

**CHAPTER 2**  
**DEFINITIONS OF TERMS USED IN THIS ORDINANCE**

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

**Section 2.1 Interpretation of Terms and Words**

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (3) The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel".
- (5) The word "building" includes the word "structure".
- (6) The word "shall" is always mandatory and not merely directory.
- (7) 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".
- (8) The word "Map", or "Zoning Map", or "Badin Zoning Map" shall mean the "Official Zoning Map of the Town of Badin, North Carolina".
- (9) Any word denoting gender includes the female and the male.
- (10) The term "Town Council" shall mean the "Town Council of Badin, North Carolina".
- (11) The term "Planning Board" shall mean the "Planning Board of Badin, North Carolina".
- (12) The term "Board of Adjustment" shall mean the "Board of Adjustment of Badin, North Carolina".
- (13) The term "Badin Land Development Plan" shall mean the Badin Land Development Plan adopted by the Badin Town Council on \_\_\_\_\_, 1999.
- (14) The term "Zoning Administrator" shall mean the Zoning Administrator of Badin, North Carolina.

**Section 2.1A Interpretation of Zoning District Boundaries.**

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.

- (1) Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district

boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.

- (2) Edge Line: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- (3) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- (4) Town Limits: Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.
- (5) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (6) Extensions: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- (7) Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- (8) Where the Zoning Administrator determines that **(i)** physical features existing on the ground, or **(ii)** actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret Zoning district boundaries in accordance with **Chapter 12**.

## **Section 2.2**    **Definitions**

### **Abandoned:**

The intentional or unintentional cessation of use, or maintenance of a building, structure or lot.

### **Accessory Dwelling Unit**

A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

**Accessory Use Or Structure**

A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

**Active Recreation**

Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

**Adjacent**

Property abutting directly on the boundary of, touching, or sharing a common point.

**Adult Establishment**

Any structure or use of land which meets the definition of Adult Establishment as outlined in N.C.G.S. 14-202.10, and including adult video stores and adult hotels and motels.

**Adult Video Store**

Any store which receives a majority of its gross income during any calendar month from the sale or rental of films, motion pictures, video cassettes, or video reproductions, slides, computer media, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas" as defined in N.C. G.S. 14-202.10.

**Adult Hotel or Motel**

A hotel, motel, or similar commercial establishment that:

- a) Provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or
- b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c) Allows a tenant or occupant of a sleeping room to subrent a sleeping room for a period of time that is less than ten (10) hours.

A business as defined in North Carolina General Statute (NCGS) 14-202.10(2). This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in NCGS 14-202.10 and the definitions are adopted by reference. However, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

**Agency**

A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

### **Agricultural Uses**

The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program.. Also land used as pasture or in the commercial production of fish hatcheries or aquaculture.

Also for the purposes of this ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Other uses which shall not be deemed as "agricultural uses" include (i) zoos, (ii) kennels, and (iii) riding stables and academies.

### **Airport**

A place where aircraft may takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled. Includes customary accessory uses.

### **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 size, configuration, location, or use.

### **Amusement Arcade**

A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeetball machines. A facility shall be deemed an amusement arcade if it has eight (8) or more of such machines.

### **Amusement/Fun Park**

A permanent, outdoor, pedestrian-oriented facility containing a cluster of structures and facilities which house devices for entertainment, including but not limited to rides, booths for the conduct of games, food and souvenir stands, buildings for shows and entertainment (movies), video games, go-carts, remote control cars track, and miniature golf.

### **Animal Grooming Facility**

An indoor facility where household pets, primarily dogs and cats are bathed, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

### **Animal Hospital (Indoor)**

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located

indoors.

**Animal Kennel**

A commercial enterprise where more than six (6) dogs or other domesticated animals are groomed, bred, boarded, trained, or sold.

**Animal Shelter**

A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

**Animal Supply Store**

A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceutical) and equipment (e.g., bridles, barbed wire) related to the keeping of horses and farm animals.

**Antenna**

A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

**Applicant**

A person seeking an action or approval under provisions of this ordinance.

**Art Gallery**

A commercial establishment where individual pieces of art are sold to the general public on a retail basis.

