

Section 86-7: Definitions

For the purposes of this Ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word “person” includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The word “may” is permissive.
- (F) The word “shall” and “will” are always mandatory and not merely directive.
- (G) The word “used for” shall include the meaning “designed for.”
- (H) The words “used” or “occupied” shall mean “intended, designed, and arranged to be used or occupied.”
- (I) The word “lot” shall include the words “plot,” “parcel,” “site,” and “premises.”
- (J) The word “structure” shall include the word “building.”
- (K) The words “Zoning Board,” “Zoning Commission,” or “Planning Commission” shall mean the “Town of Chadbourn Planning Board.”
- (L) The word “town” shall mean the “Town of Chadbourn,” a municipal corporation of the State of North Carolina.

- (M) The words “map,” “zoning map,” and “Chadbourn Zoning Map” shall mean the “Official Zoning Map for the Town of Chadbourn, North Carolina.”
- (N) The words “board of adjustment” shall mean the “Town of Chadbourn Board of Adjustment.”

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory use means an activity or structure incidental or secondary to the principal use on the same site.

Alley means a roadway which affords only a secondary means of access to abutting property is not intended for general traffic circulation.

Amusement center means any establishment maintaining forms of entertainment including or similar to: pool rooms, billiard halls, skating rinks and bowling alleys.

Antenna means equipment used and designed to transmit or receive electronic signals.

Apartment. See *Residence* and *Dwellings*.

Appeal. A request for a review of administrator’s interpretation of any provision of this Ordinance.

Approval Authority. The Town Council of the Town of Chadbourn, the Board of Adjustment or other board or official designated by Ordinance as authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

Assembly. A joining together of completely fabricated parts to create a finished product.

Assisted Living Home. A facility maintained for the purpose of providing skilled care and medical supervision at a lower level than that available in a hospital to not more than nine (9) persons.

Attached Dwelling Unit for Individual Ownership. A dwelling unit having a common or party wall with another dwelling unit. Each attached dwelling unit is characterized by its own subdivided lot of record which is conveyed with the dwelling unit when purchased.

Auction Sales. The buying and selling of goods through open public bidding. Typically, such sales are held in one location, such as an auction house. This definition does not include one-time auctions at individual properties such as estate settlements and the like.

Automobile Off-Street Parking (Commercial lot). Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.

Arcade means any establishment that maintains more than three automatic amusement machines.

Automatic amusement machine means any machine or device activated by depositing a coin or token, and which when operated is used as a game of skill, test, contest or entertainment (not to include pool tables or music machines).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood. Areas to be specified on federal emergency management maps or maps by the U.S. army corps of engineers.

Bed and Breakfast Inn. A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the Inn shall live on the premises or adjacent premises (including boarding home(s) and tourist home(s)).

Bingo Parlor. A place where bingo is played.

Board of Adjustments. A semi-judicial body composed of the Tow of Chadbourn Town Council.

Boardinghouse or rooming house means a residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boardinghouse is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Buffer (designated) means an area of land adjacent to lakes or watercourses that remains undisturbed in order to reduce the sedimentation and pollution of such lakes or watercourses.

Buffer zone means a strip of land created to separate and protect one type of land use from another; for example as a screen of planting or fencing to insulate the surroundings from the noise, smoke or visual aspects of an industrial zone or junkyard.

Building means any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, greenhouses, and similar structures, whether stationary or movable.

Building, Accessory means a subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building Area means the total area of a lot covered by a structure measured on a horizontal plane at mean grade level exclusive of uncovered patios, terraces and steps.

Building, principal, means a building in which is conducted the principal use of the plot on which it is situated.

Building line means a line establishing the minimum allowable distance between the nearest portions of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures, and the centerline of any street when measured perpendicularly thereto.

Building, height of, means the vertical distance from the average sidewalk grade, street grade or finished grade at the building line, whichever is highest, to the highest point of the building.

Bulk regulations means zoning or other regulations that by controlling the height, mass, density and location of buildings set a maximum limit on the intensity of development so as to provide proper light, air, and open space.

Certify. Whenever this chapter requires that some agency certify the existence of some fact or circumstance to the town, the town may require such certification be made of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.

