

ARTICLE X. DEFINITIONS

10.1 Definitions

~~Recommend removing the exact reference to NAICS~~

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.

10.2 General Definitions

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and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within thirty days.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. Properties having common boundaries or lot lines which 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 STRUCTURE OR USE. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. This includes freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

ACCESSORY USE. See "Use, Accessory".

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

ADDITION. (Applies only to the Floodplain Overlay District.) An extension or increase in the floor area or height of a building or structure.

ADJACENT PROPERTY. A tract that is contiguous or abutting with the subject property assuming that intervening railroads, roads, and other rights- of-way do not exist.

ADMINISTRATOR. The staff person or their designee responsible for the administration of this Ordinance, whole or in part.

AGRICULTURAL INDUSTRY. A commercial poultry or swine production, cattle or swine feed lot, fur

bearing animal farm, commercial plant production (not retail nurseries) on more than two acres, commercial fish or poultry hatchery, and other similar activities.

AIRCRAFT. An airplane, helicopter, or other machine capable of flight. Including all fixed-wing or rotary-wing crafts.

AIRPORT ELEVATION. (Applies only to the Airport Overlay District.) A measurement of the highest point of the airport's useable landing area, measured in feet above mean sea level (1301.0').

ALLEY. A service way providing a secondary means of public access to abutting property. Alleys shall not be used for sole frontage of a property.

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

ALTERATION OF A WATERCOURSE. (Applies only to the Floodplain Overlay District) a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AMENDMENT. A change by the Town Board to the text of these regulations or the official zoning maps.

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

ANIMAL UNIT. (Applies only to the Watershed Overlay District.) A unit of measurement developed by the U.S. Environmental Protection Agency that is used to measure the impact of animal operations on a water supply watershed. One animal unit is equivalent to 1 head of cattle excluding mature dairy and veal cattle; 0.7 mature dairy cows; 2.5 swine weighing more than 55 pounds; 10 swine weighing 55 pounds or less; 55 turkeys; 100 chickens; and 1 veal calf.

APPEAL. An action requesting reversal or modification of an interpretation or decision made by the Zoning Administrator or Floodplain Administrator in the application of these regulations.

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

APPROACH SURFACE. (Applies only to the Airport Overlay District.) A surface longitudinally centered on the extended runway centerline of the airport, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 6.5(A) (3) B. In plan, the perimeter of the approach surface coincides with the perimeter of the approach.

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

AREA OF SHALLOW FLOODING. (Applies only to the Floodplain Overlay District.) A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. (Applies only to the Floodplain Overlay District). See "SPECIAL FLOOD HAZARD AREA (SFHA)"

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

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.

BALANCE OF WATERSHED. (Applies only to the Watershed Overlay District.) An area within a designated water supply watershed that is not a critical area as defined in this article.

BASEMENT. (Applies only to the Floodplain Overlay District.) An area of the building having its floor subgrade (below ground level) on all sides.

BASEFLOOD. (Applies only to the Floodplain Overlay District.) Means the flood level having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). (Applies only to the Floodplain Overlay District.) A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

BEDROOM: A fully enclosed interior room as shown on the building plan for the structure having, as a minimum, a doorway, window, and closet.

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

BEST MANAGEMENT PRACTICES (BMPS). (Applies only to the Watershed Overlay District.) A structural or non-structural management-based practice used singularly or in combination to reduce non-point source pollution entering receiving waters in order to achieve water quality protection goals. Acceptable BMPs shall consist of only those described in the Department of Environmental Quality's latest Stormwater Design Manual at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual>

BEST MANAGEMENT PRACTICES (BMP), NON-STRUCTURAL. A non-engineered methods used to control the amount of non-point source pollution entering the receiving waters. These may include land-use controls and vegetated buffers.

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

BREAKAWAY WALL. (Applies only to the Floodplain Overlay District) a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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

BUFFER WITHIN WATERSHED AREA. (Applies only to the Watershed Overlay District.) 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 buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

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

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING. (Applies only to the Floodplain Overlay District). See "STRUCTURE".

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

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

BUILDING HEIGHT. 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.

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

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

BUILDING PRESENTATION. Direction of the architectural front façade of a building in relation to the street or public space.

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

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

BUILDING WALL. Entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or forty-five feet in height of a building, whichever is less.

BUILT-UPON AREA. (Applies only to the Watershed Overlay District.) That portion of a development project and/or lots that are covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CALIPER. Diameter measurement of a tree-trunk. (capitalize on these definitions in landscaping ordinance section)

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 which normally grows to a mature height of thirty- five feet or more with a minimum mature crown width of thirty feet and meets the specifications of the American Nursery Stock Standards published by the American Horticultural Society. (capitalize on these definitions in landscaping ordinance section)

CERTIFICATE OF COMPLIANCE. A certificate issued by the Zoning Administrator setting forth that a lot, building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated therein. For the storage of any chemical or chemically reactive products.

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 Town's jurisdiction.

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

CLUSTER DEVELOPMENT. A 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. This term includes non-residential development as well as single- family residential subdivisions and multi-family developments that do not involve the subdivision of land.

CLUSTER HOUSING. A development pattern where the dwelling units are grouped or "clustered" on a density basis for the total land area of the development, rather than spread evenly throughout the site on a lot-by-lot basis. A cluster housing development includes permanent open space and greenways usually owned and maintained by a homeowner's association or developer.

