
SECTION 8 DEFINITIONS

8.1 GENERAL PURPOSE

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. The following rules of construction shall be used in interpreting words contained in this Ordinance. Words not specifically defined shall assume their everyday dictionary definitions. Where a word or words may be interpreted in more than one manner, the more restrictive meaning shall be employed.

1. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
2. The word "lot" includes the word "plot" or "parcel".
3. 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".
4. The word "Zoning Map", or "Waxhaw Zoning Map", or "Official Zoning Map" shall mean the Official Zoning Map of Waxhaw, North Carolina, as amended.
5. Any word denoting gender includes the female and the male.
6. The term "Board of Commissioners" or "Town Board" or "Town Commission" shall mean the "Board of Commissioners of Waxhaw, North Carolina".
7. The term "Planning Board" shall mean the "Planning Board of Waxhaw, North Carolina".
8. The term "Board of Adjustment" shall mean the "Board of Adjustment of Waxhaw, North Carolina".
9. The term "Administrator" shall mean the "Unified Development Ordinance Administrator of Waxhaw, North Carolina" or a person(s) so designated to perform some or all of the tasks of the Administrator.

10. The term "Street" shall mean "Road".
11. In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.
12. In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.
13. The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.
14. The word "may" is permissive in nature, except when the context of the particular use is negative. In such cases it shall be construed as being mandatory.
15. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
16. Words used in the masculine gender include the feminine gender.
17. Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified.
18. The terms "Residential zone (district)", "Office zone (district)", "Commercial zone (district)", or "Industrial zone (district)" shall also be deemed to respectively mean the Residential, Office, Commercial, or Industrial portions of a Planned Unit Development or a Planned Residential Development.
19. Additional definitions pertaining to the Airport Overlay District (AO) are found in Section 6.6. Additional definitions pertaining to the FP Flood Hazard District are found in Section 6.5. Additional definitions regarding Tree Preservation standards are also contained in Section 9. Additional definitions pertaining to vested right regulations are found in Section 17. Where conflicts arise between those definitions and any definitions contained herein, the definitions contained in those sections shall control as applied to those particular sections.
20. Words used in the present tense include the future tense.
21. The word "structure" shall include the word "building".

8.2 DEFINITIONS

ABC Store - A retail establishment at which liquors are sold to the general public and which is run under the auspices of the local Alcohol and Beverage Control (ABC) Board.

Accessory Building - A detached subordinate Building, the Use of which is incidental to that of the Principal Structure and located on the same Lot therewith.

Accessory Structure - A detached subordinate Structure, the Use of which is incidental to that of the Principal Structure and located on the same lot therewith.

Administrator, Unified Development Ordinance – The person(s) appointed by the Waxhaw Board of Commissioners to administer and enforce this Ordinance. Among other things, such person shall have the authority to approve zoning permits, issue notices of violation, and approve final plats as called for under this Ordinance. This person may also be referred to as the “Administrator.”

Adult Establishment - See definition as per North Carolina General Statute 14-202.10, as may be amended.

Alley – A dedicated way that affords secondary access to the side or rear of abutting property. Side yards abutting alleys will meet the same requirements as street side yards or corner lots. Alleys may be considered for planned residential developments.

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

Amusement Park, Outdoors - A permanent, outdoor, pedestrian-oriented facility containing structures and facilities which house devices for entertainment, including rides, booths for the conduct of games, food and souvenir stands, and buildings for shows and entertainment.

Amusements, Indoor - Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, shooting ranges, and bowling alleys.

Amusements, Outdoor - Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

Animal Hospital (Indoor) - A place where animals are given medical or surgical

treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Animal Kennel - A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

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

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

Animation - The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination of the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

Art Gallery - A commercial establishment where individual pieces of art are sold to the general public on a retail basis. Works of art may also be sold on an auction basis at such an establishment.

Artist Studio and Related Workshops – The assembly, fabrication, production or processing of goods that involve the work of artisans or craftsman including, but not limited to, potters, metal smiths, painters, glass blowers or woodsmen. The outside of the building is visually undifferentiated from an office building or a residentially-scaled garage.

Attic - the interior part of a building contained within a pitched roof structure.

Auction House - A facility that is used for the purpose of having auctions on a regularly established basis.

Automobile Body Shop - A business which primarily involves the painting and/or external repair of damaged vehicles.

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

Automobile Club - An establishment that contracts out emergency auto services (e.g., fixing of flat tires, opening locked doors) to members through a network of independent automobile service stations. On-premise services including the sale of traveler's checks, travel guides, and travel agency services, may also be provided to club members and the general public.

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

Automobile Parts and Repair Store – A retail establishment primarily engaged in the selling of automobile and automotive parts. On-site repair and maintenance of vehicles and the retail sale of (pumped) automotive fuels may be provided.

Automobile Parts and Supply Store – A retail establishment engaged in the selling of automobile and automotive parts, supplies, and accessories. The sale of automotive fuels (in pumps) shall be prohibited. This type of retail service is one that provides limited repair such as, but not limited to, replacement of windshield wipers, testing of batteries, etc. In no case shall vehicles remain in the parking lot over night.

Automobile Repair Garage - A commercial establishment whose primary purpose involves the maintenance and servicing of vehicles. This use does not include automobile body shops. No nuisance or junk vehicles that are in violation of the Town of Waxhaw' Junk Vehicle Ordinance shall be allowed on premises.

Automobile Salvage Yard - See "Junk Yard and Automobile Salvage Yard".

Automobile Service Station/Gas Station - Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive maintenance repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station.

Automotive Towing and Wrecker Service - An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and

violations. This shall not include vehicular salvaging operations or the sale of salvaged vehicular parts. This use is not to be construed as a junkyard or an automobile salvage yard.

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

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

Automobile Wrecker Service - See "Automobile Towing and Wrecker Service"

Awning - A protective cover over a door, entrance, window, or outdoor service area that is attached to or cantilevered from a building. An "awning" may also be referred to as a "canopy." Permanent marquees and porticoes, which are designed as a continuous or integral part of the structure, shall not be considered awnings.

Bakery (Retail) - The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced is for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, are considered a "manufacturing" use.

Balloon - A nonporous bag of material filled with heated or non-heated air or gas so as to rise of float in the atmosphere.

Bank - See "Financial Institution"

Bank Teller Machine (i.e., ATM's) - An outdoor self-service facility, normally accessible twenty- four hours daily, where patrons can access cash and certain other banking services. The machines may be housed outdoors or within its own enclosed booth.

Banner - A sign or outside advertising display having the character, letters, illustrations, ornamentation, symbols, color or visual representation applied to

cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Bar- See "Lounge."

Bay Window - A window or series of windows forming a bay or recess in a room and projecting outward from the wall.

Beauty Shop (Beauty Salon) – An establishment that primarily provides hair care services (i.e. cuts, color, styling, etc.). Accessory services may include skin care, nail care, massage therapy and similar spa type services.

Bed and Breakfast Inn - A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

- a. Does not serve food or drink to the general public for pay;
- b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- c. Includes the price of breakfast in the room rate; and
- d. Is the permanent residence of the owner or the manager of the business.

Bicycle Lane - a dedicated lane for cycling within a vehicular Street, demarcated by striping.

Bicycle Lane, Protected - a dedicated lane for cycling within a vehicular Street, demarcated by striping and separated by either a planted buffer or barrier.

Bill Board - An off-premises sign owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign.

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

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 System - any utility, mechanical, electrical, structural, engross, or fire protection/safety system.