Child care home means a home for not more than six orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit. See *Family care home*.

Child care institution means an institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

Church, Club, or Private Lodge. An incorporated or unincorporated association for civil, social, cultural, religious, fraternal, literacy, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members, and certified as a nonprofit organization by the Secretary of State of North Carolina.

Circulation area means that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Combination use means a use consisting of a combination of one lot or two or more principal uses separately listed in the table of permitted uses in section 86-52. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Conditional use means a use that may locate in certain zoning districts provided it will not be detrimental to the public health and general welfare and will not of itself impair the integrity and character of the district as determined by the board of adjustment.

Conditional use permit means a permit issued by the zoning board of adjustment that authorizes the recipient to make use of property in accordance with the requirements imposed by the town council.

Convenience Store. A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primary food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”).

Conversion. means the alteration of the use of an existing building to another type of use.

Coverage. An area determined in square footage.

Curtain/Skirting Wall. A continuous, uniform foundation enclosure constructed of brick or concrete blocks and that is unpierced except for required ventilation and access.

Day care center means any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age.

Dedication means a turning over of private land for a public use by an owner or developer, and its acceptance for such use by the governmental agency in charge of the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often conditions for the approval of a development by a planning commission.

Dedication, payment in lieu of, means cash payments required as a substitute for a dedication of land by an owner or developer.

Density transfer means a technique of retaining open space by concentrating residential densities, usually in compact areas adjacent to existing urbanization and utilities, with outlying areas being left open, so that the residential density of the entire community will average out at the same number of dwelling units as if the community were developed from end to end with large lots.

Developer means a person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.

Development means that which is to be done pursuant to occupancy permit, special use permit, conditional use permit or sign permit.

District means any section of the town in which zoning regulations are uniform.

Driveway means that portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex. See *Residence, duplex.*

Dwellings means any building, or portion thereof, which is designed for living and/or sleeping purposes.

Dwelling density, net, means dwelling units per acre of net residential land.

Dwelling, multifamily, means a building arranged or designed to be occupied by three or more families.

Dwelling, single-family, means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, two-family, means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.

Easement means written authorization by a property owner for the use of another party, for a specific purpose, of any designated part of said property without conferring exclusive possession.

Eminent domain means the right of a government to take private property for public use or benefit upon payment of just compensation to the owner. The terms eminent domain and condemnation are often used interchangeably, although condemnation authority of an unsafe structure where no compensation is paid to the owner and the condemned property does not become public land.

Expenditure means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

Extraterritorial jurisdiction means a defined area extended one mile beyond the town limits.

Fabrication. The process and/or assemblage of various components into a completed commodity. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.,

Family means any number of individuals living together as a single housekeeping unit; also known as a household.

Family care home means a home licensed pursuant to G.S. ch. 131D, art. 1, for adults and children with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. A "handicapped person," as defined in G.S. 168-21(2), means a person with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b. If the home is not licensed under G.S. ch. 131d, art. 1 or is exempt from state licensing, the home is a group home and a conditional use permit is required.

Farm, bona fide, means any tract of land larger than ten acres and otherwise eligible for tax deferral as authorized in G.S. 105-277.1 et seq., shall be considered as a bona fide farm. Any tract of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the building inspector upon consideration of agricultural productivity and improvements, and any other necessary or available information. Under no circumstances will any parcel smaller than five acres be considered either an agricultural tract or a bona fide farm.

Fence. A continuous barrier constructed of wood, stone, steel, or wire or other similar material.

Fence Screen. A continuous, opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than eight (8) feet constructed of wood, stone, steel or similar material.

Fence Security. A continuous barrier extending from the surface of the ground to a uniform height of not less than eight (8) feet constructed of wood, stone, steel or similar material.

Fill. Any material used to raise the elevation of the surface of the land, excluding a grade base and paving.

Flea Market. A commercial operation held on a regular periodic basis and patronized by individual entrepreneurs who transport a variety of merchandise to a common geographical area for the purpose of sale or trade to the general public. This definition does not include sporadic and infrequent yard sales held in residential areas.

