

ARTICLE 13 RULES OF CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

13.1 RULES OF CONSTRUCTION.

For the purposes of these regulations, the following rules of construction apply:

- (A) Interpretations shall be guided by statements of intent.
- (B) The term *this ordinance* shall refer to the Village of Misenheimer Zoning Ordinance.
- (C) The words *shall*, *must*, and *will* are mandatory, implying an obligation or duty to comply with the particular provision.
- (D) The word *may* is permissive, except when the context of the particular use is negative, then it is mandatory (e.g., .may not.).
- (E) The word *should*, whether used in the positive or the negative, is a suggested guideline.
- (F) References to days will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- (G) For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in Section 13.3 except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.
- (H) Words used in the present tense include the future tense, and words used in the future tense include the present tense.
- (I) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (J) The word *person* includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.
- (K) The word *lot* includes the words plot, parcel or tract.
- (L) The word *building* includes the words structure, and the word structure includes the word building.
- (M) 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.
- (N) Words used in the masculine gender include the feminine gender.
- (O) The word *street* includes the words road, avenue, place, way, drive, lane, boulevard, highway, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.
- (P) The term *village council* shall mean the Village Council of the Village of Misenheimer, North Carolina.

- (Q) The term *planning board* shall mean the Planning Board of the Village of Misenheimer, North Carolina.
- (R) The term *zoning administrator* shall mean the Zoning Administrator of the Village of Misenheimer, North Carolina.
- (S) The term *subdivision administrator* shall mean the Subdivision Administrator of the Village of Misenheimer, North Carolina.
- (T) The term *mayor* shall mean the Mayor of the Village of Misenheimer, North Carolina.
- (U) The term *board of adjustment* shall mean the Board of Adjustment of the Village of Misenheimer, North Carolina.
- (V) The term *state* shall mean the State of North Carolina.
- (W) Any reference to an *article* shall mean an article of the Village of Misenheimer Zoning Ordinance, unless otherwise specified.

13.2 INTERPRETATION.

(A) General rules of conflict.

- (1) In the event of a conflict between the text of this article and any caption, figure, illustration, or table included herein, the text of this article shall control.
- (2) In the event there is a conflict in limitations, requirements or standards applying to any individual use or structure, the more stringent or restrictive provision shall apply.

13.3 DEFINITIONS.

For the purpose of interpreting this ordinance, certain words and terms used in this ordinance are defined as follows. Except as defined herein, all other words used in this ordinance shall have their usual, customary dictionary meaning.

AASHTO. American Association of State Highway and Transportation Officials.

ABANDONED. A use shall be deemed to be abandoned when: a) the use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or b) the premises are devoted to another use; or c) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within 30 days. All of the above events are considered abandonment, regardless of the intent of the owner, lessee or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

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

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

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

ACCESSORY STRUCTURE. See *STRUCTURE, ACCESSORY*.

ACCESSORY USE. See *USE, ACCESSORY*.

ACTIVE SOLAR ENERGY POWER GENERATION SYSTEM. A Solar Energy Power Generation System (SEPGS) that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

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

ADJACENT PROPERTY. This term shall mean anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

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

AGRICULTURAL INDUSTRY. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms commercial plant production (not retail nurseries) on more than two (2) acres, commercial fish or poultry hatcheries, and other similar activities.

AGRICULTURE. The use of land for production in the open of cash grains, field crops, vegetables, fruits, berries and nuts, trees, flowers; or raising and keeping of general livestock and poultry or the products thereof or the breeding of such livestock and poultry.

Agriculture includes the buildings and structures that are customarily incidental and subordinate to the principal agricultural activities, including residences for the owners, operators and employees of a farm and their families.

ALLEY. A public roadway, other than a street, which affords only a secondary means of access to abutting property, and which is not intended for general traffic circulation.

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

AMENDMENT. Any change by the Village Council to the text of these regulations or the official zoning map.