CO-LOCATION. Siting of two or more separate wireless antennas on the same support structure.

CONDITIONAL ZONING DISTRICT. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONICAL SURFACE. (Applies only to the Airport Overlay District.) A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet.

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

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

CONVENTIONAL SUBDIVISION. A subdivision which complies with the standard lot dimensions of Section 6.6 of the North Wilkesboro Zoning Ordinance and the development standards found in the North Wilkesboro Subdivision Ordinance.

CORNER LOT. See "Lot, Corner".

CRITICAL AREA. (Applies only to the Watershed Overlay District.) An area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE. The area under a tree, which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree's canopy to the ground. (capitalize on these definitions in landscaping ordinance section)

DECIDUOUS. A plant or tree with foliage that is totally shed annually. (capitalize on these definitions in landscaping ordinance section)

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 Wilkes County Register of Deeds. Also known as a restrictive covenant.

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

DESIGN FLOOD. (Applies only to the Floodplain Overlay District). See "REGULATORY FLOOD PROTECTION ELEVATION."

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

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT. Any of the following:

- a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b) The excavation, grading, filling, clearing, or alteration of land.
- c) The subdivision of land as defined in G.S. 160D-802.
- d) The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by this Chapter.

DEVELOPMENT. (Applies only to the Floodplain Overlay District). Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY. (Applies only to the Floodplain Overlay District). Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). (Applies only to the Floodplain Overlay District). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DISPOSAL. (Applies only to the Floodplain Overlay District.). (as defined in NCGS 130A- 290(a)(6)), Discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTILLERIES. An establishment primarily engaged in one or more of the following:

- (1) distilling potable liquors (except brandies);
- (2) distilling and blending liquors; and
- (3) blending and mixing liquors and other ingredients.

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

DRIVE-THROUGH SERVICE WINDOW. A customer service facility located within the principal structure as an accessory to an office or retail establishment. Enabling the customer to transact business without exiting the motor vehicle.

DRY CLEANING AND LAUNDRY PLANTS. A building, portion of a building, or premises used for cleaning fabrics, textiles, 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.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of this Chapter, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

DWELLING UNIT. A room or combination of rooms designed for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities, and designed for or used as a residence by one family.

DWELLING UNIT, ACCESSORY, ATTACHED. A second dwelling unit connected to a residential building.

DWELLING UNIT, ACCESSORY, DETACHED. A dwelling unit located within an accessory structure, which is located more than ten feet from the principal structure.

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

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

EASEMENT, NEGATIVE ACCESS. An easement 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.

ELEVATED BUILDING. (Applies only to the Floodplain Overlay District). A building without a basement which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT. (Applies only to the Floodplain Overlay District.). Advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a special flood hazard area floodplain, which may impede or alter the flow capacity of a floodplain.

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

EROSION. Wearing a way of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION CONTROL ACT. North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDEQ) **EVERGREEN.** A plant or tree with foliage that persists year-round. (capitalize on these definitions in landscaping ordinance section)

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

EXISTING BUILDING AND EXISTING STRUCTURE. (Applies only to the Floodplain Overlay District). Any building and/or structure for which the “start of construction” commenced before the original effective date of the floodplain management regulations adopted by the Town of North Wilkesboro.

EXISTING DEVELOPMENT. (Applies only to the Watershed Overlay District.) Projects that are built or projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of the amendment incorporating water supply watershed regulations into the North Wilkesboro Zoning Ordinance based on at least one of the following criteria:

- a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- b) Possessing an outstanding valid building or zoning permit;

EXISTING LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Wilkes County Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION^[DR1]. (Applies only to the Floodplain Overlay District.). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the Town of North Wilkesboro.

EXTERIOR FEATURES. Architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building,

and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

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

FAMILY. Individuals related by blood, marriage, or adoption, occupying a premises and living as a single, non-profit housekeeping unit, including domestic servants, and live-in help. The following individuals shall be included in this definition:

- a) a single person or married couple;
- b) a single person or married couple's biological, foster or adopted child, a step- child, or other legal ward;
- c) a single person or married couple's parents, siblings, aunts, uncles, nieces, nephews, and persons of preceding or succeeding generations denoted by the prefixes of grand, great or great-great;
- d) spouses of any persons named in the above groups;
- e) cousins, who are defined to be relatives who are descendants from a common grandparent. A family may include five 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.

FAMILY MEMBERS, DIRECT. Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

FAMILY SUBDIVISION. (Applies only to the Watershed Overlay District.) A division of a tract of land to:

- a) convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or
- b) divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

FARMHOUSE CLUSTER. A rural subdivision for up to six house lots accessed by a private drive.

FENCE. A vertical structure constructed of metal, vinyl or wooden material which encloses an area of ground.

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

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

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

FLOOD. A temporary rise in stream flow or stage that results in water over topping stream banks and inundating areas adjacent to the watercourse. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters; and/or
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD OR FLOODING. (Applies only to the Floodplain Overlay District). A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). (Applies only to the Floodplain Overlay District). An official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM). (Applies only to the Floodplain Overlay District). An official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE. (Applies only to the Floodplain Overlay District.). Insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). (Applies only to the Floodplain Overlay District.). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (See also DFIRM).

FLOOD INSURANCE STUDY (FIS). (Applies only to the Floodplain Overlay District.). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN. (Applies only to the Floodplain Overlay District.). Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. (Applies only to the Floodplain Overlay District). The Planning Director or his/her designee.