Floodplain means any land susceptible to being inundated by water from the base flood. As used in this chapter, the term "floodplain" refers to that area designated as subject to flooding from the base flood (100-year flood) on the flood boundary and floodway map prepared by the U.S. Department of Housing and Urban Development, (FEMA), a copy of which is on file in the planning department.

Floodway means the channel of a river or other watercourse 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 used in this chapter, the term "floodway" refers to that area designated as a floodway on the flood boundary and floodway map prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

Floor area (gross) means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor area ratio (FAR) means a formula for determining permitted building volume as a multiple of the area of the lot. For example, a ratio of three on a 5,000-square-foot lot would allow a three-story building with 5,000 square feet on each floor or a variety of similar combinations as long as the total floor area did not exceed 15,000 square feet. Some zoning ordinances offer an incentive in the form of a higher FAR in order to reduce site coverage and thus encourage provision of plazas and other open spaces on the ground level.

Floor, habitable, means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Frontage means the property abutting one side of a street or public way, measured along the right-of-way line.

Garage, private, means a building used as an accessory to the main building permitted in any district, and providing for the storage of motor vehicle and in which no business, occupation, or service is conducted.

Garage, public, means any building, except those described as a private garage, used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Gate. A door or other device attached to a fence which, when opened, provides a means of ingress and egress of a persons and things for which it was intended, and which, when closed, forms a continuous barrier and screen as a part of the fence in which it is attached.

Group care facility means a dwelling in which persons reside while receiving therapy or counseling to assist them in overcoming addiction to intemperate use of narcotics or alcohol, or in adjusting to society after or during imprisonment through such means as prerelease, work release, or probationary programs. If a home does not meet the definition of family care home it is considered a group home and a conditional use permit is required.

Handicapped, aged or infirm home means a residence within a single dwelling unit for not more than six persons who are physically or mentally handicapped, aged or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit.

Handicapped, aged or infirm institution means a facility that provides residential care for more than six aged, disabled or handicapped persons whose principal need is a home with the sheltered or personal care their age or disability requires. Medical care at such a facility is only occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. The residents of such a facility form a multifamily development occupied by the elderly, handicapped or disabled.

Hazardous substance means any substance which may pose a danger to the public health or safety if contained in the public water supply, as determined by the city planner. A list of all such substances shall be compiled by the city planner and maintained in the planning department. All substances included in the U.S. Environmental Protection Agency's listing of hazardous substances and priority pollutants (developed pursuant to the Clean Water Act of 1977) shall be deemed hazardous substances and included on the list compiled by the zoning enforcement officer, in his informed judgment, deems necessary.

Highest and best use means the use of land in such a way that its development will bring maximum profit to the owner. It is a theoretical real estate concept that does not take into account the externalities from such a use of land, and thus public regulations often limit land use to some activity that will provide the owners with less than maximum projects in order to minimize spillover costs to other properties and the public at large. Thus, the term is not commonly used in planning, but is often heard at zoning meetings.

Home occupation means:

(1) A commercial activity that is conducted by a person on the same lot (in a residential district) where such person resides, and is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

(2) Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if goods, stock in trade, or other commodities are displayed; any on-premises retail sales occur; more than one person not a resident on the premises is employed in connection with the purported home occupation; it creates objectionable noise, fumes, odor, dust or electrical interference; or more than 25 percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.

(3) The following is a nonexhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: the office or studio of a physician, dentist, artist, musician, lawyer, architect, teacher, or similar professional; workshops, greenhouses, or kilns; or dressmaking or hairdressing studios.

Home occupation, rural, means an accessory use subordinate to the primary residential use of the property operated by persons residing in the principal dwelling on the same parcel of land upon which the home occupation is located, provided that: all storage shall be restricted to the

direct rear of this building and shall not encroach upon established setback lines, and shall be screened from abutting residences; the building in which the home occupation is conducted may not exceed 20 percent of the rear yard; the number of nonresident employees shall not exceed one; and the home occupation shall not create smoke, odors, dust or noise discernible at the lot line.

Hotel means a building occupied or used as a more or less temporary abiding place of individuals or groups who are lodgers and in which there are six or more sleeping rooms. Also see *Motel*.