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

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

AMUSEMENT, COMMERCIAL OUTDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, Par 3 golf course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

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

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

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

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

ARTS AND CRAFT STUDIO. The creation of objects in a studio, made one at a time, by hand. Such creations include, but are not limited to woodworking, tinsmithing, silver smithing, pottery, glass blowing, painting, weaving, caning, metal working and sculpture.

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work.

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

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

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

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans.

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied residential building providing rooms for temporary overnight lodging and breakfast, and in which there are not more five (5) guest bedrooms available for transient occupancy for periods no greater than seven (7) days.

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

BOARDING OR ROOMING HOUSE. An owner-occupied dwelling, or part thereof, in which lodging is provided to more than three (3) but not more than eight (8) paying guests on a weekly or longer basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

BUFFER. A combination of open space, landscape areas, fences, walls and berms used to physically separate or screen one (1) use of property from another so as to visually shield or block noise, lights, or other nuisances. Buffers typically represent horizontal distances between uses, which provide functional separation.

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

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

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment.

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment.

BUILDING HEIGHT. The vertical distance measured from the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the ridge lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SITE. See also *DEVELOPMENT*. An area of land or property where development is undertaken.

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). The storage on a zoning lot of 2,500 gallons water capacity or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding storage tanks, above ground and fuel dealers as defined herein.

CALIPER. Diameter measurement of a tree-trunk taken at six (6) inches above ground level for trees up to and including trees four (4) inches in caliper. For larger trees, measurement of caliper shall be taken 12 inches above ground level.

CAMPGROUND. See *RECREATIONAL VEHICLE PARK*.

CANOPY. A structure either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

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

CARPORT. A roofed structure enclosed on not more than two (2) sides and used for the parking of motor vehicles.

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

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

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

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

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

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

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

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

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

CLINIC. An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, psychologists, social workers, or other medical personnel and are not lodged overnight.

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

CLUB OR LODGE, PRIVATE NON-PROFIT. An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or render a service which is customarily conducted as a business.

CLUB, PRIVATE. A for profit establishment as defined in N.C.G.S. 18B-1000 (5) which holds an ABC Permit from the State of North Carolina.

CLUSTER DEVELOPMENT. The grouping of buildings and built-upon areas in order to conserve and/or protect natural resources and to provide for innovation in the design of a development project.

CO-LOCATION. The siting of two (2) or more separate person's wireless antennas on the same support structure.

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

COMPOSTING. The process of biological decomposition of solid wastes under controlled conditions resulting in compost. Controlled conditions include but are not limited to grinding, shredding, piling, physical turning, aerating, adding moisture, or other processing of solid wastes.

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

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

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

CONVENIENCE STORE. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

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

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown's drip line.

CUTOFF FIXTURE. An outdoor lighting fixture shielded or constructed in such a manner that no more than 2 1/2 percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

DAY CARE. Any child or adult care arrangement for three (3) or more individuals who receive care away from their primary residence by persons other than their parents, children, grandparents, aunts, uncles, brothers, sisters, first cousins, nieces, nephews, guardians, or full-time custodians, where care is provided on a regular basis at least once per week for more than four (4) but less than 24 hours per day.

DAY CARE CENTER. A day care facility in which day care is provided for 13 or more children when any child is preschool-age, or 16 or more other children and/or adults.

DAY CARE HOME, LARGE. A facility in which day care is provided for six (6) to 12 preschool-age children or up to 15 other children and/or adults.

DAY CARE HOME, SMALL. An operation in which day care is provided for up to five (5) preschool-age children, or up to eight (8) other children and/or adults.

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

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

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

DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two (2) or more parcels.

(A) Except as provided in subsection (C) hereof, for the purposes of these regulations, the following activities or uses shall be considered development:

- (1) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
- (2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- (3) Alteration of the shore or bank of a pond, lake, river, or other waterway;
- (4) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
- (5) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
- (6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

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

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

- (1) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
- (2) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- (3) A change in use of land or structure from a use within a specified category of use to another use in the same category;
- (4) A change in the ownership or form of ownership of any parcel or structure;
- (5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
- (6) The clearing of survey cuts or other paths of less than four (4) feet in width.