FLOODPLAIN DEVELOPMENT PERMIT. (Applies only to the Floodplain Overlay District.). Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity in a floodplain.

FLOODPLAIN MANAGEMENT. (Applies only to the Floodplain Overlay District.). Operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. (Applies only to the Floodplain Overlay District.). Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. (Applies only to the Floodplain Overlay District.) A combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL. (Applies only to the Floodplain Overlay District.) Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72

hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY. (Applies only to the Floodplain Overlay District.) Channel of a river or other watercourse including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY ENCROACHMENT ANALYSIS. (Applies only to the Floodplain Overlay District.) An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

FLOODWAY FRINGE. (Applies only to the Floodplain Overlay District.) An area lying outside the floodway, but within the floodplain.

FLOOD ZONE. (Applies only to the Floodplain Overlay District.) A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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

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

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

FOOT CANDLE. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FREEBOARD. (Applies only to the Floodplain Overlay District.) Height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

FRONTAGE, BUILDING. Façade of a structure facing the street.

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

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

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

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

GRADE, EXISTING. The elevation along the ground surface of a site as exhibited on the Town's online GIS mapping at two foot or four foot contour intervals, or as surveyed and mapped at a contour interval of not more than four feet, by a licensed surveyor.

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

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

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

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

GROUND LEVEL. (Applies only to the Floodplain Overlay District). Existing average elevation of the land.

HANDICAPPED PERSON. An individual with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by N.C.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 SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of 13 NCAC 7. Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and/or reactive. Health hazards include, but are not limited to, chemicals, which are carcinogens, toxins, corrosives, and/or irritants.

HAZARD TO NAVIGATION. (Applies only to the Airport Overlay District.) An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT, AIRPORT. (Applies only to the Airport Overlay District.) Height of a structure or tree above mean sea level elevation, unless otherwise specified.

HEALTH SERVICES, MISCELLANEOUS. Outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses.

HEIGHT, BUILDING. See "Building Height".

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

HIGHEST ADJACENT GRADE (HAG). (Applies only to the Floodplain Overlay District) Highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE. Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Natural and Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

HORIZONTAL SURFACE. (Applies only to the Airport Overlay District.) A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HUD. United States Department of Housing and Urban Development.

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

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

INDUSTRIAL DEVELOPMENT. (Applies only to the Watershed Overlay District.) Any nonresidential development that requires a National Pollutant Discharge Elimination Systems (NPDES) permit for an

industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or development any product or commodity.

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

LANDOWNER or OWNER. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

LANDSCAPE ARCHITECT. A person licensed by the North Carolina Board of Landscape Architects to practice and use the title of landscape architect in the State of North Carolina.

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

LARGE MATURING TREE. A tree whose height is greater than thirty-five feet at maturity and meets the specification of American Nursery Stock Standards published by American Horticultural Society. **(capitalize on these definitions in landscaping ordinance section)**

LARGER THAN UTILITY RUNWAY. (Applies only to the Airport Overlay District.) A runway that is constructed for and intended to be used by propeller driven or jet powered aircraft of greater than twelve thousand five hundred pounds maximum gross weight.

LETTER OF MAP CHANGE (LOMC). (Applies only to the Floodplain Overlay District). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT DUTY TRUCK. (Applies only to the Floodplain Overlay District). Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

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

LOGO. A trademark or symbol used to represent a business, church, nonprofit, or any other type of organization.

LOT. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

LOT, ADJACENT. See "Adjacent Property".

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

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

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

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

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

LOT, THROUGH. See "Lot, Double Frontage".

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

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

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

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

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

LOT, 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.

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

LOT WIDTH. 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.

LOWEST ADJACENT GRADE (LAG). (Applies only to the Floodplain Overlay District.) Elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. (Applies only to the Floodplain Overlay District.) Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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

MAP REPOSITORY. (Applies only to the Floodplain Overlay District.) The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

MAJOR VARIANCE. (Applies only to the Watershed Overlay District.) A variance that results in any one or more of the following:

- a) The complete waiver of a watershed management requirement;
- b) The relaxation, by a factor of more than 10%, of any watershed management requirement that takes the form of a numerical standard;
- c) The relaxation of any watershed management requirement that applies to a development proposal granted a Special Density Allocation.

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

MARKET VALUE. Building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MASSAGE AND BODY WORK THERAPY. 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 by the NC Board of Massage and Bodywork Therapy as provided therein to perform such therapy.

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

MINOR VARIANCE. (Applies only to the Watershed Overlay District.) A variance that does not qualify as a major variance.

MIXED USE BUILDING. Combination of both commercial and residential uses within a single building, wherein at least fifty percent of the heated floor area contains residential dwelling unit(s).

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

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

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

- a) Vehicle is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate;
- b) Vehicle lacks a current inspection certificate, or displays an expired certificate;
- c) Vehicle is partially dismantled or wrecked;
- d) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or
- e) Vehicle has expired license plate or is unlicensed.

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

[NAICS. North American Industry Classification System, 2017.](#)

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

NCDEQ. North Carolina Department of Environmental Quality.

NCDOT. North Carolina Department of Transportation.

N.C.G.S. or G.S. North Carolina General Statute

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

NEW CONSTRUCTION. (Applies only to the Floodplain Overlay District.) Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. Initial floodplain management regulations and includes any subsequent improvements to such structures.

