

## ARTICLE 2

### DEFINITIONS

#### **Section 2-1 Interpretation of Commonly Used Terms and Words**

- 2-1.1 Words used in the present tense include the future tense.
- 2-1.2 Words used in the singular number include the plural, and words used in the plural number include the singular unless the natural construction of the wording indicates otherwise.
- 2-1.3 The word "person" includes a firm, association, corporation, trust and company as well as an individual.
- 2-1.4 The words "used for" shall include the meaning "designed for."
- 2-1.5 The word "structure" shall include the meaning "building."

#### **Section 2-2 Definitions**

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

**Bona Fide Farm** - Crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses shall be in the same ownership as the farm and located on the farm.

**Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year.

**Buffer Strip** - A buffer strip shall consist of a strip at least ten (10) feet in width, consisting of a compact evergreen hedge or other type of evergreen foliage screening, or shall be a screening fence or wall so constructed to provide at least equivalent screening from adjoining properties. If a screening fence is used, the ten (10) foot width shall not be required.

**Building** - Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes.

**Building, Accessory** - A use or structure customarily incidental and subordinate to the main or principal building and located on the same lot.

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

**Building Line** - A line parallel to the front property line running from side yard to side yard where the principal building will be located.

**Building, Principal** - A building where the principal use of the lot is situated.

**Building, Setback Line** - A line establishing the minimum allowable distance between the main or front wall of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line (or the assumed right-of-way line) when measured perpendicularly.

**Condominium** - A dwelling unit owned as a single-family home within a multiple unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators.

**Day-Car Facility** - Any day-care center or child-care arrangement that provides day care for more than five (5) children unrelated to the operator and for which a payment fee or grant is received, excluding foster homes, public or private schools which provide a course of grade school instruction to children of public school age, summer day or residence camps.

**Dwelling** - A building that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**Dwelling Unit** - A single unit providing complete, independent living *facilities* for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Dwelling, Single-Family** - A detached building designed for or occupied exclusively by one (1) family.

**Dwelling, Two-Family** - A building arranged or designed to be occupied by two (2) families living independently of each other.

**Dwelling, Multi-Family** - A building or portion of that building used or designed as residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, and group housing projects.

**Electronic Display Screen** - A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

**Electronic Message Center** - Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Flood Hazard Boundary Map (FHBM)** - An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Incidental Home Occupation** - Any profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises, provided that no merchandise or commodity is sold or offered for sale on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and provided further that not over twenty-five (25) percent of the total actual floor area or any structure is used for home occupation (work within the home) or professional purposes and that all parking generated by the conduct of such home occupation be off the street and other than in a required front yard.

**Easement** - A grant by a property owner of a strip of land for specified purpose and use by the public, a corporation, or individual.

**Family** - One or more individuals occupying a premise and living as a single, nonprofit housekeeping unit.

**Gross Floor Area** - The total floor area of all buildings in a project including easements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

**Hotel (Motel)** - A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodations of such guests and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guest, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings.

**Junked or Wrecked Motor Vehicles** - Motor vehicles not registered with the State of North Carolina, lacks current North Carolina inspection stickers, and either (a) incapable of operation, or (b) partially dismantled.

**Junk Yard** - An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap of used materials such as paper products or articles such as machinery, vehicles, appliances, and the like.

**Kennel, Private** - A facility, where three or more adult animals, particularly dogs and cats, are housed.

**Kennel, Commercial** - A facility where animals, particularly dogs and cats, are boarded and grooming services offered. These services are open to the general public and a fee may be charged.

**Lot** - A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this ordinance. For the purpose of this ordinance, the word "lot" shall mean any number of contiguous lots or portions of lots upon which one (1) principal building and its accessory buildings are located or are intended to be located.

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

**Lot, Depth** - The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

**Lot, Interior** - A lot other than a corner lot.

**Lot, Through** - An interior lot having frontage on two streets.

**Lot of Record** - A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, and recorded prior to the adoption of this ordinance.

**Lot Width** - The distance between side lot lines measured at the building setback line.

**Lowest Floor** - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure unable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of this ordinance.