DEVELOPMENT SITE. See *BUILDING SITE*.

DIRECT LIGHT. Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

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

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

DRIP LINE. An imaginary vertical line extending from the outermost portion of the tree's canopy to the ground.

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

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

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

DWELLING UNIT. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

DWELLING UNIT, ACCESSORY, ATTACHED. A second dwelling unit connected to or located within three (3) feet of a residential building, which is restricted in area, purpose and occupancy in accordance with this ordinance.

DWELLING UNIT, ACCESSORY, DETACHED. A dwelling unit located within an accessory structure, which is located more than three (3) feet from the principal structure and is restricted in area, purpose and occupancy in accordance with this ordinance.

EASEMENT. A grant of one (1) or more of the property rights for a specific purpose by the property owner to, or for the use by the public or another person.

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

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

EMERGENCY SHELTER. A facility providing temporary housing for one (1) or more individuals who are temporarily or permanently homeless due to disaster, evacuation or other similar civil emergency.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

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

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

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

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

FAMILY. An individual, or two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six (6) persons not related by blood, marriage, or adoption living together as a single housekeeping unit, and such domestic servants as are employed on the same premises. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

FARM. A lot of more than three (3) acres devoted to agriculture.

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

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

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

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

FIXTURE. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing; a mounting bracket or pole socket; a lamp holder; a ballast; a reflector or mirror; and/or a refractor or lens.

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

FLEA MARKET. A sales area indoors or outdoors in which space is set aside or rented and which is intended for use by one (1) or more individuals to sell a variety of articles such as those which are either handmade, used, old or obsolete.

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

FLOOD BOUNDARY AND FLOODWAY MAP. An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain

cross-section information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOD LAMP. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

FLOODLIGHT. A form of lighting designated to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

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

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

FLOODWAY. The portion of the channel and floodplain of a stream designated by Federal Emergency Management Agency reports and data as adequate to provide passage for the one-hundred year flood, without increasing the elevation of that flood at any point by more than one (1) foot.

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

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

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

FOOD AND BEVERAGE STORE. An establishment primarily engaged in selling food or beverages for home preparation and consumption off-premises.

FOOTCANDLE (fc). The amount of light falling onto a surface.

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

FRONT YARD. See *YARD, FRONT*.

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

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

FUEL DEALER. An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels.

FULL CUTOFF FIXTURE. An outdoor lighting fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

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

GASOLINE STATION, NEIGHBORHOOD. A retail establishment which primarily sells gasoline to non-commercial vehicle operators, having no more than two (2) canopies and eight (8) separate pumping stations, and providing only minor passenger vehicle repairs.

GENERAL RETAIL. See *RETAIL, GENERAL*.

GLARE. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see or to cause annoyance, and, in extreme cases, causing momentary blindness.

GOLF COURSE. An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, and green, and may have one (1) or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

GOLF DRIVING RANGE. An open-air golf practice facility.

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

GRADE, EXISTING. The elevation along the ground surface of a site as recorded in topographic mapping at two (2) foot or four (4) foot contour intervals, on file in the Zoning Administrator's office, or as surveyed and mapped at a contour interval of not more than four (4) feet, by a licensed surveyor.

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

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

GROUND SIGN. See *SIGN, GROUND MOUNTED*.

GROUP CARE FACILITY. A transitional housing facility for more than 20 residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

- (A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;
- (B) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and,
- (C) To provide shelter and support for older adults and persons who are handicapped.

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

GROUP HOME A. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation

services in a supportive family environment for not more than six (6) residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include family care homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GROUP HOME B. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than 12 residents, exclusive of supervisory personnel, including but not limited to handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

HABILITATION FACILITY A. Any facility in which one (1) to eight (8) handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses *SCHOOLS, ELEMENTARY or SCHOOLS, SECONDARY*. These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HABILITATION FACILITY B. Any facility in which more than eight (8) handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses *SCHOOLS, ELEMENTARY or SCHOOLS, SECONDARY*. These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially limits one (1) or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by G.S. 122C-3.11(b).