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

NONCONFORMING STRUCTURE. Structure which does not comply with all of the requirements established in these regulations as adopted or amended.

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

NON-ENCROACHMENT AREA. (NEA) (Applies only to the Floodplain Overlay District.). Channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

NONPRECISION INSTRUMENT RUNWAY. (Applies only to the Airport Overlay District.). A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

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

OBSTRUCTION. (Applies only to the Airport Overlay District.). Structure, growth, or other object, including a mobile object, which exceeds a **limiting height set forth in Section 6.5A.**

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

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

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

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

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

ORNAMENTAL TREE. A tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree. **(capitalize on these definitions in landscaping ordinance section)**

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

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

OVERLAY DISTRICT. A zoning district which combines with one or more of the zoning districts established by this ordinance and has additional regulations. In such case the property involved is subject to the requirements of both districts.

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

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

PERSON. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

PERVIOUS SURFACE COVER. A penetrable surface cover that allows precipitation to infiltrate into the ground.

DEVELOPMENT. A tract or parcel of land or a building developed for residential, commercial, or a mixture of the two, to be used as an integrated unit under single ownership or control and covering no more than two hundred acres in area. Development shall be based on a plan that allows for flexibility of design not available under normal zoning district requirements.

PLANNING BOARD. Planning Board of the Town of North Wilkesboro, established pursuant to G.S. 160D-301.

PLANTING YARD. Area where required plantings are located.

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

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

POST-FIRM. (Applies only to the Floodplain Overlay District.). Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRECISION INSTRUMENT RUNWAY. (Applies only to the Airport Overlay District.). A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS), Geographical Positioning System (GPS), or a Precision Approach Radar (PAR); or a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRE-FIRM. (Applies only to the Floodplain Overlay District.). Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRIMARY STREET FRONTAGE. Street to which the main/front façade of a building faces. Typically the street with the most traffic.

PRIMARY SURFACE. (Applies only to the Airport Overlay District.). A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface is one thousand feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

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

PRINCIPALLY ABOVE GROUND. (Applies only to the Floodplain Overlay District.) Structures where at least 51% of the actual cash value of the structure is above ground.

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

PROPERTY. All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

PROPOSED RIGHT-OF-WAY LINE. Margin of a thoroughfare's right-of-way at its ultimate intended width, determined by:

- a) the thoroughfare's classification; and
- b) dimensional requirements or location criteria as established in the subdivision ordinance.

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

PUBLIC SAFETY/NUISANCE. (Applies only to the Floodplain Overlay District.) Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons; or anything that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

REDEVELOPMENT. Demolition and reconstruction of a building or a portion of a building.

REGULATORY FLOOD PROTECTION ELEVATION. (Applies only to the Floodplain Overlay District.) "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION. (Applies only to the Floodplain Overlay District.) To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

RIGHT-OF-WAY. The legal right of public passage.

RIVERINE. (Applies only to the Floodplain Overlay District.) Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROOF LINE. 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.

RUNWAY. (Applies only to the Airport Overlay District.) A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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

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.

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

SEDIMENTATION. Solid particulate matter, both mineral and organic, that has been or is being transported off the site where land disturbing activity is taking place or into a lake or natural watercourse.

SEDIMENTATION AND EROSION CONTROL PLAN. Plan that shows the measures, structures, or devices that control the soil material within the land area under responsible control of the person conducting the land disturbing activity (Regulated by NCDEQ).

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

SETBACK, ESTABLISHED. The required horizontal distance between a structure and the lot line or street centerline established by existing structures along a block front.

SETBACK, REQUIRED. The minimum required horizontal distance between a structure and the lot line or street centerline as required by this ordinance.

SHADE TREE. Species of tree planted primarily for its high crown of foliage or overhead canopy (usually a deciduous tree, rarely an evergreen). (capitalize on these definitions in landscaping ordinance section)

SHRUB. A woody, branching plant of relatively low height; may be evergreen or deciduous.

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

SIGHT EASEMENT. See "Easement, Sight".

SIGN. Form of publicity, visible from off the premises where the sign is located, directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework or attached or otherwise applied to- posts, stakes, poles, trees, buildings or other structures or supports, provided, however, that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.

- b) Flags and insignia of any government except when displayed in connection with commercial promotion.
- c) Legal notice, identification information, or directional signs erected by governmental bodies.
- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- f) Signs not exceeding two square feet providing directional information to places of worship.

SIGN AREA. Area of a sign face.

SIGN FACE. Portion of the sign that is or can be used to identify, advertise, or communicate information or 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. Distance from the base of the sign at normal grade to the top of the highest attached component of the sign, **as detailed in Section 10.3(G).**

SIGN STRUCTURE. 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. Sign that uses movement or change of lighting to depict action or create a special effect or scene.

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

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

SIGN, BILLBOARD. 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. Sign that advertises a candidate or issue to be voted upon on a definite election day.

SIGN, CANOPY (AWNING). Sign that is a 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. 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. 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. Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

SIGN, DIRECTIONAL OR INCIDENTAL. 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 giving direction may also be included on the sign.

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

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

SIGN, FREESTANDING. 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, GOVERNMENTAL. Sign, symbol, or device erected and maintained by a federal, state, county, or municipal government, or any such governmental agency, in the performance of their duties such as regulatory signs, wayfinding/identification/directional signs, welcome signs, school informational signs, legal notice signs and traffic control signs. **SIGN, GROUND MOUNTED.** Sign which extends from the ground or which has a support which places the bottom thereof less than three feet from the ground.