Building and Home Materials Center (i.e., hardware stores) - A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g., lawn mowers, appliances, etc.) Such an establishment is commonly referred to as a "hardware store". Such establishment shall have a gross leasable area of no greater than fifteen-thousand (15,000) square feet. All retail stock (except plant materials) which is stored outdoors must be screened in accordance with Section 9.8.

Building Front - The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

Building Height - The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs. Roof appurtenances such as sky lights; roof structures for elevators; stairways; tanks; heating, ventilating and air-conditioning equipment; or similar operating and/or maintenance equipment shall be excluded from this measurement. In computing the height of a building, the height of a basement, if below the grade from which the height is measured, shall not be included.

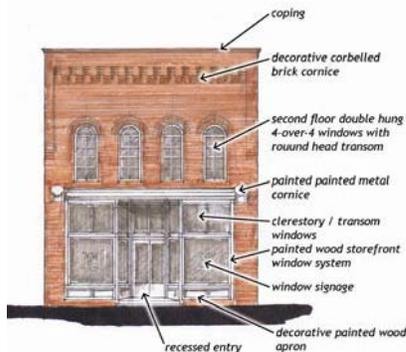
Building Line - A line perpendicular to the Lot Depth that establishes the horizontal distance between the Structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar features.

Build-to Line – An alignment established a certain distance from the curb line to a line along which the building shall be built.

Building Marker - A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Building, Principal - A building in which is conducted the principal use on the lot on which said building is situated.

Building, Traditional Storefront – A building constructed for and designed to facilitate retail activity. Large expanses of glass in the ground-floor façade allow pedestrians to look into shops and see displayed merchandise. Some traditional storefront buildings have had façade changes to remove the large expanses of glass; however, this alteration does not prevent a building from being defined as a traditional storefront building. Traditional storefront buildings largely make up the building type found in the C-4 *Central Business District*.



Business Support Services - These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, tax preparation, legal services and office product sales.

By Right - characterizing a proposal or component of a proposal that may be approved administratively, without public hearing.

Caliper- The trunk diameter of a newly planted tree measured in accordance with A.A.N. (American Association of Nurserymen) standards.

Camping and Recreational Vehicle Park - Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. A "manufactured home park" shall not be deemed a "camping and recreational vehicle park". The maximum length of stay at a camping and recreational vehicle park shall be thirty (30) days.

Canopy - A protective cover over a door, entrance, window, or outdoor service area that is attached to or cantilevered from a building. A "canopy" may also be referred to as an "awning." Permanent marquees and porticoes, which are designed as a continuous or integral part of the structure, shall not be considered canopies.

Car Wash - See "Automobile Wash"

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

Catalogue Sales Store - A store where a large variety of household items are sold to the general public on a retail basis primarily through the use of in-store catalogues.

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

Cemetery/Columbarium - Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, markers, crypts, or vaults for

use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries. A cemetery may also include a columbarium.

Church/House of Worship - Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores. Educational uses may also include the church/house of worship partnering with a college, university, or professional organization for a limited number of adult education classes, as part of a church affiliated community outreach program, for the purpose of assisting persons in securing employment, basic financial management or similar issues. When partnering with a college or university the partnering college or university may not offer any type of degree programs on site or any coursework for the purposes of achieving any type of degree to be granted from another institution.

Circus - A large enclosed area used especially for sports and animal performances that operates on an itinerant basis.

Civic Building - a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, and transit, or for use approved by the legislative body.

College/University - A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university shall not be considered a "vocational school" or a "school for the arts".

Combined Development - Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Common Area - All areas, including private streets, conveyed to an owners' association in a townhouse development, residential development, or owned on a proportional undivided basis in a condominium.

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

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

Communication Services Outlet - A retail establishment that sells telephones, beepers, pagers, etc. and may also provide servicing of such goods.

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

Community Garden - Land used for the cultivation of fruits, vegetables, plants, flowers or herbs by multiple users. Such land may include available public land.

Conditional Use - A use permitted in a particular zoning district by the Board of Commissioners after having held a public hearing and determined that such use in a specified location complies with certain findings of fact as specified in this Ordinance.

Conditional Use Permit - An authorization issued by the Board of Commissioners for a conditional use or for the rezoning of one or more properties to a Conditional Use District (CUD) and which may be subject to any specific restrictions or conditions on its size, location, construction, hours of operation, character of use, and other fair and reasonable conditions as specified by the Board of Commissioners.

Conference/Convention Center - A building or complex of buildings that is used as a conference center and may include auditoriums, meeting rooms, exhibition space, and banquet facilities.

Configuration - the form of a building, based on its massing, Private Frontage, and height.

Congregate Care Facility - Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Construction Trailer - A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction

site on a temporary basis for office and/or storage purposes.

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

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

Contractors' Storage and Equipment Yard - A place where construction equipment used by building contractors is externally stored.

Consumer Service Offices – A use that provides services to a consumer (i.e. bank, power company, gas company, telecommunications company)

Convenience Store - A one story, retail store operating anytime between the hours of 6:00 AM and midnight containing less than three-thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily food (packaged and/or prepared on-site), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food store"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Fuel may also be sold at such a facility; however, no more than four (4) vehicles may be accommodated simultaneously for fueling. Any such facility shall be deemed a "mini-mart" which can accommodate more than four (4) vehicles simultaneously for fueling.

Correctional Institution - Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

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

Craft Studio - An establishment where works of art are individually created on-

premises by no more than five artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and airbrushes.

Crematorium - A facility designed for the cremation of human bodies.

Cul-de-sac - A street with a single common point of ingress and egress and with a turnaround at its end.

Cultural or Community Facility - Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; exhibition, or similar facility; and libraries.

Curb - the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system.

Curb Cut - A lowered, discontinued and/or cut-away opening in street curbing for the purposes of permitting ingress/egress to property abutting a street. The term curb cut shall be construed to include the term driveway cut.

D.B.H. (Diameter at Breast Height)- The trunk diameter of a tree measured at a point four and one-half feet (4 ½) feet above the ground.

Day Care Center - An establishment where attendant care is provided in a group setting on a regular basis to persons on a fee basis. Persons are normally left off at the facility and picked up at a designated time later that day. Such a facility may be a principal or accessory use, in accordance with the regulations of this Ordinance.

Day Care Center, Accessory - A day care center facility located on the premises of an office use, institutional use, commercial use, industrial use, or unified development for the primary purpose of care for the dependents of employees of such commercial, office, institutional, or industrial use. At least sixty-six (66) percent of the clients enrolled shall be dependents of employees of the establishment(s) to which the day care center is an accessory. In locating an accessory day care center, consideration shall be given to the safe access of clients entering and leaving the facility.

Day Care Center, in Single Family Structure and up to 5 children/persons - A detached single-family residence in which day care is regularly provided to less than six (6) children, handicapped persons, or senior citizens, unrelated by blood or marriage and who are not the legal wards or foster children of the attendant adult(s).

Persons who are related by blood or marriage or who are the legal wards or foster children of the attendant adult(s) shall not be counted as patrons of the "home day care center". This particular day care center shall not be deemed a "family care home". It shall be deemed an accessory use to said residence. The principal use of the dwelling shall be the single-family residence.

Day Care Center, located in church or school, up to 50 children - A day care center run by a church or school where day care is provided to up to fifty (50) children, handicapped persons, or senior centers. (Enrollment limits are determined by State of North Carolina licensing requirements, as applicable.) The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on another lot owned by the church or school where religious or educational activities are regularly conducted. An "institutional day care center" shall not be deemed a "family care home". A church or school day care center that provides care to more than fifty (50) clients shall be deemed a "community day care center". A pre-school operation shall not be deemed a "school or church day care center" provided its hours of operation are limited to no more than five (5) hours per day. After-school care programs shall also not be deemed a "school or church day care center" provided the after school care program is located in a public or private elementary or secondary school.