**Auction House**

A facility which is used for the purpose of having auctions on a regularly established basis

**Automobile Body Shop**

Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

**Automobile Broker**

A business dealing with the trading of automobiles without the use of a sales lot.

**Automobile Detailing Shop**

An establishment primarily engaged in the hand-cleaning and waxing of automobiles. Such activities may take place both indoors and outdoors. Such facilities are distinguished from "Auto Washes" in that there is typically no automated equipment involved with the cleaning and waxing of vehicles.

**Automobile Parts Supply Store**

An establishment which sells new and/or rebuilt automobile parts and accessories but does not

include junk yards, used auto parts sales, or the installation of such parts.

### **Automobile Repair Shop**

Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

### **Automobile Salvage Yard**

See "Junkyard and Automobile Salvage Yard"

### **Automobile Service Station**

A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

### **Automobile Towing and Wrecking Service**

An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard nor an automobile salvage yard.

### **Automobile Wash, Class 1 (Self-service car wash)**

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines (i.e. the use of chain conveyors or other devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

### **Automobile Wash, Class 2 (Automatic Car Wash)**

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on accessory basis.

### **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.

### **Bakery (Retail)**

The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

### **Bank Teller Machine**

A machine which dispenses cash and allows the user to make bank transactions without personal contact and without entering a bank or other financial institution. Use of machines is

generally not limited to specific hours of operation. Unit may be associated with a financial institution or free-standing either outdoor or within a building.

### **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.

### **Bed and Breakfast Inn**

A use that **(i)** takes place within a building that prior to such establishment, was designed and used as a single-family residence, **(ii)** that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, **(iii)** where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and **(iv)** 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 (1) full-time employee.

### **Blood Relative**

For the purposes of this ordinance, a blood relative(s) shall be the great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure.

### **Boarding House**

A building, other than a hotel, rooming house, or bed and breakfast inn, containing not more than 9 guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens.

### **Book Store**

A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of "adult use", as herein defined, shall not be considered a book store.

### **Broadcast Tower**

An above-grade tower or similar structure more than 35' 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 and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

### **Building**

A temporary or permanent structure having a roof supported by exterior walls or constructed

columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

### **Building, Accessory**

A 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. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

### **Building Front**

The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front, provided the building is situated so that it meets all front, side and rear yard requirements.

### **Building, Principal**

A building in which is conducted the principal use on the lot on which said building is situated. In any Residential (R) Zoning District any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

### **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 ridges for gable, hip and gambrel roofs.

### **Building and Home Materials Center (i.e. hardware stores)**

A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances, etc.). Such an establishment shall be a gross leasable area of no greater than fifteen-thousand (15,000) square feet. All retail stock (except plant materials) which is stored outside must be screened in accordance with Section 5.4.4.

### **Building Line**

The edge of a building closest to the street.

### **Building Setback Line**

A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

### **Bulletin Board**

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

**Bus Terminal, Passenger**

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers going on inter-city bus trips.

**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.

**Business Park**

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

**Bulk Storage**

Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

**Business Services**

Establishments primarily engaged in rendering services (which are not listed elsewhere in this ordinance) to business establishments on a contract or fee basis. These services include but are not limited to: advertising, claims adjusters, and computer software development.

**Camping and Recreational Vehicle Park**

Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are solely used for recreation or vacation purposes. A "manufactured home park" shall not be deemed a "camping and recreational vehicle park".

**Campsite**

Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, or tent.

**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.

**Carnival**

A traveling enterprise offering outdoor amusements, games, rides and shows for entertainment purposes.

**Cemetery**

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

### **Center Line of Street**

The center line of a right of way, as defined or surveyed by the North Carolina Department of Transportation.

### **Certificate of Compliance**

A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Zoning Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

### **Certificate of Occupancy**

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

### **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.

### **Charitable Organizations**

Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

### **Church (or Other House of Worship)**

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers [which have enrollment capacities in excess of twenty-five (25) enrollees] and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

### **Clinic**

Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

### **Club or Lodge**

A building or site used by a non-profit membership organization for recreational or social purposes.

### **Cluster Development**

The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project.

**Cluster Housing**

Dwelling units grouped on lots with smaller dimensions than normally permitted within a zoning district in exchange for the provision of permanent open space within the same development.