**Manufactured Home** - A dwelling unit that (a) is not constructed in accordance with the standards set forth in the North Carolina State Building Code and (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (c) exceeds forty (40) feet in length and eight (8) feet in width. A manufactured home can be used for residential purposes only. It can not be used for any commercial activity such as an office.

**Manufactured Home, Class A** - A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria: (a) the unit has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis; (b) each unit shall contain 1200 sq. feet of heated living area; (c) the pitch of the roof has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2 to 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction; (d) all roof structures shall provide an eave projection of not less than six inches, which may include a gutter; (e) the exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction; (f) the home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the unit; (g) stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure

and anchored securely to the ground; and (h) the moving hitch, wheels, and axles, and transporting lights have been removed.

**Manufactured Home, Class B** - A unit constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction. In addition, a Class B unit satisfies the appearance criteria of Class A units, except for criteria (a) the unit has a length not exceeding four times its width, with length measured along the long axis and width measured at the narrowest part of the other axis, and (b) each unit shall contain 1200 sq. feet of heated living space.

**Manufactured Home, Class C** - Any mobile home that does not meet the criteria of a Class A or Class B.

**Manufactured Home Park** - Any tract of land set up and maintained as a parking place for two (2) or more manufactured homes and a rental fee is paid to the landowner or park operator.

**Manufactured Home Space** - Any parcel of ground within a manufactured home park designed for the exclusive use of one (1) manufactured home.

**Mini-Warehouse** - A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

**Modular Home** - Any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly and installation on the building site other than mobile homes or recreational vehicles. Modular buildings shall comply with all codes applicable to residential construction. Modular units shall be considered the same as any conventional, site-built home.

**Nonconforming Use or Structure** - Any use of a building or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.

**Obstruction** - Any structure, fence, shrub, tree, bush, flower, plant, motor vehicle, or any other object that obscures, impairs, or prevents view or sight through, over, or across the horizontal or vertical distance area.

**Open Space** - Unroofed storage area, whether fenced or not.

**Parking Space** - A storage of not less than eight and half (8 and 1/2) feet by eighteen (18) feet for one (1) automobile, plus the necessary access space. It shall be always located outside the dedicated street right-of-way.

**Restaurant, Drive-thru** - An establishment where food and drink is prepared and consumed primarily within the principal building. However, a drive-thru window and outside tables may be provided for the consumption of food or drink outside or away from the principal building.

**Setback Lines** - The lines on the front, rear, and sides of a lot which delineate the area within which a structure may be built and maintained according to the district regulations.

**Sign** - Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designees, trade names, or trademarks used to promote an individual, firm, association, corporation, profession, business, commodity, or product.

**Sign Area** - The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area. In computing sign area, only one (1) side of a double-face sign structure shall be considered.

**Sign, Free Standing** - Any sign which is attached to or mounted upon the ground by means of one or more upright posts, pillars, or braces placed upon the ground, and which is not attached to any building (excludes billboards, poster panels, and outdoor advertising signs).

**Sign, Direct Illumination** - A sign lighted with an internal lighting source.

**Sign, Indirect Illumination** - A sign lighted with an external lighting source.

**Sign, Local Interest** - A sign of a temporary nature used to advertise or announce a particular event of normally local concern.

**Sign, Off-Site (Billboard)** - 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.

**Sign, On-Site** - Signs relating in subject matter to the premises where located, or to products, accommodations, services, or activities on the premises.

**Sign, Permanent** - Signs erected, located or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

**Sign, Projecting** - A sign projecting from the exterior wall of a building or suspended from and supported by the underside of a horizontal surface, such as a canopy.

**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.

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

**Structure** - Anything constructed or erected, the use of which require more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

**Swimming Pool** - Any structure, basin, chamber, hot tub, or tank containing an artificial body of water having a depth at any point of more than 18 inches and intended for swimming, diving, or recreational bathing. Swimming pools shall be considered accessory uses and must meet all applicable setback requirements.

**Variance** - A modification of the existing zoning ordinance by the Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to circumstances unique to the individual property where the variance is granted.

**Yard** - An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except where encroachments and accessory buildings are expressly permitted.

**Yard, Front** - An open, unoccupied space extending the full width of the lot and situated between the right-of-way line of the street and the building setback line.

**Yard, Side** - An open, unoccupied space situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Yard, Rear** - An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.