Day Care Center, located in church or school, over 50 children - A day care center run by a church or school where day care is provided to more than fifty (50) children, handicapped persons, or senior citizens. (Enrollment limits are determined by State of North Carolina licensing requirements, as applicable.) The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing such church or school.

Dedication - A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Density - the number of dwelling units or other unit of measure, such as square feet of building floor area within a standard measure of land area.

Density, Gross - A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area of the parcel(s) to be developed.

Design Speed - is the velocity at which a Street tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed.

Development - The subdivision, occupancy, improvement and/or use of land for any purpose; and/or, construction, erection, alteration, and/or improvement of a building for any purposes, including the movement to or from of any building, structure or improvement. The term development shall not include the use of land for forest, agricultural or game preservation provided said land does not contain any structural improvements other than fencing and/or grading for water retention.

Development Plan - A detailed drawing(s) containing specific information regarding proposed development within the Town.

Disposition - the placement of a building on its Lot.

District - Any section of the zoning jurisdiction in which zoning regulations are uniform.

Doctor's Office - An office facility containing space for patient waiting rooms, treatment areas and laboratory space for up to two (2) medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, psychologists, licensed nurse/midwife, licensed physical therapist, licensed nurse practitioner, licensed respiratory therapist or optometrist.

Drapery and Linen Shop - A retail establishment where draperies, curtains, towels, sheets, and other domestic items are sold on a retail basis.

Drive - a Street along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Street, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

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

Drive-Thru/Drive-In Facility - A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through

coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

Driveway - a vehicular lane within a Lot, often leading to a garage.

Driveway, Private - A roadway serving two (2) or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

Drugstore - See "Pharmacy".

Dry Cleaning and Laundry Plant – A commercial facility at which clothes are brought to be dry- cleaned and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a dry cleaning service outlet.

Dry Cleaning & Laundry Services - Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

Dry Cleaning Service Outlet – An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at this facility. If laundering and/or dry cleaning of clothes from other service outlets take place, it shall be considered a “dry cleaning and laundry plant”.

Duplex - See "Dwelling, Two-family”.

Dwelling - A dwelling or that portion of a multi-family dwelling used or designed as a residence for a single family.

Dwelling, Accessory – An attached or detached dwelling that exists on the same lot but is secondary to the primary single-family residential structure on the lot. No more than one accessory dwelling is permitted on a single lot and shall conform to the requirements set forth in this Ordinance. The accessory dwelling unit shall be 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, Attached - A dwelling unit attached side-by-side to two or more other dwelling units by common vertical walls.

Dwelling, Detached - A dwelling unit not attached to another dwelling unit that is developed with open yards on at least three (3) sides.

Dwelling, Mixed Use - A structure which contains both a principal residential and nonresidential use.

Dwelling, Multi-Family - Three (3) or more dwelling units placed on top of another or side by side and sharing common walls, floors, and ceilings. Such units shall generally be developed in a unified manner and shall be located on one lot (unless the individual dwelling units are under condominium ownership).

Dwelling, Multi-Family Conversion – Three (3) or more dwelling units created on top of another or side by side and sharing common walls, floors, and ceilings within an existing structure.

Dwelling, Single-Family, Attached - A dwelling unit attached side-by-side to two or more other dwelling units by common vertical walls. Each dwelling unit shall be located on a separately deeded lot.

Dwelling, Single-Family, Detached - A detached dwelling unit designed for or occupied by one (1) family, but not to include manufactured homes as defined by this Ordinance.

Dwelling, Two-family - Two dwelling units, including modular homes, attached along and sharing one or more common walls and located on a single lot.

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. Unit located within motels or hotels or travel trailers shall not be included as "dwelling units".

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

Effective Date of this Section - The effective date of this Section as originally adopted, or by the effective date of an amendment to it if the amendment makes a sign non-conforming.

Effective Turning Radius - the measurement of the inside Turning Radius taking parked cars into account. See Section 6.1.

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, including sweepstakes, and where money, credit, merchandise or other items or allowance of value are redeemed by 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, cybercafés, sweepstakes entertainment business, or internet sweepstakes. This does not include any lottery approved by the State of North Carolina.

Electronic Message Board - A sign or portion thereof, where the message copy includes characters, letters or numbers displayed through electric current that can be changed or rearranged electronically without touching or physically altering the primary surface of the sign. Message copy may be changed in the field or from a remote location.

Elevation - an exterior wall of a building not along a Frontage Line.

Encroach -: to extend through the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment - any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront - to place an element along a Frontage, as in “porches Enfront the street.”

Equestrian Facility – See “Horse Stable” or “Riding Academy”.

Event Center- A building that may contain a bed and breakfast, a meeting facility, on-site food preparation, and may be used for banquets, receptions, or similar events. The facility may make some or all services available to the general public in addition to guests.

Existing Building or Structure - any building or structure having a Certificate of Occupancy as of the effective date of this ordinance.

Facade - The entire building walls, including wall faces, parapets, fascia, windows, doors, and canopy of one complete elevation.

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

Family - One (1) or more persons occupying a Dwelling Unit and living as a single household.

Family Care Home- A home 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 persons with disabilities (per NCGS Section 168-21(1)), six unwed mothers and their neonates, or 6 battered spouses and their children. No family care home shall be located within one half mile of another family care home.

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

Farmers' Market - A market on pre-established dates at which locally and regionally grown farm products are sold on a retail basis. Baked good items, hand-made crafts, and produce items not native to this region may also be sold but may not constitute a majority of total sales.

Farm Products - Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products) and fish.

Fence - A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material used as a boundary or means of protection or confinement, but not including a hedge or other natural growth.

Festoon Lighting - A string of outdoor lights suspended between two or more points.

Finance Company - A commercial establishment primarily involved in the lending of money to individuals on a short-term basis.

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

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

Flea Market - An outdoor or indoor market held on pre-established dates where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a "farmers market" in that the

majority of goods sold at a flea market are non-edible.

Florist, Retail - A retail commercial establishment where flowers or ornamental plants are sold indoors.

Food Store - An establishment greater than three-thousand (3,000) square feet in area which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison-shopping. The sale of fuel at fuel stations shall not be permitted. A food store may be open twenty-four (24) hours a day.

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

Fraternal and Service Organization Meeting Facility (Non-Profit and Not-For-Profit) - A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Frontage - the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

Frontage Line - a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines.

Frontage, Principal - On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the first Layer pertain to both Frontages of a corner Lot. See Frontage.

Frontage, Private - the privately held Layer between the Frontage Line and the Principal Building Facade.

Frontage, Public - the area between the Curb of the vehicular lanes and the Frontage Line.

Frontage, Secondary - on corner Lots, the Private Frontage that is not the Principal Frontage. Its First Layer is regulated only as it affects the public realm.

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

Funeral Home - A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Game Room - A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeet ball machines. A facility shall be deemed a game room if it has eight (8) or more of such machines. If three (3) or more pool tables are provided, the facility shall also be deemed a "pool hall".

Garage Sale - See "Yard Sale"

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

Gas Station - See "Automobile Service Station"

General Commercial - A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

General Commercial, 10,000 SF to 25,000 SF - A use category allowing general commercial premises between 10,000 square feet and 25,000 square feet in gross leasable area to be available for the commercial sale of merchandise, and foods (fresh and prepared), but excluding manufacturing.

General Commercial, Greater than 25,000 SF - A use category allowing general commercial premises greater than 25,000 square feet in gross leasable area to be

available for the commercial sale of merchandise, and foods (fresh and prepared), but excluding manufacturing.