**College Or University**

An institution other than a trade school that provides full-time or part-time education beyond high school.

**Co-Location**

Co-location means the location of wireless telecommunications antennae/equipment from more than one provider on one common tower or structure.

**Columbarium**

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

**Commercial Vehicle Storage and/or Operations Center**

A facility specifically designated for routine storing and/or servicing of six (6) or more commercial vehicles (except septic tank and solid waste vehicles) operated by the same entity.

**Common Open Space**

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

**Common Open Space, Improved**

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc.

**Community Center**

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

**Conditional Use Permit**

A special authorization for a conditional use which may be subject to any specific restrictions or conditions on its size, location, intent, character of use, etc. as determined by the Town Board.

**Condominium**

A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

**Construction Trailer**

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

**Contiguous**

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

**Continuing Care Facility**

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

**Contractors**

General contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. Also included are heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

**Convalescent Center or Nursing Home**

A facility that provides nursing services and custodial care on a 24 hour basis for 3 or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

**Convenience Store**

A one story, retail store operating anytime between the hours of 6:00 AM and midnight containing less than three-thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food store"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

**Correctional Facility**

A public or privately operated facility used for 1) the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and or housing of persons serving sentences or 2) incarceration or housing of persons serving criminal sentences.

**Country Club**

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

**Craft Studio**

An establishment where works of art are individually crated on-premises by no more than five artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers.

### **Cul-De-Sac**

The turn around at the end of a dead-end street.

### **Customary Home Occupation**

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

### **Day Care Center**

A place where daytime care is provided to six (6) or more children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

### **Day Care Center associated with Place of Worship or School**

A day care center run by a church or school where day care is provided to children, handicapped persons, or senior citizens. The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on a lot owned by the church or school where religious or educational activities are regularly conducted.

### **Day Care Home, Family**

A place where daytime care is provided to not more than five children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult, within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the family day care home. For the purpose of this ordinance, such activities shall meet all requirements for customary home occupations.

If children are the primary clients of the family day care home, the following standards must be met:

- A. The home shall meet all state standards for registration and inspections.
- B. The number of children does not exceed 5 preschool children including the caregiver's children and 3 school aged children not including the caregiver's children.

### **Density, Gross**

A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces.

### **Development, Existing**

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this ordinance based on at least one of the following criteria:

- (1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

### **Development Plan**

A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this ordinance. The development plan provides guidance for site plans.

### **Diet House or Diet Facility**

A facility housing a dietary treatment program supervised by trained professionals which may also contain temporary living quarters for clients.

### **Doctor's Office**

An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

### **Drive Thru or Drive Up Window Establishment**

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles..

### **Drugstore**

See "Pharmacy".

### **Dry Cleaning and Laundry Plant**

A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. Such a facility may be free-standing or combined with a dry cleaning service facility.

### **Dry Cleaning Services Outlet**

An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

### **Duplex**

Two dwelling units, including modular homes, attached along and sharing one or more common walls and located on a single lot. This shall also include the term "two-family dwelling".

**Dwelling, Attached**

A single-family dwelling attached to two or more one-family dwellings by common vertical walls.

**Dwelling, Detached**

A dwelling unit that is developed with open yards on all sides. This shall include modular homes but shall not include manufactured homes.

**Dwelling, Patio Home**

A one-family dwelling unit on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar units on adjacent lots and still meet this definition, and are therefore known as zero lot line homes.

**Dwelling, Single-Family**

A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance. Modular housing as defined elsewhere is included in this definition.

**Dwelling, Triplex**

A building containing three dwelling units, each of which has direct access to the outside or to a common wall.

**Dwelling, Townhouse**

A one-family dwelling in a row of at least three such units in which each unit has its own front door and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical fire-resistant walls.

**Dwelling, Two-Family**

A building arranged or designed to be occupied by two (2) families living independently of each other, sharing one or more common walls and located on a single lot. Also known as a duplex.

**Dwelling, Multi-Family**

A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels and group housing projects, triplex, quadruplexes, and townhouses.

**Dwelling, Quadruplex**

Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls, with adjoining unit or units.

**Dwelling Unit**

A building, or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, bed and breakfast inn, manufactured home or other structure designed for transient residence. Included in this definition are "stick-built" and/or modular construction. Manufactured housing is defined elsewhere in this

Section.