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA), Section 302, Extremely Hazardous Substances; The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Hazardous Substances; Section 311 of the Clean Water Act (CWA) (oil and hazardous substances); or any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

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

- (A) A facility which manufactures hazardous materials from component nonhazardous materials;
- (B) A facility or location for the long term or perpetual storage of hazardous materials; or
- (C) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

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

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

HEALTH SERVICES, MISCELLANEOUS. This class of use includes outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses.

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height.

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

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

HELISTOP. A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word *helistop* shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other

accessory facilities. The term *helistop* includes the terms *private-use heliport* and *personal-use heliport* as contained in federal aviation administration publications, except for the limitations on the facility as noted in this definition.

HOLIDAY DECORATION. Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

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

HOME OCCUPATION, RURAL. A business, profession, occupation, or trade that is conducted in a detached accessory building in the rear yard of a residential use of greater scale than the traditional home occupation, but which is still secondary and incidental to the residential use.

HOTEL, MOTEL, MOTOR LODGE, MOTOR INN, INN, TOURIST COURT. A building or group of attached buildings containing in combination ten (10) or more lodging units, or ten (10) or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupancy is generally by residents rather than transients.

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

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

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

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

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

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

LABORATORY, RESEARCH. A facility in which scientific or developmental research is performed, but which does not include mass production or mass manufacturing of goods and commodities.

LAMP. The source of electric light: the bulb. To be distinguished from fixture and luminaire.

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

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

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

LANDSCAPING. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

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

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

LINEAR FRONTAGE. The length of a property abutting a public right-of-way from one (1) side lot line to another.

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

LOT. Land bounded by lines established for the purpose of property division. The term includes water contained in the property so enclosed. As used in this ordinance, unless the context indicates otherwise, the term refers to a zoning lot.

LOT, CORNER. A lot located at the intersection of two (2) or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135°.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one (1) street.

LOT, REVERSE FRONTAGE. A lot having frontage on two (2) or more streets, one (1) of which is a minor or less important street in the community, the access to which is restricted to the minor street.

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

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

LOT LINE, FRONT. The line that separates the lot from a street right-of-way. Corner lots shall have only one (1) front lot line.

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

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the zoning administrator shall designate the rear lot line.

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

LOT OF RECORD. A lot described by plat or by metes and bounds which has been recorded in the office of the Stanly County Register of Deeds.

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

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

LUMEN. A unit of luminous flux. One (1) foot-candle is one (1) lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE. A complete lighting system that includes a lamp or lamps and a fixture.

MANUFACTURED HOME. A dwelling unit that: (1) is not constructed in accordance with the standards of the North Carolina State Building Code for one or two-family dwellings; (2) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (3) exceeds 40 feet in length and eight (8) feet in width.

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

- (A) The manufactured home has a length not exceeding four times (4X) its width, with the 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 heated living area.
- (C) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths (2.2) feet for each 12 feet of horizontal run (2.2 feet in 12 feet) 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 six (6) inches, which may include a gutter.
- (E) The exterior siding consists predominantly of vinyl or aluminum horizontal lap 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 and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, 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 house shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.
- (H) The towing tongue, wheels and axles, and transporting lights have been removed (can be enclosed within foundation).

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. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Manufactured homes in this class are subject to special restrictions due to their age and due to the fact that they were not required to meet uniform construction standards deemed adequate for the current protection of the health and safety of potential inhabitants of said homes.

MANUFACTURED HOME PARK. A development site, whether a single parcel or multiple contiguous parcels, containing spaces leased or intended to be leased for occupancy by manufactured homes used as residential dwellings regardless of whether such homes are provided as part of the lease and including all uses accessory to the residential use. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

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

MANUFACTURING OR PROCESSING A. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties.