General Office - Buildings used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity. This includes services that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; insurance-related services; and counseling offices.

Glass Contractor -An establishment that provides mobile on-site glass repair and/or installation services.

Golf Course - A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters. A "golf course" may also include "par-3" facilities.

Golf Course, Miniature and Golf Driving Range - A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

Grade - The uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest city or state street curb.

Grocery Store – See “Food Store.”

Gross Floor Area - The sum of the gross horizontal areas of each floor of the principal building, and any accessory building or structures measured from outside of 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 crawlspace. This term also excludes pedestrian walkways and common areas within enclosed shopping facilities.

Gross Leasable Area - The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

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

Group Care Facility - A facility licensed by the State of North Carolina, or a battered spouses shelter or unwed mothers home, by whatever name it is called, other than a "Family Care Home", as herein defined) with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) handicapped persons, unwed mothers with their neonates, and battered spouses with their children.

Group Home – See “Family Care Home.”

Gunsmith - A commercial facility limited to the repair and servicing of guns and rifles.

Halfway House - A professionally managed and staffed place where up to 6 residents (not including staff or supervisors) are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense. This definition does not include persons who are dangerous to others.

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

Hardware Store - See "Building and Home Materials Center".

Heavy Equipment/Manufactured Home Rental/Sales - Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, RVs, boats or marine craft, construction equipment, farm equipment, industrial equipment, manufacturing machinery, or textile machinery.

Historic Building - Any building so designated by the Historic Preservation Commission as an historic property pursuant to the criteria established in Section 19 “Historic Preservation.”

Holiday Decorations - Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

Home Center (i.e., home improvement store) - An establishment which may sell various household goods, tools and building materials, durable household goods (e.g., refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g., nursery items,

lumber goods,) may be kept outdoors. All such stock (except plant materials) shall be screened. At least seventy-five (75%) of all indoor floor-good space shall be for retail sales. Likely examples of such uses include "Lowe's", "Home Depot", etc.

Home Decorating Center - A commercial establishment that sells home decorating items (e.g., paint, carpet, wallpaper, tiles, etc.) and may also supply professional home decorating assistance.

Home for the Aged/Infirmed - A residential institution licensed by the State of North Carolina to provide basic living needs to seven or more elderly in-house residents. Congregate meals are served on-site to residents and 24-hour in-house services are provided.

Home Improvement Stores - See "Home Centers".

Home Occupation - A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such a person resides, and (ii) 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.

Without limiting the generality of the foregoing, in order to be regarded as having an insignificantly adverse impact on the surrounding neighborhood, a use must comply with the following criteria: (i) no goods, stock in trade, or other commodities may be displayed outside a fully enclosed structure, (ii) no on-premises retail sales of goods not produced on-site may occur, except that incidental retail sales may be permitted (for example hair products at a beauty shop), (iii) no more than two persons not a resident on the premises may be employed in connection with the purported home occupation, (iv) the use may not create objectionable noise, fumes, odor, dust or electrical interference, (v) not more than twenty-five percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 1,000 square feet of gross floor area (whichever is less), may be used for home occupation purposes and (vi) only vehicles used primarily as passenger vehicles may be used in connection with the home occupation.

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

Without limiting the generality of the foregoing, automobile repair shops, body shops and garages shall not be regarded as home occupations.

Horse Stable – An establishment where more than two (2) horses are housed, bred, boarded, trained, or sold for financial compensation.

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

Hotel/Motel - Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes "inns." For purposes of this ordinance, an "adult hotel or motel" shall not be considered a "hotel" and shall be governed as an "adult establishment".

Illumination, Indirect - Illumination that reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

Illumination, Internal - Illumination provided from a source located inside or within the face of the sign

Industry, Heavy - A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing a product or commodity. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, seven days a week).

Industry, Light - A non-residential use that involves the manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities typically do not generate visible impacts beyond that of a typical office building, but may rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the

manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries. Examples may include the production of small consumer goods such as the manufacture of clothes, shoes, furniture, consumer electronics and home appliances. Micro-breweries and tasting rooms are also included.

Impervious Cover or Surface - Any structure, material, or ground cover consisting of but not limited to asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

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

Individual Establishment or Business - A single establishment or business occupying one or more buildings designed to function as a single enterprise that does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

Infrastructure - The whole system of improvements required for the use of undeveloped land to allow it to be used for its intended subdivided purpose. This includes but is not limited to public streets, street curb and gutter, sidewalks, public sewer, public water, storm water detention, drainage features, traffic control devices, street lighting, street signs, mailboxes, and landscaping.

Interior Decorator - A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public is generally not offered.

Junk/Salvage Yard - Any land or area Used, in whole or in part, for the storage, keeping, or accumulation of material, scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

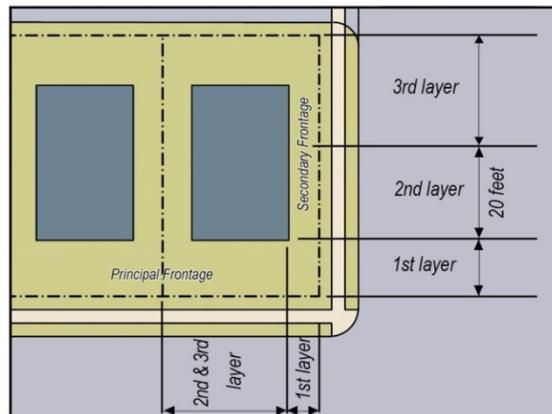
Landfill, Demolition - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or re-contour land using only soil or a fill operation, as defined by N.C.G.S

130A-294(m), which consists of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous materials shall not be construed to be such a landfill.

Landfill, Demolition (On-Site) - A demolition landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed.

Landfill, Sanitary - A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse as defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Layer - a range of depth of a Lot within which certain elements are permitted. **1st Layer** – distance from right-of-way to front of building; **2nd Layer** – 20 feet measured from Principal Frontage Line **3rd Layer** – remainder of lot.



Light Emitting Diodes (LED) – Electronic device that emits light when an electric current flows through it.

Light Manufacturing Workshop - The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman.

Liner Building - a building specifically designed to mask a parking lot or a Parking Structure from a Public Way. Such building may be either detached or embedded in the parking structure.

Live-Work Units - An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy).

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

Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or for development or both. The word "Lot" includes "plot", "parcel", or "tract".

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 thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal; in which case, the owner shall be required to specify which is the front when requesting a building permit.

Lot Coverage - That portion of a lot occupied by buildings, structures and/or improvements, including paving and/or surface treatment materials (impervious paving materials, gravel, etc.).

Lot Depth - The distance along the perpendicular bisector of the Lot.

Lot, Interior - A lot other than a corner lot with only one frontage on a street.

Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Union County 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.

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

Lot Line, Front - The lot line separating a lot from a street right-of-way.

Lot, Line Interior - A lot line which does not have street frontage.

Lot Line, Rear - The lot line opposite and most distant from the front lot line.

Lot Line, Side - Any lot line abutting another lot that is not a front or rear lot line.

Lot, Panhandle - A lot having shape and configuration such that it connects to street frontage by an extension and/or arm of the main portion of the lot.

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

Lot Width - The mean width measured at right angles to its depth at the actual or proposed building setback line.

Lounge - An establishment (e.g., bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food, if provided, is accessory to the primary use. To qualify as a lounge, an establishment's gross receipts from alcoholic beverages exceed fifty percent (50 %) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. Live entertainment and dancing facilities may be provided. Any lounge that provides facilities or services that satisfy any portion of the definition of "adult establishment" per G.S. 14.202.10 shall be considered an "adult establishment". Lounges located within restaurants or motels shall be considered as accessory uses to such uses and are allowed in a particular zoning district to the same extent that the restaurant or motel are allowed. Any lounge whether public or private, that serves alcoholic beverages, shall be licensed to dispense such beverages by the State of North Carolina.