### **Essential Services**

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following three classes:

#### **Class 1**

Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities (up to 100 square feet gross floor area).

#### **Class 2**

Elevated water storage tanks; booster stations, package treatment plants, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities and minor offices associated with such facilities.

#### **Class 3**

Generation, production, or treatment facilities such as power plants, water treatment plant, sewage treatment plants (excluding package treatment plants), radio and television broadcast towers, or similar utilities; microwave radio towers; sanitary landfills; septic tank waste disposal facilities.

### **Essential Services Operation Center**

A facility where trucks, goods and/or equipment for an essential service operation (e.g. a public utility) are stored (either indoors or outdoors). The facility may also serve as a base of operations for certain workers employed by the essential service operation.

### **Fairgrounds**

An area where outdoor fairs, circuses, or exhibitions are held.

### **Family**

An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.

### **Family Care Home**

A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons, who because of age, illness, handicap or specialized program, require personalized services or a

supervised living arrangement in order to assure their safety and comfort, as defined by NCGS, 168-21(2). All family care home facilities shall be regulated by the State of North Carolina.

### **Farm (See Agricultural Uses)**

#### **Farm Supply Store**

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

#### **Farmer's Market**

An outdoor market open to no greater than fifty (50) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans and trucks of no greater than three-quarter (3/4) ton in weight capacity.

#### **Fence**

A devise made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof. A fence is not a structure.

#### **Finance Company**

A commercial establishment which makes short and long term loans to individuals.

#### **Financial Institution**

A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina.

#### **Flag**

A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

#### **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**

A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation.

#### **Flex Space**

Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

**Florist, Retail**

A retail commercial establishment where flowers or ornamental plants are sold indoors.

**Food Catering Facility**

A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

**Food Store or Grocery Store**

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

**Fortune Teller**

A commercial establishment where people go to have their fortunes predicted through the use of astrology, card reading, numerology, etc. If located in a Residential zoning district, it may only take place as a customary home occupation only.

**Fraternal and Service Organization Meeting Facility (Non-Profit and Not-For-Profit)**

A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

**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

**Frontage**

The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded.

**Fuel Station (Gas Station)**

A fuel dispensing pump, which may contain more than one fuel nozzle, designed to accommodate one or two vehicles at a time. If two vehicles are accommodated at the same time, fuel nozzles serving the two vehicles shall be located on opposite sides of the fuel pump.

**Funeral Home**

A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Also a facility where funeral services are held, funeral vehicles are stores, and caskets and other funeral supplies are sold.

**Game Room/Video Arcade**

An indoor commercial facility providing recreational and entertainment activities that typically include coin-operated amusement machines such as pinball machines, electronic video games

and skeetball machines. A facility shall be deemed a video arcade if it has eight (8) or more of such machines. If three (3) or more pool tables are provided, the facility shall also be deemed a "Billiard Parlor". The facility could include food and beverage services, but incidental to the games.

### **Garage Sale**

See "Yard Sale"

### **Garden Supply and Seed Store**

A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at such establishments shall be prohibited as shall the storage of milled products. The sale of agricultural chemicals shall be limited to general retail use (as distinguished from an "animal supply store" where large quantities of agricultural chemicals are sold for agricultural purposes).

### **Golf Course**

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

### **Grade of Street**

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

### **Greenhouse**

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

### **Greenhouse, Commercial**

An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

### **Gross Density**

The quotient of the total number of dwelling units divided by the total gross acreage of a site.

### **Gross Floor Area**

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

### **Gross Tract Area or Gross Acreage**

The total area of a project including rights-of-way, open space, and dedicated public properties.

### **Ground Covers**

Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

### **Group Development**

A group of two (2) or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses, or other enterprises. Examples of a group development include: cluster-type subdivisions, row houses, apartment complexes, housing projects, school and hospital campuses and shopping centers, business parks, etc.

### **Group Care Facility/Group Home**

A dwelling operated under state regulations, and licensed by the State of North Carolina, by whatever name it is called, other than a "Family Care Home", as herein defined with support and supervisory personnel that provides room and board, personal care, or rehabilitation services in a family environment for not more than thirty (30) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.