House or guest or tourist home means any dwelling occupied by owner or operator in which five rooms or less are rented for lodging of transients and travelers for compensation.

House (halfway) means a home for not more than six persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in G.S. 35-17(30)), or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom are living together as a single housekeeping unit.

Houses, rooming. See *Boardinghouse*.

Improvements. The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

Inspector. The Building or Code enforcement inspector for the Town of Chadbourn.

Intermediate care home means a facility maintained for the purpose of providing accommodations for not more than six occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate care institution means an institutional facility maintained for the purpose of providing accommodations for more than six persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermittent stream means a stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year.

Junk. Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.

Junkyard means an area where scrap metal or other waste metal is bought, sold, exchanged, or handled on an ongoing basis, including automobile salvage and wrecking yards.

Kennel means a commercial operation that provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or engages in the breeding of animals for sale.

Lake or watercourse means any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment and pollutants.

Land use plan means a basic element of a comprehensive plan; it designates the future use or reuse of the land within a given jurisdiction's planning area, and the policies and reasoning used in arriving at the decisions in the plan. The land use plan serves as a guide to official decisions in regard to the distribution and intensity of private development, as well as public decisions on the location of future public facilities and open spaces. It is also a basic guide to the structuring of zoning and subdivision controls, urban renewal, and capital improvement programs.

Leapfrog development means development that occurs well beyond the existing limits of urban development and thus leaves intervening vacant land behind. This bypassing of the next-in-line lands at the urban fringe results in the haphazard shotgun pattern of urbanization known as sprawl.

Loading and unloading area means that portion of the vehicle accommodation area used to satisfy the requirements of this chapter.

Lot means:

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

(2) If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

(3) The permit issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot, if necessary, or convenient to comply with any of the requirements of this chapter.

Lot area means the total circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending to the center of a public street right-of-way or into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or a line running parallel to and 30 feet from the center of the traveled portion of the street if the right-of-way cannot be determined, and in a residential district, when a private road that serves more than three dwelling units is located

along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot, corner, means a lot which has at least two adjoining sides which abut a street or other public right-of-way, provided that the angle of intersection of the two lines is less than 135 degrees.

Lot, depth of, means the distance measured in the mean direction of the side lot lines from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, front of, means the portion of a lot nearest the street. For corner and through lots, all sides adjacent to street rights-of-way shall be considered fronts.

Lot (independent automobile lot or garage) means an area or garage that is used for the temporary parking (not storage) of motor vehicles, that is located on a lot on which there is no other principal use to which the parking is related, and where the parking spaces are used by more than one enterprise or by the general public or where the lot is leased by one enterprise for a total period (including automatic renewals or renewal options) of not more than four years.

Lot, interior, means a lot other than a corner lot.

Lot line, front, means the lines separating said lot from the street right-of-way.

Lot line, rear, means the lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, but not less than 30 feet long and wholly within the lot.

Lot line, side, means a side lot line is any lot boundary line not a front lot line or rear lot line.

Lot lines means the lines bounding a lot as defined herein.

Lot of record means a lot which is a part of a subdivision, a plat of which has been recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county registrar of deeds.

Lot, through, means an interior lot having frontage on two streets.

Lot, width of, means the method of determining lot width whereby the average width is taken by averaging the front and rear property lines.

Mall (mini) means an enclosed shopping area of 30,000 or less square feet with limited pedestrian ingress and egress where shops/stores share common walls, pedestrian ways, loading facilities, public facilities/services and parking.

Mobile home or manufactured home means a dwelling unit that is not constructed in accordance with the standards set forth in the state building code; is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed

to be transported on its own chassis; and exceeds 40 feet in length and eight feet in width; and is designed to be used as a dwelling and provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Mobile Home Park means any lot or part thereof, or any parcel of land which consists of a minimum of three acres and is used or offered as a location for two or more mobile homes.

Modular home means:

(1) A dwelling unit constructed in accordance with the standards set forth in the state building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the state building code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(2) To qualify as a single-family dwelling, the modular home must have a permanent enclosed masonry foundation with a shingled pitched roof, have a front door which faces the street and must meet the permit requirements for a single-family dwelling.