Lumber and Building Materials Yard - An establishment where lumber and building materials goods are the primary products sold.

Lumen – A unit of measurement of the quantity of light that falls on an area of one square foot every point of which is one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens. For the purpose of this Ordinance, the lumen-output value shall be the initial lumen output ratings of a lamp.

Luminaire - A complete lighting unit consisting of a light source (from one or more lamps) and all necessary electrical, mechanical, and decorative parts. Also called a "lighting fixture".

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

Major Renovation - Any construction, reconstruction, structural alteration, expansion, enlargement, or remodeling conducted within any two (2) year period, the total cost of which exceeds 51% of the assessed value of the existing building(s) on the property.

Mansard - A steeply pitched roof, pitched at such an angle as to resemble a building wall.

Manufactured Goods, Class 1 - Manufacturing, refining, processing, or assembly of

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

All manufacturing industries not listed in Manufactured Goods, Class 2 (as identified by SIC Group Number, Division or Industry Number(s)) are considered to be Class 1 uses.

Manufactured Goods, Class 2 - Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use"):

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

- a. Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- b. Pickled fruits and vegetables (SIC #2035)
- c. Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
- d. Animal feeds and pet foods (SIC #2047, 2048)
- e. Fats and oils (SIC Group #207)
- f. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
- g. Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC 2091, 2092)

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- h. The following manufacturing listed under SIC #2099:
 - (1) Yeast
 - (2) Molasses and sweetening syrups
 - (3) Vinegar
 - i. Tobacco products (SIC Major Group #21) (Includes manufacturing stemming, and re-drying)
 - j. Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under (SIC #2231, 2253, 2252, 2251), the dying and finishing of wool and similar animal fibers
 - k. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
 - l. Sawmills and planning mills, general (SIC #2421)
 - m. Wood building and mobile homes (SIC Group #245)
 - n. Wood preserving; reconstituted wood products; pulp mills; paper mills, paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group #262; SIC Group #263)
 - o. Industrial inorganic chemicals; plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281; SIC Group #282)
 - p. Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
 - q. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
 - r. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
 - s. Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
 - t. Petroleum refining (SIC Group #291)
 - u. Asphalt paving and roofing materials (SIC Group #295)
 - v. Lubricating oils and greases (SIC #2992)
 - w. Products of petroleum and coal classified under SIC #2999
 - x. Tires and inner tubes (SIC Group #301)
 - y. Plastic products found under SIC Group #308 when resins are

- made at the same facility
- z. Leather tanning and finishing (SIC Group #311)
 - aa. Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
 - bb. Cement, hydraulic (SIC Group #324)
 - cc. Structural clay products (SIC Group #325)
 - dd. Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
 - ee. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
 - ff. Abrasive products; asbestos products; mineral wool; (SIC Group #3291; SIC #3292; SIC #3296)
 - gg. Minerals and earths, ground or otherwise treated (SIC #3295)
 - hh. Non-clay refractories (SIC #3297)
 - ii. Miscellaneous nonmetallic mineral products listed under (SIC #3299)
 - jj. Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331, SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)
 - kk. Metal heat-treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)
 - ll. Manufacture of other primary metal products listed under SIC #3399
 - mm. Manufacture of ordinance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
 - nn. Power, distribution and specialty transformers (SIC #3612)
 - oo. Electrical industrial carbon and graphic products (SIC #3624)
 - pp. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
 - qq. Motor vehicles; truck, bus and passenger car bodies; truck

- trailers; motor homes; (SIC #3711, 3713; SIC #3715; SIC #3716)
- rr. Railroad equipment (SIC #3743)
- ss. Motorcycles (SIC #3751) except bicycles and bicycle parts
- tt. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- uu. Camping trailers, caps for pick-up trucks (SIC #3792)
- vv. (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
- ww. Photographic supplies but not photographic equipment (SIC #3861)
- xx. All inks, paints, oils, enamels, and crayons (SIC #3952)
- yy. Carbon paper and inked ribbons (SIC #3955)
- zz. Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996
- aaa. Mining (all of SIC Division B)
- bbb. Oil and gas extraction (SIC Major Group #13)

Manufactured Home - A dwelling that 1) 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; 2) exceeds forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings; and 5) was constructed after July 1, 1976 and 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.

Type 1 - A manufactured Home (single wide) consisting of a single section home less than 15 feet in width or a double or multi-section home that does not meet the minimum requirements for the MH-1 District as set forth in this Ordinance. A Type 1 home meets or is capable of meeting the requirements of the MH-1 District as set forth in this Ordinance.

Type 2 - A Manufactured Home (double wide) consisting of a double or multi-section home at least 15 feet in width, which has a length not exceeding four (4) times the width and which meets or is capable of meeting the requirements for the MH-1

District as set forth in this Ordinance.

Manufactured Home Park (Mobile Home Park) - Any premises where two or more manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying to the public parking space for two or more manufactured homes for living and sleeping purposes.

Massage Therapist - An individual trained and professionally certified or licensed to provide massage therapy to individuals, the majority of whom are referrals from other medical professionals.

Materials Recovery & Waste Transfer Facilities - This industry comprises establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

Medical Center - A facility housing the offices of three (3) or more doctors (see definition of "doctor's office") where outpatient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be allowed.

Medical Services - Medical facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical offices such as physician's and dentist's office; but not including counseling offices.

Meeting Facility – A building available for rent to the general public for meetings and events. This type of facility may provide rooms of various sizes to accommodate one or more functions, restrooms or changing rooms for guest use, and/or a warming kitchen or similar food staging area. This use does not include on-site food preparation, lodging, or any personal care services. Also, this use does not include a club house or amenity center as an accessory use to a residential development.

Membership Warehouse Club - An establishment which sells a variety of consumer goods and services and items for small businesses and offices including small- and large-scale household appliances (e.g., refrigerators, washing machines), clothing items, electronic equipment, groceries, household animal supplies, nursery products, etc. Retail stock (e.g., nursery items, lumber goods), may be kept outdoors. All such stock (except for plant materials) shall be screened in accordance with Section 9.8. Sales are generally limited to members and their guests.

Mini-Mart - A one-story retail store containing less than three-thousand (3,000) square feet gross floor area that is designed and stocked to sell primarily food (pre-packaged or prepared on-site), beverages, and other household supplies to customers who purchase only a relatively few items in contrast to a "food store"). A "mini-mart" is different from a "convenience store" in that it may be open twenty-four hours.

Mini-Warehouse - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars; motorcycles; trailers; motor homes, pick-up trucks and similar-type and size vehicles; building materials. All such areas devoted for outdoor storage shall be screened per Section 9.8. Use of the leased storage spaces shall be for storage purposes only.

Mixed Use – The act of combining various types of development or uses (i.e. residential, commercial, office) within one structure or site.

Mobile Home - See "Manufactured Home"

Modular Dwelling - A dwelling constructed in accordance with the standards set forth in the N.C. State Building Code for one and two family dwellings and composed of components substantially assembled in a manufacturing plant and transported to the Building site for final assembly on a permanent foundation.

Monument Sales - An establishment where cemetery stones may be engraved, finished, and sold.

Motel – An establishment providing transient accommodations containing six (6) or more guest rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. For purposes of this ordinance, an "adult hotel or motel" shall not be considered a "motel" and shall be governed as an "adult establishment".

Motor Vehicle, Junked - A motor vehicle that does not display a current license plate and is one of the following: 1) partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).