### **Handicapped Person**

A person with a physical or mental impairment which substantially limits one or more of such person's major life activities; a person with a record of having such an impairment; or a person who is regarded as having such an impairment. This term does not include current, illegal use of or addition to a controlled substance as defined in 21 U.S.C. Section 802.

### **Home Centers (Home Improvement Store)**

An establishment which may sell various household goods, tools, and building materials, curable household goods (e.g. refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g. nursery items, lumber goods) may be kept outdoors. All such stock (except plant materials) shall be screened in accordance with Section 5.5.4. At least seventy-five (75) percent of all indoor floor good space shall be for retail sales. Likely examples of such uses include "Home Depot", "Home Quarters". etc.

### **Home Decorating Center**

A commercial establishment which sells decorating items (e.g. paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

### **Home Improvement Stores**

See "Home Centers"

### **Home School**

A home school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or from a member of either household. A home school shall be considered a Customary Home Occupation.

**Hospital**

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

**Hotel**

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

**Household**

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**Independent Living Center**

An establishment which provides living facilities to seven (7) or more persons with physical or mental disabilities (irrespective of age). Congregate meals may be provided at such facilities. However, residents are expected to provide other basic living services.

**Industrial Development**

Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

**Interior Decorator**

A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wallpaper, and paint samples may be provided.

**Junk Yard and Automobile Salvage Yard**

The use of more than six hundred (600) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or machinery or parts thereof.

**Kennel, Animal**

See "Animal Kennel".

**Landfill, Sanitary**

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of Section 4.4, this term does not include compost facilities.

**Large Maturing Tree**

A tree whose height is greater than thirty-five (35) feet at maturity and has a minimum caliper of two and one-half (2-1/2) inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman.

**Lattice Tower**

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 girded structures designed typically to support multiple telecommunications users.

**Laundromat**

A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

**Loading Space, Off-Street**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**Lot**

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Area**

The total area circumscribed by the boundaries of a lot, except that: **(i)** when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or **(ii)** if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

**Lot, Corner**

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

**Lot Depth**

The mean horizontal distance between the front and rear lot lines.

**Lot, Interior**

A lot other than a corner lot.

**Lot Line**

A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

**Lot Line, Front**

The lot line separating a lot from a street right-of-way.

**Lot Line, Interior**

A lot line which does not have street frontage.

**Lot Line, Rear**

The lot line opposite and most distant from the front lot line.

**Lot Line, Side**

Any lot line abutting another lot and which is not a front or rear lot line.

**Lot Line House**

A single-family detached dwelling unit which is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard.

**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.

**Lot, Through**

A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**Lot Width**

The distance between side lot lines measured at the building setback line.

**Lounge**

An establishment (e.g. bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use. Any lounge which provides facilities or services which satisfy any portion of the definition of "adult establishment" per G.S. 14.202.10 shall be considered an "adult establishment".

**Machine Shop**

A workshop in which work is machined to size and assembled.

**Manufactured Goods, Class 1**

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".):

All manufacturing industries **not** listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses. Please refer to the definition of Manufactured Goods, Class 2.

**Manufactured Goods, Class 2**

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".):

The following uses are subject to the issuance of a conditional use permit, and are classified as Class 2 uses:

- a. Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- b. Pickled fruits and vegetables (SIC #2035)
- c. Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
- d. Animal feeds and pet foods (SIC #2047, 2048)
- e. Fats and oils (SIC Group #207)
- f. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
- g. Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)
- h. The following manufacturing listed under SIC #2099:
  - (1) Yeast
  - (2) Molasses and sweetening syrups
  - (3) Vinegar
- i. Tobacco products (SIC Major Group #21)
- j. Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers
- k. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
- l. Sawmills and planing mills, general (SIC #2421)
- m. Wood building and mobile homes (SIC Group #245)
- n. Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)
- o. Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281; SIC Group #282)
- p. Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- q. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- r. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
- s. Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
- t. Petroleum refining (SIC Group #291)