SIGN, INCIDENTAL. Sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is to be located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives which are free of any commercial, advertising, or similarly unrelated message.

SIGN, IDENTIFICATION. Sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

SIGN, KIOSK. Freestanding sign consisting of three to five sides that lists names of businesses located on a property, in a building, or within the immediate area.

SIGN, MARQUEE. Sign attached to, in any manner, a marquee. A marquee is 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. 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, engraved into or attached to a building surface.

SIGN, MONUMENT. 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 twelve inches above the adjacent grade.

SIGN, OFF-PREMISES. Sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected. **SIGN, ON-PREMISES.** 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. 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. Banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags.

SIGN, PLANNED DEVELOPMENT. Sign for two or more uses planned, developed, and managed as a unit and related in location, size, and type. This includes outparcels included within the development.

SIGN, PORTABLE. 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; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

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

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

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

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

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

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

SIGN, WALL. 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 that is supported by such wall.

SIGN, WINDOW. 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 window panes of glass and is visible from the exterior of the window.

SIGNIFICANT TREE. Tree other than a pine tree with a caliper of eighteen inches or more. (capitalize on these definitions in landscaping ordinance section)

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SLEEPING UNIT: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SMALL MATURING TREES. Tree whose height is less than thirty-five feet at maturity and meets the specifications of American Nursery Stock Standards published by American Horticultural Society. (capitalize on these definitions in landscaping ordinance section)

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. In order to qualify as an accessory use the solar collector(s) shall be designed to produce no more than 150 percent of the on-site user's energy consumption.

SOLID WASTE. 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 three thousand 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) Radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E); or Mining refuse covered by the North Carolina Mining Act (G.S. 74), and regulated by the North Carolina Mining Commission (as defined under G.S. 143 B-290).

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

SPECIMEN TREE. A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species. (capitalize on these definitions in landscaping ordinance section)

START OF CONSTRUCTION. (Applies only to the Floodplain Overlay District.) Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STORY. Part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

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

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. Need more language throughout of this buffer.

STREET. A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.

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. Also referred to as a major thoroughfare. Major and minor arterials are identified on the Town's online GIS map, hereby incorporated by reference.

STREET, COLLECTOR. A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street. Major and minor collectors are identified on the Town's online GIS map, hereby incorporated by reference.

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

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

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

STREET, RURAL. A street designed for and located in non-urban and non-urbanizing areas.

STREET, URBAN. A street designed for and located in urban or urbanizing areas. **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 a public agency.

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

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

STREET RIGHT-OF-WAY. 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 Town of North Wilkesboro or Wilkes

County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of North Wilkesboro; or has otherwise been established as a public street prior to the adoption of this ordinance.

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

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

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

STRUCTURE. Anything constructed, 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. (Applies only to the Floodplain Overlay District). A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

STRUCTURE, DETACHED. Structure, which is separated from an adjacent structure by at least ten feet, as measured from any part of the structure.

SUBDIVISION. Pursuant to G.S. 160D-802, all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town's Ordinance.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

SUBSTANTIAL DAMAGE. (Applies only to the Floodplain Overlay District.) Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its undamaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood

event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. See definition of "SUBSTANTIAL IMPROVEMENT".

SUBSTANTIAL IMPROVEMENT. (Applies only to the Floodplain Overlay District.). Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

TECHNICAL REVIEW COMMITTEE (TRC). An ad hoc committee headed by the Planning Director and composed of the Fire Chief, Police Chief, Public Services Director, and any administrative staff deemed necessary by the Planning Director to serve as a review body that will ensure conformance to all Town standards for development.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET. (Only applies to the Floodplain Overlay District) a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

TELECOMMUNICATIONS. Personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio, paging, and similar services that currently exist.

TEMPERATURE CONTROLLED. (Only applies to the Floodplain Overlay District). Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

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

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

TOXIC SUBSTANCE. Substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

TRACT. Contiguous land and bodies of water being used or disturbed or to be used or disturbed as a unit, regardless of ownership.

TRADITIONAL NEIGHBORHOOD. Neighborhood that incorporates design principles that produce compact, mixed use, pedestrian scaled communities designed to:

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

TRANSITIONAL SETBACK OR YARD. Area, if any, along a thoroughfare, which lies between:

- a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line; and
- b) the minimum setback or yard line measured from the proposed right-of-way line.

TRANSITIONAL SURFACES. (Applies only to the Airport Overlay District.) Surfaces extending outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.

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

TREE. A large, woody plant having one 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 fifteen to thirty- five feet in height and meets the specifications of the American Standards published by American Horticultural Society. (capitalize on these definitions in landscaping ordinance section)

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. 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 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.

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.

VIOLATION. (Applies only to the Floodplain Overlay District). Failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in **6.5 (C) Floodplain Overlay District (FPO) Article 4 Administration B. Floodplain development application, permit and certificate requirements.**

VISUAL RUNWAY. (Applies only to the Airport Overlay District.). A runway intended solely for the operation of aircraft using visual approach procedures.

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

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply. **WATER SURFACE ELEVATION (WSE).** (Applies only to the Floodplain Overlay District.). Height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE. (Applies only to the Floodplain Overlay District.). A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERSHED. (Applies only to the Watershed Overlay District.). Entire land area contributing surface drainage into a specific stream, creek, lake, or other body of water.