Moratorium, in planning, means a freeze on all new development pending the completion and adoption of a comprehensive plan. In recent years building moratoriums have also been instituted by water and sewer agencies when sewage treatment facilities are inadequate or when water shortages are threatened. They have also been voted into being by residents of communities whose schools and other public facilities have been overwhelmed by rapid growth.

Motel or motor lodge means a building or a group of buildings containing sleeping rooms, designed for or used temporarily by automatic transients, with garage or parking space conveniently located to each unit.

Neighborhood means a residential area whose residents have public facilities and social institutions in common and generally within walking distance of their homes.

Nonconforming lot of record means a vacant lot of record established prior to the date of the ordinance from which this definition is derived, that does not conform to the dimension requirements of the district in which it is located, may be used as a building site for a use permitted in the district provided that: all construction and the location of building shall be in accordance with the applicable yard requirements of the zoning district in which it is located.

Nonconforming project means any structure, development or undertaking that is incomplete at the effective date of the ordinance from which this definition is derived and would be inconsistent with any regulation applicable to the district in which it is located if complete as planned.

Nonconforming situation means a situation that occurs when, on the effective date of the ordinance from which this definition is derived, any existing lot or structure or use of an existing

lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter or because land or buildings are used for purposes made unlawful by this chapter.

Nonconforming use means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulation applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Nursing care home means a facility maintained for the purpose of providing skilled care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

Nursing care institution means an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

Open space means that part of the countryside which has not been developed and which is desirable for preservation in its natural state for ecological, historical and recreational purposes, or in its cultivated state to preserve agricultural, forest or urban greenbelt areas.

Outside display of goods for sale or rent means display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.

Overnight shelter for homeless means a shelter operated by a nonprofit agency for not more than six persons (in addition to not more than two resident managers) who are referred to such shelter by an established agency within the community such as mental health, the police department, the county department of social services, the salvation army and the like.

Parking area aisles means a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking lot means an area or plot of land used for the storage or parking of vehicles.

Parking space means the storage space for one automobile of not less than eight feet by 20 feet, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Planned unit development (PUD) means a development constructed on a tract of at least 15 acres under single ownership, planned and developed as an integral unit, and consisting of a combination of principal uses that could not be combined in any district other than a planned unit development district, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots as in most subdivisions.

Planning industrial development means a development that is constructed on a tract of at least ten contiguous acres under single ownership located within an industrial district; is developed in accordance with a comprehensive and unified scheme of development covering the entire tract; consists of a single principal use or a combination of principal uses (wholesale sales, manufacturing and the like) and is otherwise developed according to building height, setback and other regulations applicable to the zoning district, except that the performance standards shall govern uses in a planned industrial development.

Planning jurisdiction means the area within the town limits as well as the area beyond the town limits is authorized to plan for and regulate development pursuant to the authority granted in G.S. ch. 160A, art. 19 and chapter 122 of the session laws of 1963.

Primary structure means a structure in which is conducted the primary use of the lot on which said structure is located.

Public water supply system means any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof. (See G.S. 130-31.)

Receive-only earth station means an antenna and attendant processing equipment for reception of electronic signals from satellites.

Residence, duplex, means a two-family residential use in which the dwelling units share a common wall (including, without limitation, the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground-floor entrance.

Residence, multifamily, means a residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, multifamily apartment, means a multifamily residential use other than a multifamily conversion or multifamily townhome.

Residence, multifamily townhouse, means a multifamily residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, primary with accessory apartment, means a residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Residence, single-family detached, more than one dwelling per lot, means a residential use consisting of two or more single-family detached dwelling units on a single lot.

Residence, single-family detached, one dwelling unit per lot, means a residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Residence, two-family, means a residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Residence, two-family apartment, means a two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Residence, two-family conversion, means a two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of the ordinance from which this definition is derived and that was originally designed, constructed and occupied as a single-family residence.

Residential building coverage, net, means dwelling units per acre of net residential land.

Residential land, net, means land devoted to residential buildings and accessory uses on the same lots, such as informal open space, drives and service areas, but excluding land for nonresidential buildings and public parking, streets and recreation.