- u. Asphalt paving and roofing materials (SIC Group #295)
- v. Lubricating oils and greases (SIC #2992)
- w. Products of petroleum and coal classified under SIC #2999
- x. Tires and innertubes (SIC Group #301)
- y. Plastic products found under SIC Group #308 when resins are made at the same facility
- z. Leather tanning and finishing (SIC Group #311)
- aa. Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
- bb. Cement, hydraulic (SIC Group #324)
- cc. Structural clay products (SIC Group #325)
- dd. Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
- ee. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- ff. Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
- gg. Minerals and earths, ground or otherwise treated (SIC #3295)
- hh. Non-clay refractories (SIC #3297)
- ii. Miscellaneous nonmetallic mineral products listed under SIC Code #3299
- jj. Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)
- kk. Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)
- ll. Manufacture of other primary metal products listed under SIC #3399
- mm. Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
- nn. Power, distribution and specialty transformers (SIC #3612)
- oo. Electrical industrial carbon and graphic products (SIC #3624)
- pp. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
- qq. Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, 3713; SIC #3715; SIC #3716)
- rr. Railroad equipment (SIC #3743)
- ss. Motorcycles (SIC #3751) except bicycles and bicycle parts

- tt. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- uu. Under SIC #3792 - camping trailers
- vv. (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
- ww. Under SIC #3861 - all photographic supplies but not photographic equipment
- xx. Under SIC #3952 all inks, paints, oils, enamels, and crayons
- yy. Carbon paper and inked ribbons (SIC #3955)
- zz. Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)
- aaa. Mining (all of SIC Division B)

**Manufactured Home (Class A, B, C) (See also individual definitions below)**

A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code.

The term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles. Within the text of this ordinance, when the term single family dwelling is used it shall not include a manufactured home.

**Manufactured Home, Class A: (double wide, pitched roof built after 1976)**

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- A. The manufactured home has a length not exceeding 4 times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- B. The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- C. The pitch of the roof of the manufactured home has a minimum vertical rise of 3 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- D. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- E. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction

F. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with NC Building Code and Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.

G. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.

H. The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

**Manufactured Home, Class B: (single wide built after 1976)**

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. CLASS B MANUFACTURED HOMES ARE NOT ALLOWED IN BADIN, EXCEPT AS EXISTING STRUCTURES PERMITTED PRIOR TO THE ADOPTION OF THIS ORDINANCE.

**Manufactured Home, Class C: (built before 1976)**

Any manufactured home that does not meet the definition of a Class A or Class B manufactured home. CLASS C MANUFACTURED HOMES ARE NOT ALLOWED IN BADIN, EXCEPT AS EXISTING STRUCTURES PERMITTED PRIOR TO THE ADOPTION OF THIS ORDINANCE.

**Manufactured Home Subdivision:**

A recorded subdivision containing residential lots for individual sale and occupancy by Class A or B manufactured homes.

**Manufactured Home Park:**

A residential development under single ownership with sites for manufactured homes of Class A or B and various other facilities for the residents of the development.

**Manufactured Home Space**

Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

**Medical Center**

A facility housing the offices of three (3) or more doctors where out-patient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be allowed.

**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.

### **Miniature Golf Course**

A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

### **Mini-Mart, Express Fuel**

A one-story retail store containing less than three-thousand (3,000) square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items in contrast to a "food store". A "mini-mart" is different from a "convenience store" in that it may be open twenty-four hours. A convenience store may not be open between the hours of midnight and 6:00 AM.

### **Mini-Warehouse, Class 1**

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility.

### **Mini-Warehouse, Class 2**

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Outdoor storage shall be allowed in conjunction with the facility.

### **Mini-Warehouse**

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included. No outdoor storage shall be allowed in conjunction with the facility.

### **Mobile Home**

See "Manufactured Home"

### **Modular Home or Modular Unit**

A factory fabricated, transportable building or dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular unit shall not be considered a manufactured unit or manufactured home for the purpose of this Ordinance.

### **Monopole Tower**

A free-standing and self-supporting single pole structure that supports telecommunication equipment.

### **Motel**

An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Motor Vehicle**

Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle.

**Multi-Family Development/Multi-Family Dwellings**

A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

**Net Tract Area or Net Acreage**

The residual acreage of a project after the amount of rights-of-way, open space, and public property have been deducted from the "Gross Tract Area".

**Night Club**

An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 or older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS 18B-1000(6), clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health and athletic facilities.