WATERSHED BUFFER. (Applies only to the Watershed Overlay District.). A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

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

WATERSHED PROTECTED AREA. (Applies only to the Watershed Overlay District.).The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the

watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

WETLANDS. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WOODLANDS. Area of trees and shrubs of a number, size, and species that accomplish the same general function as new plantings. (capitalize on these definitions in landscaping ordinance section)

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

YARD. 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. 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. 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. 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. 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. Location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

ZONING PERMIT. A permit issued by the Zoning Administrator or designee which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.

10.3 Use Definitions

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

ACCESSORY DWELLING UNIT. See "Dwelling Unit, Accessory, Attached" and "Dwelling Unit, Accessory, Detached".

ADULT ESTABLISHMENT. A 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. and the North Wilkesboro code of Ordinances, but excluding massage therapy.

ADULT USES. A structure or use of land which meets any definition of adult establishment as outlined in G.S.14-202.10 (Licensed health massage/body work therapists shall not be considered an adult massage business).

AIRPORT. (Applies only to the Airport Overlay District.) A landing field(s), parking and service facility, passenger and baggage terminal(s), and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. This term shall also be used in reference to the Wilkes County Airport.

AMUSEMENT, COMMERCIAL INDOOR. A 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. A 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, golf driving range, or go-cart course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

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

ARMORY. A Federal or state military facility engaged in the storage and maintenance of weapons and munitions.

ARTS AND CRAFTS STUDIO. A place used for the creation of objects, made one at a time, by hand. Such creation includes, but is not limited to, wood working, tin-smithing, silver-smithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

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

ASSEMBLY HALLS. A public or private facilities used or intended as venues for gatherings, not including churches, courthouses, town halls or community centers.

AUCTION HOUSE. A structure where gatherings are held and organized for the auction, bidding and sale of merchandise.

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

AUTOMOTIVE PARKING LOTS AND DECKS. Land and/or structures used principally for temporary parking of motor vehicles.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans. [This definition includes only those uses in the following NAICS groups: 5221 Depository Credit Intermediation 5222 Non-depository Credit Intermediation](#)

BAR. An establishment where the principal use is to serve spirituous liquors and/or beer to be consumed on the premises. Usually furnished with counters and stools. Food may or may not be served.

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied residential building providing rooms for temporary overnight lodging and breakfast for more than three but not more than eight guests on a paying basis.

BILLIARD, POOL ROOM. A commercial indoor recreational establishment primarily to provide tables for the playing of billiards, pool, and similar games.

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

BOWLING ALLEY. A commercial indoor recreational establishment providing lanes and equipment for bowling.

BREWERY. An establishment primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits.

BREW PUB. An eating establishment engaged in the incidental retail production of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to an eating establishment and producing beverages in accordance with state ABC permits.

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.

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.

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). Storage on a zoning lot of two thousand five hundred gallons water capacity or more of flammable liquid, or two thousand gallons water capacity or more of flammable gas, excluding "storage tanks, above ground" and "fuel dealers" as defined herein.

BUS/TRANSIT SHELTER. A freestanding structure less than one hundred square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

CAMPGROUND. Also see "Recreational Vehicle Park and Campground". A plot, parcel, or tract of land upon which two (2) or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition.

CARPORT. A roofed structure enclosed on not more than two 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. A mechanical facility for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

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

CEMETERY. Land and facilities, including any burial grounds, mausoleums, columbariums, offices, and chapels, used for the burial of the dead.

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

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE INSTITUTION. A facility providing residential and non-residential care for thirteen or more children under the age of twenty-one, 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.

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

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

CIRCUSES, CARNIVALS, REVIVAL GROUNDS. A temporary, seasonal or occasional use of vacant, unimproved property for recreational activities or meetings outdoors or housed in tents.

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

CLINICAL LABORATORIES. A commercial facility engaged in specimen analysis for medical purposes.

CLINIC, VETERINARY. See "Veterinary Services".

CLUB OR LODGE, NON-PROFIT. A building or land used for the activities of a non-profit private club or social organization and not adjacent to, operated as, or in connection with a public tavern, cafe, or other place open to the public.

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

COLISEUMS AND STADIUMS. A structures or facilities designed, intended or used primarily for public gatherings; indoor exhibitions, galleries or conventions; or indoor or outdoor spectator events including

but not limited to professional and amateur sporting events, concerts, theatrical presentations, and motor vehicle racing.

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

COLUMBARIUM. A structure of vaults lined with recesses for urns containing cremated human remains, or any other structure or space, including a space of ground, used or intended to be used for the placement of urns containing cremated human remains.

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 non-profit group or agency.

COMMUNITY THEATER. An establishment owned and operated by a bona fide nonprofit organization that has installed permanent staging and seating areas and is engaged solely in the business of sponsoring or presenting amateur or professional theatrical events to the public.

COMPOSTING FACILITY. (Applies only to the Watershed Overlay District.) A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

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.

CONVENIENCE STORE. An 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 five thousand 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 a full twenty-four hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

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

DATA CENTER. An establishment primarily engaged in providing infrastructure for data hosting or data processing services. These establishments may provide specialized hosting activities, such as Web hosting, streaming services or application hosting, provide application service provisioning, or may provide general time share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services.

DAY CARE. Child or adult care arrangement for three 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 but less than twenty-four hours per day.

