back at least 20 feet from any private road in the campground.

(h) *Camp stores.* For the convenience and use of campground residents only, the campground may provide and operate a camp store. The camp store may include laundry facilities, concessions, video and pinball machines, groceries, produce, and camping equipment. Adequate parking must be provided.

(i) *Buffer strip.* A landscape buffer that meets the requirements of § 155.146 shall be provided along all campground boundaries unless exempted by the Town Planning Board.

(2) *Utilities generally; water supply; sewage disposal and sanitary facilities; garbage disposal.*

(a) In every campground, all installations, other than those within the trailer proper, of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the applicable town ordinances and other applicable regulations.

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(b) Each campground shall obtain water from a source approved by a county health officer or appropriate state official. The supply shall be adequate to meet a demand of 100 gallons per campsite per day. The drinking, cooking, laundry, bath, and general water supply for each campsite shall be obtained only from faucets or other plumbing fixtures connected directly to the water supply system. Such faucets or water supply fixtures may be either located by each campsite or at centralized **WATERING STATIONS**.

(c) 1. Each campground shall be provided with an adequate sewage disposal system by connection to a public sewage system, package treatment plant, or other system approved by the County Health Department or appropriate state official. All sewage wastes from each campground, whether from individual trailers or camp sites or centralized facilities, including wastes from toilets, showers, bathtubs, lavatories, wash basins, and sinks, shall be piped into the campground sewage disposal system.

2. If individual connections for sewage disposal are provided at the campsite, such connections shall be sealed at any time when not connected to a trailer. Trailers having limited bathroom or kitchen facilities but lacking sewage storage facilities shall be required to connect to such individual sewage connections.

(d) At least one central sanitary station shall be provided at each campground for removing and disposing of wastes from waste holding tanks of self-contained trailers. The sanitary station shall be of a type approved by the County Health Department and shall be connected to the campground sewage disposal system. Sanitary stations shall be separated from any camp site by a distance of at least 50 feet.

(e) 1. Campgrounds which provide sites for tents and dependent trailers shall provide the following toilet and bathing facilities in centralized service buildings. Such service buildings shall be conveniently located within 300 feet of the spaces to be served.

<i>Number of Camp Sites</i>	<i>Urinals</i>	<i>Toilets</i>		<i>Lavatories</i>		<i>Showers</i>	
	<i>Men</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
1-25	1	1	1	1	1	1	1
26-50	1	2	2	2	2	2	2
51-100	2	2	3	3	3	3	3

2. For campgrounds having more than 100 camp sites, there shall be provided one additional toilet, lavatory, and shower for each sex per each additional 50 camp sites, and one additional men’s urinal per each additional 50 camp sites.

(f) All garbage and refuse in every campground shall be stored in suitable water-tight and fly-tight trash receptacles. It shall be the duty of the campsite operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

(g) The Planning Board shall review all plans for campgrounds for compliance with this section and shall issue all campground permits. In addition to a written statement that all of the above

criteria will be met, the owner must provide a site development plan showing all intended site improvements and numbered camp site locations.

WATERSHED. An area in which natural ridgelines form the outer perimeter of a basin which diverts rainfall and natural drainage into streams or rivers which in turn drain to lower elevations. When such **WATERSHED** contains Class I and II reservoirs, then such area is regulated by the Rules and Regulations for the Protection of Public Water Supplies as adopted by the State Board of Health. The entire land area contributing surface drainage into a specific stream, creek, lake, or other body of water.

WATERSHED BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The **BUFFER** is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

WATERSHED CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The **CRITICAL AREA** is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first).

WATERSHED PROTECTED AREA. The area adjoining and upstream of the critical areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the critical area.

WHOLESALE TRADE A. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or for professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk lots for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over 25% of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

- (1) 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers;
- (2) 4232 Furniture and Home Furnishing Merchant Wholesalers;
- (3) 4233 Lumber and Other Construction Materials Merchant Wholesalers;
- (4) 4234 Professional and Commercial Equipment and Supplies Merchant Wholesalers;
- (5) 4236 Electrical and Electronic Goods Merchant Wholesalers;
- (6) 4237 Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers;

- (7) 4239 Miscellaneous Durable Goods Merchant Wholesalers;
- (8) 4241 Paper and Paper Products Merchant Wholesalers;
- (9) 4242 Drugs and Druggists' Sundries Merchant Wholesalers;
- (10) 4243 Apparel, Piece Goods, and Notions Merchant Wholesalers;
- (11) 4244 Grocery and Related Product Merchant Wholesalers;
- (12) 4248 Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers; and
- (13) 4249 Miscellaneous Non-Durable Goods Merchant Wholesalers (except 424910 Farm Supplies Merchant Wholesalers)

WHOLESALE TRADE B. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or to professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over 25% of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

- (1) 4211 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers (except 42314 Motor Vehicle Parts (Used) Merchant Wholesalers);
- (2) 4215 Metal and Mineral (excluding Petroleum) Merchant Wholesalers;
- (3) 4218 Machinery, Equipment and Supplies Merchant Wholesalers;
- (4) 4225 Farm Product Raw Material Merchant Wholesalers;
- (5) 4226 Chemical and Allied Products Merchant Wholesalers; and
- (6) 422910 Farm Supplies Merchant Wholesalers.

WORKING DAY. Any day on which the offices of the town are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Council.

YARD. A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky where encroachments and accessory buildings are expressly permitted. Any area of land located between a lot line and a required setback line. The minimum depth of a **YARD** shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way line and the front line of the building, projected to the side lines of the lot. The ***YARD*** extending across the full width of the lot and lying between the front lot line and the front setback line as required in this chapter.

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this chapter, provided that the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The ***YARD*** extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this chapter.

YARD, SIDE. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot and extending from the rear line of the front yard to the front line of the rear yard.

(Ord. passed 4-16-2018)

ESTABLISHMENT OF DISTRICTS

§ 155.025 ZONING DISTRICTS ESTABLISHED.

(A) *Types of zoning districts.* All areas within the zoning jurisdiction of the town are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the town's jurisdiction fall within one of the following three categories.

(1) *General use zoning districts.* Each general use district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general use district may be layered with an overlay district, which is a special type of general use district.

(2) *Conditional zoning districts.*

(a) Most conditional districts are established as parallel or counterpart districts to a general use district. In such cases, references in the zoning ordinance to the general use district shall be construed to also include the counterpart conditional district. Conditional districts, like general use districts, may be layered with overlay districts.

(b) Each conditional district with a counterpart general use district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this section. All regulations and uses which apply to a general use district also apply to the counterpart conditional district and no use shall be allowed in the conditional district that is not allowed in its counterpart general use district.

(c) Additional conditions, which may be suggested by the petitioner as part of the rezoning process, shall be binding upon property within a conditional district in perpetuity or until the property is rezoned by the Town Council. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this chapter or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Town Council during the rezoning process.

(d) This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals which may not be undertaken for some time.

(3) *Overlay districts.*

(a) Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district.

(b) A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change.

(B) *Districts named.*

<i>District Abbreviation</i>	<i>District Name</i>	<i>Classification</i>
RA and RA-CD	Residential-Agricultural District	Residential
R-20 and R-20-CD	Single-Family Residential District	Residential
RL and RL-CD	Single-Family Residential District	Residential
RMH	Residential Manufactured Home	Residential
R-10 and R-10-CD	Single-Family Residential District	Residential
R-8 and R-8-CD	Multi-Family Residential District	Residential
NB and NB-CD	Neighborhood Business District	Mixed-Use