**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 minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

**Nonconforming Sign**

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

**Nonconforming Structure**

Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

**Non-Conforming Use**

Any use lawfully being made of any land, building or structure on the effective date of these

regulations or on the effective date of any amendment thereto rendering such use non-conforming, which does not comply with all the regulations of these regulations or any amendment thereto, whichever might be applicable.

### **Nursery**

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

### **Nursery Products Sales, Retail and Wholesale**

A commercial enterprise where flowers, shrubs and plants are raised for sale on the retail or wholesale level. Nurseries may use greenhouses for the raising of such entitles.

### **Nursing Home**

See "Rest Home"

### **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.

### **Office**

A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

### **Office Building**

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

### **Office Park**

A development on a tract of land containing two or more office buildings, supporting uses and open space designed, planned and constructed and managed on an integrated and coordinated basis.

### **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**

Areas of development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or home owner's association. Public open space is open space owned by a governmental jurisdiction.

**Open Storage**

A unroofed storage area, whether fenced or not.

**Outparcel**

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

**Package Treatment Plant**

A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

**Parapet**

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

**Parking Bay**

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

**Parking Space, Off-Street**

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in this Ordinance.

**Passive Recreation**

Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

**Patio Home**

A single-family dwelling on a separate lot with open space on three sides on that lot.

**Pawn Shop**

A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

**Permit, Building**

Written permission issued for the construction, repair, alteration or addition to a structure.

**Personal Service Establishments**

An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops

**Pharmacy**

A retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of fifteen-thousand (15,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but such a store shall not be deemed to be a "pharmacy".

**Place of Worship**

A building primarily used by a non-profit organization for organized religious services and supporting uses.

**Premises**

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

**Produce Stand**

The sale of any form of agricultural or horticultural products at a retail stand on the property under the same ownership as the lot upon which the produce is grown.

**Public Safety Station**

A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

**Racetrack, Outdoor**

An outdoor facility where motor vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

**Racetrack, Indoor**

An indoor facility where reduced-scale cars or airplanes are raced. Other entertainment or recreation activities may also be provided such as video games, or pool tables and where food may be provided.

**Recreation Center, Indoor**

Public or private health or exercise clubs, tennis or racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and 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.

**Recreational Facility, Outdoor**

A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park. The term shall not include the terms "racetrack", "outdoor firing range", "stadiums", "amphitheaters", "amusement park", "baseball hitting ranges", "country club" or "golf course".

**Recreational Uses, Accessory**

A recreational facility (e.g. swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club, etc.

**Recreation Vehicle**

A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

**Recycling Station**

A center located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

**Rental Center, Class 1**

A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. This shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

**Rental Center, Class 2**

A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

### **Residential Development**

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

### **Residence, Single-Family**

Any development where: 1) every dwelling unit is on a separate lot, and 2) where no lot contains more than one dwelling unit.

### **Residency Hotel/Motel**

A building or group of buildings containing ten (10) or more guest rooms for transient or permanent residents. Transients are generally daily or weekly rentals and permanent are generally weekly or monthly rentals. Occupancy shall not exceed two people per guest room. Registration facilities, 24-hour on site management and housekeeping services shall be provided. Accessory uses may include restaurants, laundry facilities, or other services for occupants. These are often called an "apartment hotel" or "single room occupancy housing".

### **Rest Home (Home for the Aged)**

A licensed facility that provides basic living needs to seven (7) or more elderly or disabled in-house residents who need assistance in meeting their day to day basic needs. Congregate meals are served on site to residents and 24-hour in-house services are provided. Also called "nursing homes" or "continuing care facilities".

### **Restaurant**

A commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

### **Restaurant, Fast Food**

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoor calling station.

### **Restaurant, Drive-Through**

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

**Riding Stable/ Academy**

A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds. Horseback riding lessons may also be provided.

**Road, Private**

Any right-of-way having a width of forty (40) feet or greater used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity..

**Road, Public**

A public right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Stanly County Register of Deeds Office.

**Road, Frontage**

A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

**Rooming House**

A single-family dwelling, a portion of which is provided by the resident owner to no more than four (4) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger.

**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.

**Rural Home Occupation**

A rural home occupation is a non-residential use conducted in an accessory structure by the owners of the lot upon which it is located. The principal building is the residence of the owners of the lot.