Residential, multifamily conversion, means a multifamily residence containing not more than four dwelling units, that results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of the ordinance from which this chapter is derived and that was originally designed, constructed and occupied as a single-family residence.

Right-of-way means land occupied or intended to be occupied by a street, crosswalk, railroad, utility line or other special purpose and held exclusive from abutting properties.

Road means all private ways used to provide motor vehicle access to two or more lots or two or more distinct areas or buildings in unsubdivided developments.

Roominghouse. See *Boardinghouse*.

Salvage Operations. The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purpose of resale, processing, distribution or deposition.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, vegetation, or other natural or man-made visual barriers.

Septic tank means a tank used in combination with leaching fields or trenches in which sewage is purified by bacterial action. It is distinct from a cesspool which retains solids and must be periodically pumped out.

Service station means any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

Setback line means a line specifically established upon a plat or established by this chapter which identifies an area into which no part of a building shall project except as provided by these regulations.

Sewage system means a facility designed for the collection, removal, treatment and disposal of waterborne sewage generated within a given service area.

Sexual Encounter Establishment. An establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

Sexually Oriented Business. Any business activity. Club, or other establishment, within which the exhibition, showing, rental or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Regulated businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters. Specified sexual activities, massage parlors, and adult cabarets are prohibited.

Shopping center means a group of commercial establishments planned, developed and managed as a unit, with off-street parking on the property.

Sign means an advertising or announcement device used to attract attention or to disseminate information. Sign restrictions in this chapter shall not apply to the following: traffic control devices; legal notices, noncommercial use of flags and insignias; mailbox numbers and names; house numbers and names; and noncommercial names of premises or occupants thereof which have areas of one square foot or less.

(1) **Sign, accessory.** An advertising device used to disseminate information concerning a person, place, or thing, pertaining to the use of the land upon which it is located.

(2) **Sign, area.** The sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof, which will encompass the entire advertising copy area.

(3) **Sign, Business Identification.** Any sign which advertises an establishment, service, commodity or activity conducted upon the premises where such sign is located.

(4) **Sign, independent.** One advertising device used to disseminate information concerning a person, place or thing, not pertaining to the use of the land upon which it is located.

(5) **Sign, Freestanding.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principle function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign" is also a freestanding sign.

(6) **Sign, independent (billboard).** One advertising device used to disseminate information concerning a person, place or thing, pertaining to the use of the land upon which it is located.

(7) **Sign, Portable.** Any sign not exceeding fifty (50) square feet in area and not permanently attached to the property on which it is located.

(8) **Sign, temporary.** A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(9) **Special events.** Circuses, fairs, carnivals, festivals, or other types of special events that run for longer than one day but not longer than two weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Skirting A continuous, uniform foundation enclosed constructed of vinyl, or metal fabricated for such purpose and that is unpierced except for required ventilation or access.

Spot zoning means the awarding of a use classification to an isolated parcel of land which is detrimental or incompatible with the uses of the surrounding area, particularly when such an act favors a particular owner. Such zoning has been held to be illegal by the courts on the grounds that it is unreasonable and capricious. A general plan or special circumstance such as historical value, environmental importance, or scenic value would justify special zoning for a small area.

Stable, private, means a stable with a capacity of not more than one horse for each 3,500 square feet of lot area where such stables are located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration of any kind.

Stable, public, means any stable other than a private stable.

Storage, secured (mini), means a contained storage area of 500 square feet or less whereby a client is offered access during normal business hours for a fee. Said storage being protected by lighting, fencing and other security devices and/or on-site personnel.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Stream means a body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods.

Street means a public street or a street with respect to which an offer of dedication has been made.

Street, arterial, means a major street in the city's street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic. All state-maintained streets within the city and their extensions into the extraterritorial area are arterial streets.

Street, collector, means a street whose principal function is to carry traffic between minor, local and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used to carry more than 800 trips per day.

Street, cul-de-sac, means a street that terminates in a vehicular turnaround.

Street, local, means a street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.

Street, marginal access, means a street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, minor, means a street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

Street, subcollector, means a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connection streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.