MANUFACTURING OR PROCESSING B. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution.

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

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

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products.

MEDICAL OR DENTAL LABORATORY. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

MEDICAL AND SURGICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state.

MIXED USE BUILDING. The combination of both commercial and residential uses within a single building of two (2) or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

MIXED USE DEVELOPMENT. A planned development where two (2) or more use categories (commercial, residential, industrial, institutional, etc.) are incorporated on a single development site.

MOBILE HOME. See *MANUFACTURED HOME*.

MODULAR HOME. A dwelling unit that is constructed in compliance with the North Carolina State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation or other acceptable means established by the North Carolina State Building Code.

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

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles.

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Any open area of more than 200 square feet used for storing or dismantling inoperative motor vehicles.

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting.

MOTOR VEHICLE SALES, RENTAL AND LEASING. Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit.

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one (1) wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair,

or other disposition. This definition does not include motor vehicle parts, used, Waste Materials, Recyclable Material Merchant Wholesalers, Automotive Parts and Accessories Stores, or Tire Dealers.

MULTIPLE BUILDING SITE. A group of two (2) or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

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

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

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

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

NONCONFORMING STRUCTURE. Any structure that does not comply with all of the requirements established in these regulations as adopted or amended.

NONCONFORMING USE. Any use of land or buildings that does not comply with all of the requirements established in these regulations adopted or amended.

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

NONSTORE RETAIL. See *RETAIL, NONSTORE*.

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment.

NURSING CARE INSTITUTION. A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six (6) or more non-related persons for whom planned or continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

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

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

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

OFFICES, PROFESSIONAL. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations

services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

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

OUTDOOR ADVERTISING INDUSTRY. The provision of outdoor displays or display space on a lease or rental basis.

OUTDOOR DISPLAY, RETAIL. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display.

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

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

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

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

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

PARCEL. See *LOT*.

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

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions and identified on 7.5 Minute United States Geological Survey (U.S.G.S.) Quadrangle Maps by solid blue lines.

PERSONAL SERVICES. An establishment primarily engaged in providing service(s) to individuals such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, or computer services but shall not include any use which may be defined as adult entertainment.

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

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

PLANNED DEVELOPMENT. An unconventional subdivision of land not subsequently subdivided into conventional streets and lots and designated for ownership by separate property owners. A Planned Development may include within it a variety of forms of comparable residential and/or commercial occupancy and ownership such as single-family detached housing, single-family attached housing, service

establishments, offices and stores. Significant areas of common properties, which may include private streets, are owned and maintained by private ownership associations.

PLANTING YARD. Area where required plantings are located.

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

PREMISES. See *LOT*.

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

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

PROGRESSIVE CARE COMMUNITY. An area of land including one (1) or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two (2) of the following: independent living and care, congregate care, or nursing care institutions.

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

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

PUBLIC WORKS FACILITY. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission.

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

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

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

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

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

RECREATIONAL VEHICLE PARK AND CAMPGROUND. Any lot or parcel of land used or intended to be used for the accommodation of two (2) or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

RESIDENTIAL BUILDING. A building that contains one (1) or more dwelling units.

RESIDENTIAL BUILDING, DUPLEX. A residential building which contains two (2) dwelling units and which occupies one (1) zoning lot.

RESIDENTIAL BUILDING, MULTI-FAMILY. A residential building that contains three (3) or more dwelling units. This definition includes condominiums and apartment complexes.

RESIDENTIAL BUILDING, SINGLE FAMILY. A residential building which contains one (1) dwelling unit and which occupies its own zoning lot. This term includes modular housing units.

RESIDENTIAL BUILDING, TOWNHOUSE. A residential building that contains three (3) or more dwelling units where each unit occupies a separate lot of record.

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

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

RETAIL, GENERAL. An establishment primarily engaged in selling goods to the public.