Multi-Family Development - A tract of land under single, individual, corporate, firm partnership, or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitively programmed series of development operations. Such development shall consist of two (2) or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common

walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space.

Multi-Tenant Development - A non-residential development planned and developed in one or more buildings containing coordinated points of ingress and egress. Such developments contain more than one principal use and may contain one or more lots. Such developments can include office parks, and industrial parks, or shopping centers. Uses contained within these developments shall be limited to those allowed within the zoning district in which it is located.

Multi-Tenant Development, Class I - A multi-tenant development which meets the following criteria:

- a. The structure containing the multi-tenant development existed at the time of adoption of this definition.
- b. No exterior expansions to the structure housing the multi-tenant development may be made.
- c. The multi-tenant development is located in one principal structure.

Multi-Tenant Development, Class II - Any multi-tenant development which does not meet the criteria of Class I Multi-tenant development including those multi-tenant developments expanded externally after the adoption date of this definition and any multi-tenant development comprised of two (2) or more principal structures.

Mural – A piece of artwork applied to or integrated with a building wall. To be defined as a mural it must meet the following standards:

- a. Include no specific commercial product or text, although in it may include such generic products as automobiles, furniture, soft drinks or other items where the brand is not apparent; and
- b. Includes no legible text, picture, symbol or device of any kind that relates to a commercial business, product or service offered on the premises where the wall is located.
- c.

Murals that do not meet the above standards are considered a sign and shall be included in the calculations of allowable sign area.

Newsstand - An establishment that sells newspapers, magazines, candy, tobacco, and sundry products at the retail level. A newsstand may not sell materials so as to conform to the term "adult establishment" as defined in G.S. 14.202.10.

Noncommercial Copy - A sign message through pictures, illustrations, symbols and/or

words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Non-conforming sign - A sign legally established prior to the effective date of this ordinance or subsequent amendment thereto, that does not conform to the sign regulations found herein.

Non-conforming Situation - A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an 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 Non-conforming Situation may arise because a Lot does not meet minimum acreage requirements, because Structures do not satisfy Minimum Yard Requirements, because the relationship between existing Buildings and the land (in such matters as density and Setback requirements) is not in conformity with this Ordinance, or because land or Buildings are Used for purposes which are not in conformance with the list of permitted Uses for the District in which the property is located.

Non-conforming Building or Structure - A Non-conforming Situation that occurs when the height of a Structure or the relationship between an existing Building or Buildings and other Buildings or Lot lines do not conform to the dimensional regulations applicable to the District in which the property is located.

Non-conforming Lots of Record - A Lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet Minimum Area and/or Lot Width Requirements of the District in which the Lot is located.

Non-conforming Use - A Non-conforming Situation that occurs when property is used for a purpose or in a manner not permitted by the Use regulations applicable to the District in which the property is located.

Nursery/Garden Center - Industries in the Nursery and Garden Center subsector grow and sell crops mainly to be transplanted to another lot. The subsector comprises establishments, such as orchards, greenhouses, and nurseries, primarily engaged in wholesaling and retailing crops, plants, vines, or trees and their seeds.

Nursing Home - An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

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

Office Building - A building, a majority of which is used for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand. Retail uses serving the general public may also be located in such structures but shall not constitute a majority of the building's gross leasable area. There is a 5000sf maximum in OIS & C-4 Districts

Open Space - An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state; it may be for recreational facilities for Civic Space (see Section 21.4-1) or for reserved Open Space (Section 21.7-2).

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

Outside Storage - The storage of any material for a period greater than 48 hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property. Storage of construction materials on an active job site may not be defined as outside storage.

Outside Sales - The retail sale of goods and products outside of a permanent structure that are clearly secondary to the function contained in that structure. This includes, but is not limited to: landscape materials, lawn and garden supplies, and produce.

Owner - A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

Parapet - That portion of a building wall or false front that extends above the roofline.

Park, Active - A park that provides opportunities for active recreational activities to the general public like ball fields, jogging trails, exercise areas, and playgrounds. Private parks may be approved as part of a conditional use permit or conditional zoning to be located within a residential subdivision or multi-family development for use by the residents of the subdivision or multi-family development.

Park Facilities - Facilities and features related to the public use of parks and open space including but not limited to playgrounds, playing fields, picnic areas, public restrooms, and improvements for pedestrian, bicycle, and vehicular access.

Park, Passive – A public or private outdoor recreational use relying on a natural or man-made resource base that is developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relates to the natural qualities of the area and support facilities for such activities. Private parks may be approved as part of a conditional use permit or conditional zoning to be located within a residential subdivision or multi-family development for use by the residents of the subdivision or multi-family development.

Parking Lot/Structure (Principal Use) - A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory.

Parking Structure (Accessory Use) - a building containing one or more Stories of parking above grade.

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

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

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

Person - Any individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board or public or private institution, utility, cooperative, interstate body or other legal entity.

Personal Care Services – Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and makeup services.

Personal Services, Restricted - A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

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

Photocopy Service - An establishment that makes photocopies of items and related printing services and which may provide a variety of auxiliary services including the use of in-house computer equipment and the retail sale of papered goods and other products for the office.

Plan - Any documented and approved program of recommended action, policy, intention, etc., which sets forth goals and objectives along with criteria, standards, and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management. The Plan is sometimes referred to as "The Land Development Plan".

Planned Residential Development (PRD) - A development planned and developed as an integral unit consisting of one or more residential-unit types (as permitted in the underlying general zoning district) and conforming to all applicable lot and bulk regulations.

Planned Unit Development (PUD) - A development containing a minimum of ten (10) acres, planned and developed as an integral unit containing one or more residential, commercial, institutional or manufacturing uses. A planned unit development (PUD) differs from a planned residential development (PRD) in that whereas a PRD is limited to residential dwelling units, a PUD may or may not contain dwelling units.

Planter - the element of the Public Frontage which accommodates street trees, whether continuous or individual.

Plat - A map or plan of a parcel of land that is to be, or has been subdivided, and meeting the requirements of G.S. 47-30 as amended.

Pool Hall - An establishment that provides three or more pool tables for use by the general public.

Post-Development Appraised Value: An evaluation of a property's value that is

performed by a professional appraiser after a Certificate of Occupancy has been approved. The appraiser is usually chosen by the lender, but the appraisal is paid for by the borrower.

Postal Store and Contract Station - Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations.

Principal Building - A Building in which is conducted the Principal Use of the Lot on which it is located.

Principal Entrance - the main point of access for pedestrians into a building.

Principal Structure - A Structure in which is conducted the Principal Use of the Lot on which it is located.

Produce Stand - The sale of any form of agricultural or horticultural products at a freestanding retail stand structure by an individual.

Prototype – The original or model on which something is based or formed. Prototypes may be the initial, later revision, or full scale and functional form of a new device design made in single or small lot quantities.

Prototype Design and Development – The processes used by an engineering team to conceive, make, and test prototype devices. The processes used to make and test devices includes precision CNC turning and milling, wire EDM cutting, and other similar devices. Material property testing is completed on a basic test frame.

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

Public Street - A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic but not an alley.

Racetrack - A facility where vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which

seating space and accessory food stands may be provided.

Rear Alley (RA) - a vehicular way located to the rear of Lots providing access to service areas, parking, and Accessory Buildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Recess Line - a line prescribed for the full width of a Facade, above which there is a Stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the Enfronting public space. Var: Extension Line.

Recreation Facility, Indoor - Uses or structures for active recreation including gymnasiums, swimming pool, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses.