**Satellite Dish**

A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

**School, Vocational**

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

**Schools for Arts, Etc.**

A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance.

**Screening**

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

**Second-Hand Shop**

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A "pawn shop" shall not be considered as being a "second-hand shop".

**Septic Tank Disposal Operating Service**

A base of operations for a septic tank cleaning service. Areas designated for the disposal of septic tank waste shall be deemed a separate principal use.

**Setback**

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.

**Setback, Front**

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**Setback, Rear**

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**Setback, Side**

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

**Setback, Sign**

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

**Sewer, Community**

See "Public Sewer"

## **Sewer, Public**

Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity or greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition the definition shall include all connections to such a system.

## **Shopping Center**

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

## **Shrub**

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting.

## **Shrub, Large**

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of 5-6 feet within a three year period after planting. If large shrubs are to be planted as part of a required Screen, such shrubs will be limited to the following varieties:

1. Nelly R. Stevens Holly
2. Burford Holly
3. Wax Myrtle
4. East Palatka Holly
5. Savannah Holly
6. Tea Olives
7. Eleagnus
8. Ligustrums
9. Japanese Black Pines
10. Junipers
11. Any other variety of shrub, approved by the Zoning Enforcement Officer, which has the capacity to provide an equivalent amount of growth and opacity.

## **Sight Distance Triangle**

The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being fifteen (15) and seventy-five (75) feet from the point of intersection as shown on the following figures for a four-way intersection and a tee intersection.

See illustration in Section 5.4.10

## **Sign**

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

## **Sign, Advertising**

A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

### **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, Campaign or Election**

A sign that advertises a candidate or issue to be voted upon on a definite election day.

### **Sign, Canopy and Awning**

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

### **Sign Construction**

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

### **Sign, Directional**

A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

### **Sign, Directory**

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

### **Sign, Flashing**

A sign that uses an intermittent or flashing light source or windblown and/or mechanical 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, Government**

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, Ground**

Any sign which extends from the ground or which has supports which places the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

**Sign, Identification**

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

**Sign, Illuminated**

A sign either internally or externally illuminated.

**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 window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

**Sign, Instructional**

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

**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, Monument**

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

**Sign, Off-Premises**

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.

**Sign, On-Premises**

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

**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 (3-1/2) 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 converted to A- or T-frames; or umbrellas used for advertising.

**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, Real Estate**

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

**Sign, Roof**

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

**Sign, Vehicular**

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

**Stealth Tower**

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

**Storage, Open-Air**

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

**Street**

A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means or access to abutting properties.

**Street Property Line**

The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

**Street Right-of-Way**

An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

### **Structure**

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

### **Structure, Accessory**

A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to an "accessory building".

### **Structure, Principal**

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

### **Telecommunications Equipment Building**

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

### **Telecommunication Tower 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 antennae 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 telecommunications 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.

### **Total Care Facility**

See "Continuing Care Facility"

## **Townhouse**

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhouses are single-family attached dwellings which usually have separate utilities. The Zoning Ordinance does not differentiate between various forms of ownership; thus townhouses are considered the same as "Dwellings, Multi-Family Development."

## **Tree, Large Maturing**

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height of more than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree.

## **Tree, Small Maturing**

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height less than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree.

## **Truck Stop**

A facility typically offering multiple services to the traveling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

## **Truck Terminal**

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

## **Vehicle, Commercial**

A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.

## **Vehicle, Inoperable**

A vehicle that for a period of more than seventy-two (72) hours has been in a state of disrepair and is incapable of being moved under its own power.

## **Vehicle, Passenger**

An automobile, van, or pick-up truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

**Use, Principal**

The primary or predominant use of any lot.

**Wall, Building**

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (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.

**Warehouse**

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel.

**Water, Public**

Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

**Wholesale Sales Operation**

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Enforcement Officer may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

**Yard**

An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

**Yard, Front**

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.

**Yard, Rear**

An open, unoccupied space 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.

**Yard, Side**

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

**Yard Sale**

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. Yard sales shall also be in compliance with Section 5.20 of this Ordinance.

**Zero Lot Line:**

A development in which one or more detached or attached dwelling units abut at least one property line (the unit has a zero (0) foot side setback). This definition does not include townhouses.