RETAIL, NONSTORE. A use that retails merchandise using non-store methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping.

RETAIL STORE, LARGE. A single retail or wholesale use which occupies no less than 5,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 5,000 square feet of gross floor area, typically requires low parking to building area ratios, and has a local or neighborhood sales market.

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

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

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

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

ROOMING HOUSE. A building or group of attached buildings containing in combination from three (3) to nine (9) lodging units for occupancy for weekly or longer periods, with or without board, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients.

SANITARY SEWAGE SYSTEM. An approved sanitary sewage system means a complete system of sewage collection, treatment and disposal and includes:

- (A) Connection to a public, community, or municipal sewage treatment and disposal system.
- (B) Connection to a private or individual septic tank and ground absorption sewage treatment and disposal system with its collection and treatment components.
- (C) Proper and specific approval, including permits, operation, and maintenance, from the governing bodies and agencies having jurisdiction.

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

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

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

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for any two (2) or more age or grade levels in grades kindergarten through 12 and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of state law. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

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

SCREEN. A method of visually shielding or obscuring one (1) abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation. Screens are typically vertical objects providing visual separation.

SCREENING. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to visually shield or obscure one (1) abutting or nearby structure or use from another.

SEMI-CUTOFF FIXTURE. An outdoor fixture shielded or constructed in such a manner that it emits no more than five percent (5%) of its light above the horizontal plane of the fixture, and no more than 20 percent (20%) of its light ten degrees (10°) below the horizontal plane of the fixture.

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

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

SERVICES A, BUSINESS. An establishment primarily engaged in providing service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings.

SERVICES B, BUSINESS. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings.

SETBACK. An open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward except and specifically provided in these regulations, provided, however, that fences and walls may be permitted in any setback subject to height limitations established generally or for the district, and further provided that poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback if they do not constitute substantial impediments to free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility.

SETBACK LINE, REQUIRED. A line marking the setback distance from the street or lot lines, which establishes the minimum required front, side and rear open space of a lot.

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

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

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

SHOPPING CENTER. A building or group of buildings with two (2) or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. Shopping centers shall be construed to include all outparcels, whether or not developed, and shall allow any permitted uses within the zoning district in which it is located except for those uses that require outdoor storage.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SIGHT DISTANCE TRIANGLE. The triangular area formed by the point of intersection of two (2) street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA. The area of a sign face.

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

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

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

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

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

SIGN, BEACON. Any sign with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

SIGN, BILLBOARD. A type of off-premises sign, generally, but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters.

SIGN, CAMPAIGN OR ELECTION. A sign that advertises a candidate or issue to be voted upon on a definite election day.

SIGN, CANOPY (AWNING). Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding a marquee (see **SIGN, MARQUEE**).

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

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

SIGN, DIRECTIONAL OR INCIDENTAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One-Way”, “Warning”, “No Trespassing”, or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is direction may also be included on the sign.

SIGN, DIRECTORY. A sign other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide direction.

SIGN, ELECTION. Any sign that advertises a candidate or an issue that is to be voted on in a local, state, or federal election process.

SIGN, FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

SIGN, FLASHING. A sign that uses an intermittent or flashing light source to attract attention.

SIGN, FREESTANDING. Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

SIGN, GOVERNMENT. Any temporary or permanent sign erected and maintained for any governmental purposes.

SIGN, GROUND MOUNTED. A sign which extends from the ground or which has a support which places the bottom thereof less than three (3) feet from the ground.

SIGN, KNOCKOUT. A sign with text knocked or cut out of the sign's surface area to allow backlighting to occur. A translucent material must be placed behind all text areas to prevent glare from the lighting source. Lighted text should make up no more than thirty (30) percent of the surface area of the sign.

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

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

SIGN, MONUMENT. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than 12 inches above the adjacent grade.

SIGN, OFF-PREMISES. A sign that directs attention to a business, commodity, or service, conducted, sold, or offered on the premises on which the sign is erected.