Recreation Facility, Outdoor - A tract of land designated and used by the general public for active recreation, primarily conducted outside of an enclosed building. Examples of such facilities shall include baseball hitting cages, miniature golf courses, Frisbee golf courses, driving ranges, tennis courts, playgrounds and skating rinks, and also includes their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. The term shall not include the terms "racetrack", "outdoor firing range", "stadiums", "amphitheaters", "amusement park", "country club", or "golf course".

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

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

Recycling Deposit Station (Principal Use) - A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. All such goods shall be housed at all times within the structure. The outdoor storage of all goods to be recycled shall be prohibited.

Recycling Station, Accessory - A recycling station facility which does not constitute the principal use on the lot upon which it is located and at which household goods

are deposited for recycling purposes and which are later transferred to a recycling processing facility or deposit station. Such facilities may or may not be manned and may be located either outdoors or within a principal building. If accessory to a principal residential use, it shall be available for use only by the residents thereof.

Regulating Map - the adopted map or set of maps that shows the Districts, Restricted Frontages, and rights-of-way that are subject to, or potentially subject to, regulation by Section 21 “Downtown Code.”

Rental Center (no outdoor storage) - A commercial establishment where household items and goods are offered for rent (and which may be for eventual sale) to the general public. This shall include the rental of prosthetics and medical supplies. Storage and display of all rental items shall be indoors.

Rental Center (with outdoor storage) - A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

Reserve Strip - A strip of land (usually only a few feet wide) owned privately, and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets.

Research and Development Facilities - This includes medical and testing laboratories but shall not include uses that require frequent deliveries by truck with more than two axles. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities.

Residential Care Facilities (more than 6 residents) - A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes residential/family care homes and halfway homes.

Restaurant - A commercial establishment other than a drive-in, drive-through or fast food restaurant where food is prepared, served and consumed primarily within the principal building. To qualify as a restaurant, an establishment’s gross receipts from food and nonalcoholic beverages shall not be less than fifty percent (50%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. Any restaurant whether public or private, that serves alcoholic beverages, shall be

licensed to dispense such beverages by the State of North Carolina.

Restaurant, Drive-In - An establishment where food products are sold in a form ready for consumption and where consumption is designed to take place on-site outside the confines of a building. At drive-in restaurants, customers may order their food from individual outdoor calling stations rather than at a centrally located drive-in service window commonly found at "drive-through" or "fast-food" restaurants.

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

Restaurant, Fast Food - An establishment whose principal business is the sale of pre-cooked or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally located outdoor calling station. Such restaurants may also have drive-in service windows for the pick-up of food orders.

Riding Academy – An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

Road, Frontage - A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

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

Roof Line - The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming House - A residential dwelling in which lodging is provided by the owner or operator to three or more boarders. Kitchen and bathing facilities are normally shared. Lengths of stay are by the week, month, or longer.

School, Elementary, Junior High and Senior High - A public or private school

licensed by the State of North Carolina to provide elementary or secondary education. If said school is located on the grounds of a church or house of worship, it shall be considered a separate principal use if it has a student body in excess of fifty (50) students. Students enrolled in a day care center at the church shall not be separately counted as school students.

School, Vocational - A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

School for the Arts - A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught to four (4) or more persons at a time. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance. A school giving martial arts instruction (i.e., martial arts school shall be considered a separate use).

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

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

Setback - the distance on a Lot measured from the property line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments.

Setback Line, Building - A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or any other lot line when measured perpendicularly.

Setback, Front - Any Setback from a right-of-way line.

Setback, Rear - Any Setback other than a Front Setback that provides a usable outdoor space. (Any Lot having two or more Front Setbacks may not have to provide a Rear Setback.)

Setback, Side - Any interior property line Setback other than a Rear Setback.

Sewer System, Public- The Union County Sewer System.

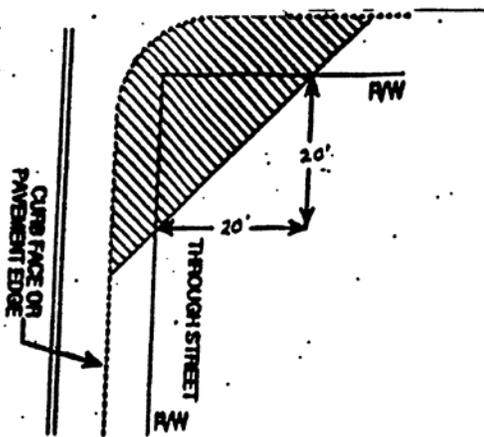
Shopping Center - A group of two (2) or more retail or service establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings. A shopping center differs from an "office building" in that the majority the gross leasable area in a shopping center is devoted to retail and service uses serving the general public; the majority of gross leasable area in an office building is composed of office uses. Any uses located on outparcels which have points of ingress or egress from within the shopping center shall be considered as being part of that shopping center.

Shooting Range, Outdoor - A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range excludes any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

Shrub, Large - An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a five (5) to six (6) foot height when mature.

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sight Distance Triangle - The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway), each point being twenty-five (25) feet from the intersection, and the two intersecting right-of- way lines (or a right-of-way line and a driveway).



On highways maintained by the state of North Carolina, additional sight triangle requirements may apply.

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

Sign, A-Frame - A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

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

Sign, Bill Board – See sign, off-premise.

Sign and Banner Shop - The manufacture (and/or sales) of banners, flags, and similar decorative sign objects on an individualized basis using computer graphic production equipment or silk screening.

Sign, Business Identification - A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Sign, Campaign or Election - A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and Awning – Signs attached to, painted on, or otherwise integrated into traditional storefront awnings that project over a sidewalk, building entry, window, or outdoor service area from the building facade.

Sign, Changeable Copy - A sign or portion of a sign on which message copy is changed manually in the field through the utilization of attachable letters, numbers, symbols and/or other similar characters without altering the face or surface of the sign. Also known as a reader-board sign.

Sign, Channel Letters (Standard) – The standard channel letter signs have colored Plexiglass faces illuminated with either neon or led in an aluminum frame and with an aluminum back.



Sign, Channel Letters (Reverse) – Reverse channel letters are often called halo-lit signs and are built in the opposite of standard channel letters. They have aluminum faces and clear Plexiglass backs. The result is a halo of light around the letters at night.



Sign, Construction - A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.

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

Sign, Electronic Message Board – See Electronic Message Board

Sign, Flashing - A sign that uses an intermittent scrolled or flashing light or message to attract attention, or is otherwise designed or constructed to have intermittent, flashing, or scrolled light emitted from it.

Sign, Freestanding - Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Government - Any temporary or permanent sign erected and maintained for any government purposes.

Sign, Illuminated - A sign either internally or externally illuminated.

Sign, Incidental - A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive

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

Sign, Inflatable - A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

Sign, Monument - A freestanding ground sign having the entire bottom of the sign affixed to the ground.

Sign, Off-Premise - A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. ~~However,~~ This definition shall include Outdoor Advertising or "Billboard" signs.

Sign, On-Premise - A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

Sign Painting Shop - The painting and/or manufacture of signs normally which are displayed as pole signs, outdoor advertising signs, ground-mounted or monument signs or erected outdoors either on buildings or freestanding. This shall also include outdoor advertising sign company operations centers.

Sign, Pole - A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building. This does not include post ad arm signs.

Sign, Political - A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.

Sign, Portable - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground.

Sign, Projecting/Suspended - Pedestrian-scaled signs mounted to the side of a building or underside of a balcony or arcade which can be read from both sides.

Sign, Push Through – Push through signs are created so that only the letters are illuminated, not the background.



Sign, Pylon - A freestanding sign mounted on two posts. This does not include monument signs.

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

Sign, Roof - A sign erected or maintained in whole or in part upon or over the roof or parapet of a building and does not include theatre marquee signs.