Strip development means a melange of development, usually commercial, extending along both sides of a major street leading out of the center of a city. Usually a "strip" is a mixture of auto-oriented enterprises (for example, gas stations, motels and food stands), truck-dependent wholesaling and light industrial enterprises, along with the once rural homes and farms overtaken by the haphazard leapfrogging of unplanned sprawl. Strip development, with its incessant turning movements in and out of each enterprise's driveway, has so reduced the traffic carrying capacity of major highways leading out of urban centers that the post-war limited-access freeway networks have become a necessity.

Structural alterations means any change except for repair or replacement in the supporting members of a building, including bearing walls, columns, beams or girders.

Structure means anything constructed or erected.

Sweepstakes Business Facility. Any enterprise (as a principal use or an accessory use) utilizing electronic machines, including computers, as game promotions. In a game promotion, a person may conduct a game of chance in connection with the sale of consumer products or services and/or for which the elements of chance and prize are present. This term includes, but is not limited to, sweepstakes or internet cafes. This does not include any lottery approved by the State of North Carolina.

Tower means any structure whose principal function is to support an antenna.

Tract means a lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivision where one tract is subdivided into several lots.

Trailer camp means any lot or parcel of land set aside and offered by any person to the transient public for the parking and accommodation of two or more travel trailers which are to be occupied for sleeping or eating.

Travel trailer means a structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile home.

Use means the activity or function that actually takes place or is intended to take place on a lot.

Use, principal, means a use listed in the table of permissible uses in section 86-52.

Used car lot means a lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts.

Value, market, means the price a willing buyer would presumably pay for a property when it is offered for sale by a willing seller in an open market. Estimates of market value are used in tax assessment procedures, eminent domain proceedings and real estate appraisals.

Variance means a grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.

Vegetation Screen. Evergreen trees, including, but not limited to, evergreen shrubs or plants with a minimum height of six (6) inches when planted, which reach a height of at least six (6) feet and have adjoining canopies within five (5) years

Vehicle Repair and/or Body Shop means any building or land **not** used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, except that indoor car washing, minor motor adjustment, body work and paint, and flat tire repair are only performed incidental to the conduct of the service station.

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery, or as otherwise provided herein.

Yard, front, means an open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

Yard, rear, means an open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory buildings.

Yard, side, means an open, unoccupied space on the same lot with a building between the side line of the buildings.

Zoning amendment means changes in the zoning ordinances text or map, adopted by the town council upon recommendation by the planning board.

Zoning jurisdiction. The town shall have zoning jurisdiction within both its town limits and its extraterritorial planning jurisdiction of one mile beyond the town limits.

Zoning permit means a permit issued by the zoning administrator that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

Zoning variance means a modification or variation of the provisions of this chapter, as applied to a specific piece of property, as distinct from a zoning amendment.

(a) Unless the context clearly indicates to the contrary, words used in the present tense include the future; words used in the plural number include the singular, and words used in the singular include the plural; the word "herein" means in this chapter; the words "shall" or "must" are mandatory and not directory; the word "may" is permissive; the word "building" includes the word structure, and the words "structure" and "building" shall include any part thereof; the words "used" or "occupied," as applied to any land or building, shall be construed to include the words intended, arranged, or designed to be used or occupied; the word "lot" includes the words plot, parcel and tract.

(b) The term "person" shall include a corporation, a partnership and an unincorporated association such as a club; the word "development" shall be construed so as to include development by cooperative or collective or other similar means of development through common ownership or through the use of leasehold estates; and the words "immediately adjacent" shall be construed to mean all land abutting the subject property and extending 200 feet therefrom or, when said property so defined includes right-of-way, it shall mean all land abutting the right-of-way and extending 200 feet therefrom.

(d) The term "council" means the Chadbourn town council; the term "planning board" means the planning board of Chadbourn; the term "board of commissioners" means the county board of commissioners; and the term "board of adjustment" means the Chadbourn board of adjustment.

(Code 1990, § 153.007; Ord. of 11-20-1989; Ord. of 9-10-2002(9); Ord. of 12-3-2002(3); Ord. No. 2003-002, 2-4-2003)