SIGN, ON-PREMISES. A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

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

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

SIGN, 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 converted to A or T-frames; menu and sandwich board signs; balloons used as signs and umbrellas used for advertising.

SIGN, PROJECTING. Any wall sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

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

SIGN, RESIDENTIAL. Any sign located in a district zoned for residential uses.

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

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

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

SIGN, VEHICULAR. Signs painted on or attached to 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. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

SIGN, WALL. Any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, and which is supported by such wall.

SIGN, WINDOW. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

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

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

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

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

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

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

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

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

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

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

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

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

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

STREET. A right-of-way for vehicular travel.

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

STREET, COLLECTOR. A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two (2) or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

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

STREET, MINOR NON-RESIDENTIAL. Those streets whose primary function is to provide direct access to commercial-industrial property.

STREET, CUL-DE-SAC. A short minor street having one (1) end open to traffic and the other permanently terminated by a vehicular turnaround.

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

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

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

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

STREET RIGHT-OF-WAY. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Village of Misenheimer, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Village of Misenheimer; or has otherwise been established as a public street prior to the adoption of this ordinance.

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

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

STRUCTURE, DETACHED. For purposes of determining setback requirements for accessory structures, a structure, which is separated from an adjacent structure by at least three (3) feet, as measured from any part of the structure.

STUDIO. A working place or place of study for a painter, sculptor, photographer, dancer or person engaged in a similar artistic pursuit.

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

SUBDIVISION. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Village of Misenheimer Subdivision Regulations.
- (B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
- (D) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Village of Misenheimer Subdivision Regulations.
- (E) The division of land into plots or lots for use as a cemetery.
- (F) Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two (2) or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the Village of Misenheimer Subdivision Regulations.

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

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

TELECOMMUNICATION TOWER. A structure either freestanding or attached to a building, principally intended to radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and primary and accessory equipment related to broadcast services, cellular or digital telephone services, pagers, beepers, data, and common carriers (as regulated by the Federal Communications Commission),

including FM, AM, two-way radio, fixed point microwave, commercial, satellite, cellular and PCS communication systems. The term telecommunication tower does not include electrical or telephone transmission lines or supporting structures, antennae of amateur radio (HAM) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennae less than 60 feet in height with transmitting power of 250 watts or less.

TEMPORARY STRUCTURE. A building placed on a lot for a specific purpose that is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, guardhouses, and produce stands.

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities.

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc.

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons.

TIRE RECAPPING SHOPS. Establishments primarily engaged in repairing, retreading, and rebuilding tires from natural or synthetic rubber.

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

TOWER, LATTICE. A self-supporting three (3) or four (4) sided, open steel frame structure used to support telecommunications equipment.

TOWER, MONOPOLE. A slender, often telescoping, self-supporting tower used to support telecommunications equipment.

TOWER, STEALTH. Any tower that is designed to blend into the surrounding environment.

TREE. A large, woody plant having one (1) or more self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

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

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

UPWARD. Projection of light above the horizontal plane.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use.

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

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

USGS. United States Geological Survey.

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

UTILITIES SERVICE AREA. An area which contains any surface-mounted heating, ventilation, or air conditioning equipment or freestanding above-ground devices, such as utility boxes, booster boxes, switch gear, and transformers, which are part of an underground utilities system:

- (A) Private utility service area. An area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or
- (B) Public utility service area. An area, on either private or public property, which contains utility structures owned by a utility for the service of one (1) or more premises, but excluding utility substations.

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

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

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

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

WAREHOUSING, SELF STORAGE. Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units.

WASTE INCINERATOR. A site with one (1) or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities.

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

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

WATERSHED. The entire land area contributing surface drainage into a specific stream, creek, lake, or other body of water.

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

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

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this ordinance.

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

YARD, REAR. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this ordinance.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this ordinance.

ZERO LOT LINE. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

Editor's Note: Section 13.3 was amended 2/13/17 to add a definition of "knockout sign".