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

DAY CARE HOME, LARGE. A facility in which day care is provided for six to twelve preschool-age children or up to fifteen other children and/or adults.

DAY CARE HOME, SMALL. A facility in which day care is provided for up to five preschool-age children, or up to eight other children and/or adults.

DISCHARGING LANDFILL. (Applies only to the Watershed Overlay District.) A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

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

DRY CLEANING AND LAUNDRY SERVICES. A building, portion of a building, or premise used for the collection and distribution of dry cleaning or the cleaning of fabrics, textiles, 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.

ELECTRONIC GAMING OPERATIONS. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes but is not limited to internet cafes, internet sweepstakes, or cyber cafés. This does not include any lottery approved by the State of North Carolina. Typically age restrictions apply.

EMERGENCY SHELTER. A facility providing temporary sleeping facilities for ten or less individuals who are temporarily displaced.

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.

FARM, BONA FIDE. (Bona fide farms are exempt from the exercise of municipal extraterritorial jurisdiction.) A property employed for agricultural activities as set forth in G.S. 160D-903. For purposes of determining whether a property is being used for a bona fide farm, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a) A farm sales tax exemption certificate issued by the Department of Revenue.
- b) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105- 277.3.
- c) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d) A forest management plan.

(The above definition relates to zoning and should not be associated with tax or other definitions.)

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. Seasonal selling or offering for sale at retail of farm products, occurring in a pre-designated area, where the vendors are generally individuals who have produced the farm products.

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

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

FLEA MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers.

FOOD TRUCK. A motorized vehicle or mobile food unit (trailer) which is temporarily parked on a lot where food items are sold to the general public.

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

FUNCTIONALLY DEPENDENT FACILITY. (Applies only to the Floodplain Overlay District). A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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 canopies and eight separate pumping stations, and providing only minor passenger vehicle repairs.

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

GOLF DRIVING RANGE. An open air golf practice facility.

GOVERNMENT OFFICES. Offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state, and local governments.

GROUP CARE FACILITY. A transitional housing facility for more than twenty 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 in recuperating 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 DEVELOPMENT. A group of two or more principal structures built on a single lot, tract, or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses, or other enterprises, as permitted in the zoning district of site location. Examples would be: cluster type subdivisions, row houses, apartment courts, housing projects, school and hospital campuses, shopping centers, and industrial parks.

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 residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. 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 twelve 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. Facility in which eight or fewer 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. Facility in which more than eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State 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.

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 non-hazardous 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 WASTE MANAGEMENT FACILITY. A commercial facility which accepts hazardous waste from the general public or from another facility for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. As defined in NCGS 130A, Article 9 130A-290(a) (9), is a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HELIPORT. Helicopter terminal facility for general public transportation with support facilities. May include, in addition to the landing pad(s), passenger and cargo facilities; maintenance, overhaul, fueling, service, and storage facilities; tie-down areas, hangars, parking, and other necessary buildings and open spaces.

HELISTOP. Limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. Which includes 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.

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

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration.

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

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.

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

JUNKYARD. Use of more than six hundred 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 parcel of land on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold on a commercial basis. Does this conflict with veterinary services?

LABORATORY, MEDICAL. 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.

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

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). Landfill that is limited to receiving off-site land clearing waste, concrete, brick, concrete block, gravel and rock, untreated and unpainted wood, and yard trash. This definition shall also include and apply to land clearing activities associated with subdivision construction.

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

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

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

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

LODGE. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities adjacent to and ancillary to current operations of the same ownership which are restricted to guests, members, staff, or employees of a corporation, non-profit business, or other business entity without payment of compensation. Design and architecture will be complementary of the surrounding buildings. No sales of goods to the general public and services may include meals. Additionally included are common facilities for reservations and cleaning services, combined utilities, meeting rooms, on-site management and reception services.

MANUFACTURED HOME. A structure, substantially assembled in a manufacturing plant that contains a certification label signifying the home meets or exceeds the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards. The structure must also be transportable in one or more sections, which in the traveling mode is eight feet or more in width, or forty feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling.

MANUFACTURED HOME PARK. A development site 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 SUBDIVISION. A parcel (or contiguous parcels) of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

MANUFACTURING A. A manufacturing establishment primarily engaged in the 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 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 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.

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

MICROBREWERY. An establishment primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits. A microbrewery produces less than 15,000 US barrels (460,000 US gallons) per year.

MOBILE OFFICE. A structure intended for office use comprised of one or more components each of which was substantially assembled in a manufacturing plant and designed to be transported to the site, and is constructed to U.S. Department of Housing and Urban Development (HUD) standards (North Carolina State Building Code is not applicable).

MODULAR HOME. A dwelling unit which 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.

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

MOTOR VEHICLE 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 two hundred 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. An establishment 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 wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition.

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.

NIGHTCLUB. A place of entertainment generally open in the evening offering entertainment such as music, space for dancing and/or a stage area; and usually serving alcoholic beverages and food for consumption on the premises.

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. 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 or more non-related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

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 eyeglasses, contacts, or other instruments intended to enhance visual perception.

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

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

OUTDOOR STORAGE. An 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.

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

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

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

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

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

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

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

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

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

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

PROFESSIONAL OFFICE. 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.

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

PUBLIC BUILDINGS AND FACILITIES. Offices and facilities of the executive, judicial, legislative, administrative and regulatory branches of the federal, state and local governments, not including correctional facilities and public works facilities and yards. May employ buffered or screened open storage and parking.

PUBLIC SAFETY FACILITIES. Police, fire, rescue, emergency response, ambulance service facilities and any combination thereof.

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.

RADIO AND TELEVISION STATIONS. An establishment primarily engaged in providing radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

RAILROAD FREIGHT YARDS. Facilities located on railroad lines, usually at or near rail stations, engaged in the loading and unloading of freight and in the transfer of freight cars.

RECREPTION HALL/EVENT VENUE. A place to allow for various private gatherings such as weddings, receptions, arts and craft shows, corporate meetings, and receptions.

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.

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor recreation services. Which may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA'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 may include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use.

RECREATIONAL VEHICLE. A vehicle 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 (RV). (Applies only to the Floodplain Overlay District). A vehicle, which is:

- a) built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) designed to be self- propelled or permanently towable by a light duty truck; and
- d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- e) Is fully licensed and ready for highway use.

For the purpose of this ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

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

RECYCLING CENTER. A facility where recovered resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include Motor Vehicle Parts (Used) [Merchant Wholesalers, NAICS Group 423140](#), which is listed as a separate use.

REFERENCE LEVEL. (Applies only to the Floodplain Overlay District.) Top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99, or AO.

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

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

RESIDENTIAL BUILDING, MULTI-FAMILY. A building which contains three or more dwelling units. This definition includes condominiums and apartment complexes.

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

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

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

RESIDENTIAL, GROUND-FLOOR. Dwelling units constructed within commercial districts on the ground story of a building with the ground story being established from the primary street frontage of the building.

RESIDENTIAL, UPPER-STORY. Dwelling units constructed within commercial districts on stories above the ground story of a building with the ground story being established from the primary street frontage of the building.

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. Establishment 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 more than 25,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

RETAIL STORE, MEDIUM. A single retail or wholesale use which occupies between 15,000 and 25,000 square feet of gross floor area, typically requires moderate parking to building area ratios, and has a local sales market.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 15,000 square feet of gross floor area, typically requires low parking to building area ratios, and has a local or neighborhood sales market. Do we need to distinguish size of retail?

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

SALVAGE YARD. Non-residential property used for the storage, collection, and/or recycling of any type of inoperable equipment, and including, but not limited to vehicles, appliances and related machinery.

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 institution providing instruction to students in kindergarten through grade twelve.

SCHOOL, PRIVATE. A structure used primarily by and for educating any two 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 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 educating any two or more age or grade levels in grades kindergarten through twelve 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 or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, VOCATIONAL OR PROFESSIONAL. A structure used 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.

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.

SERVICE STATION. See "Gasoline Station, Large" or "Gasoline Station, Neighborhood".

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

SHOOTING RANGE, OUTDOOR. Land used 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 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.

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

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

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

SINGLE FAMILY DWELLING. See "Residential Building, Single Family".

SOLAR FARMS. Nonresidential solar collection applications designed to facilitate the capture and conversion of solar energy for the purpose of supplying it to utility companies rather than for personal use on the property in which it is collected. For the purposes of this definition, the amount of energy being produced by the solar collectors is for an area greater than the principal use on the site.

SOLID WASTE DISPOSAL FACILITY. Facility involved in the disposal of solid waste as defined in NCGS 130A-290(a) (35).

SOLID WASTE DISPOSAL SITE. Place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method as defined in NCGS 130A-290(a)(36). **SPECIAL FLOOD HAZARD AREA (SFHA).** (Applies only to the Floodplain Overlay District). Land in the floodplain subject to a one percent or greater chance of being flooded in any given year, **as determined in Section 6.5 (C) of this ordinance.**

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

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

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

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

SWIMMING POOL, PRIVATE. A swimming pool intended for the private, noncommercial use of a single family residence.

SWIMMING POOL, PUBLIC. Any other pool that does not fall into the category of a private pool. These can include, but are not be limited to, homeowners' association, residential developments, or private clubs.

TEMPORARY STORAGE UNIT. Type of portable storage trailer or similar structure placed on the property of a residence or business for the sole purpose of temporarily storing household or business goods. Temporary storage units may be no larger than 16 feet in length, eight feet in width, and eight feet in height.

TERMINAL, BUS OR TAXI. A facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas

TERMINAL, FREIGHT. 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. ~~This definition includes only those uses in the following NAICS group: 326212 Tire Re-treading~~

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

UTILITIES. Facilities of any agency that 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.

UTILITY SERVICE AREA, PRIVATE. An area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or

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

VETERINARY SERVICES. 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. (How does this look for kennel/other animal services?)

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

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

WASTE. Surplus materials resulting from on-site construction or processing activities and disposed of at other locations.

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

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.

WHOLESALE TRADE A. An establishment primarily engaged in selling durable and non- durable goods to retailers; to industrial, commercial, institutional, farm, and 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 twenty-five percent 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, and 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 twenty-five percent of sales to retail customers require the appropriate retail zoning district.

WINERY. This industry comprises establishments primarily engaged in one or more of the following:

- (1) growing grapes and manufacturing wine and brandies;
- (2) manufacturing wine and brandies from grapes and other fruits grown elsewhere; and
- (3) blending wines and brandies. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits.

Additionally this can include a manufacturing facility engaged in the production and sale of wine or wine-like beverages.