Sign, Temporary - Signs used to announce or advertise specific events which have a definite beginning and end date/time.

Sign, Theatre Marquee – Vertical signs projecting from the side of a building or a roof structure which may or may not incorporate changeable type.

Sign, Wall - Flat signs or lettering which are painted or attached to the wall of a building or structure.

Sign, Window - Flat signs or lettering which are painted or attached to the inside of a window or door of a building or structure. These signs also include retail window displays which are intended to showcase/advertise goods and products to pedestrians on the sidewalk.

Small Equipment Repair/Rental - The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

Spinner - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

Stadium - A structure or facility designed, intended, or used primarily for outside and/or inside athletic events or other performances and containing seating for

spectators of those events, but not including a racetrack. The sale of beverages, snack foods, and sundries geared to on- premise consumption or usage by spectators shall be permitted.

Staging Space - An area of temporary standing storage for one automobile awaiting drive-in service or commodity pick-up. The storage space shall be at least nine (9) feet in width and twenty (20) feet in length.

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

Storage, Outdoor Storage Yard – The storage of various materials including, but not limited to, lumber, pipe, bricks, stone, shingles, mulch, soil, sand, gravel and other non-hazardous materials outside of a structure, as a principal or accessory use.

Storage, Self-Service - A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

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

Streamer - A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.

Street - a local urban thoroughfare of low speed and capacity.

Street, Collector - Similar to minor thoroughfares but carrying less through traffic.

Street, Local - A local street is any link not a higher-order urban system and serves primarily as a direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through-traffic is usually deliberately discouraged.

Street, Public- Dedicated and accepted by North Carolina Department of Transportation or the Town of Waxhaw for future maintenance.

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

Street Yard: the area between a building frontage and the right-of-way line.

Streetscreen: A freestanding wall built along the frontage line, or contiguous with the facade, for the purpose of masking a parking lot from the street.

Structure - Anything constructed, erected, or placed.

Studio, Art, Dance, Martial Arts, Music - Facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivider - Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision- All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to 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 of Waxhaw as shown in its subdivision regulations;
2. The division of land into parcels greater than ten (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;
4. The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Waxhaw as shown in this Ordinance.
5. The division of land in single ownership whose gross area is greater than two (2) acres into not more than two (2) lots or tracts, where no street right-of-way dedication is involved or proposed, and where the resultant lots consist of one (1) lot no greater than one (1) acre and one (1) lot or parcel containing all remaining land area, and where the resultant lots equal or exceed the minimum lot size requirements of applicable codes and ordinances, so long as such division does not occur within twenty-four (24) months of any other division of said parcel.

Subdivision, Conventional- A residential subdivision other than one created in a planned residential development (PRD) or a traditional neighborhood Development (TND).

Subdivision, Major- A major subdivision shall include all subdivisions that require or involve a public street dedication or dedication of floodplain or open space.

Subdivision, Minor - A minor subdivision shall include all subdivisions that do not involve a public street dedication or dedication of flood plain or open space.

Subdivision Sales Office - A sales office located within a single-family, or multi-family residential dwelling, and used as part of a sales campaign to show the design, structure, and appearance of the residential structures in the development in which it is located.

Substantial Modification: major repair or reconstruction that equals sixty percent (60%) or more of the Taxed Value of the Building or Structure, or reconstruction of any Building or Structure damaged by any cause to an extent equal to sixty percent (60%) or more of its Taxed Value, in which the work is done, singularly or cumulatively within any five (5) year period.

Swim/Tennis Club - A private outdoor recreation facility featuring a swimming pool and/or tennis courts. The facility (depending on its zoning district) may be run either as a private club (in commercial and residential districts) or as a commercial use (in commercial districts only). Other on-premise may include racquetball, basketball and similar outdoor courts. Golf courses shall not be allowed.

Taxed Value - The official value assigned to real property by the Union County Tax Assessor for ad valorem tax purposes.

Telecommunication Towers and Facilities - Structure or structures (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving commercial communications and/or telecommunications. This does not include ham radio operations.

Temporary Building - Any Structure of an impermanent nature or which is designed for Use for a limited time, including any tent or canopy.

Temporary Use - A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

Terminated Vista: a location at the axial conclusion of a Street. A building located at a Terminated Vista designated on a Regulating Plan is required or recommended to be designed in response to the axis.

Theater, Indoor (movie or live performance) - A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

Theater, Outdoor - An establishment for the performing arts with open-air seating for audiences.

Theater, Outdoor Movie - A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Thoroughfare, Major - Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of *traffic* within and through urban areas.

Thoroughfare, Minor - Minor thoroughfares are important streets in the Town system and perform the function of receiving traffic from collector and local access streets and carrying it to the Major Thoroughfare System. Minor Thoroughfares may be used to supplement the Major Thoroughfare System by facilitating a minor through-traffic movement and may also serve abutting property.

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

Traditional Neighborhood Development - A Traditional Neighborhood Development (TND) is a human scale, walkable community with moderate to high residential densities. Compared with conventional suburban developments, TNDs have a higher potential to increase modal split by encouraging and accommodating alternate transportation modes. TNDs also have a higher potential for capturing internal trips, thus reducing vehicle miles traveled. A dense network of narrow streets with reduced curb radii is fundamental to TND design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged by NCDOT when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.

TNDs have a high proportion of interconnected streets, sidewalks and paths. Streets and right-of-ways are shared between vehicles (moving and parked), bicycles and pedestrians. The dense network of TND streets functions in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most TND streets are designed to minimize through traffic by the design of the street and the location of land uses. Streets are designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines and school buses.

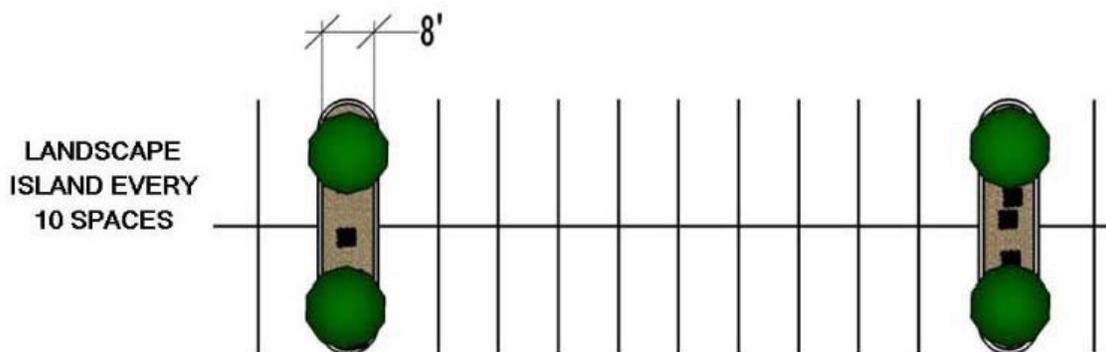
Transparency Zone: A building design standard that emphasizes visibility through ground-floor facades in order to promote a rich pedestrian experience on main streets. It applies to commercial and mixed-use buildings that are subject to Section 21 Downtown Code.

Tree- A living woody plant with an erect perennial trunk two and one-half inches in caliper or d.b.h. with a definitely formed crown or foliage.

Tree Bank – A site such as a school or public park, where the owner/developer shall donate and plant the required trees when it is not feasible to plant the required trees within their site's project area.

Tree, Canopy - A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least ten (10) feet and is of a species which, at maturity, can be expected to reach a height in excess of forty (40) feet under normal growing conditions in the local climate.

Tree, Island – The tree planting area that is used to break the monotony of expansive parking lots. A graphic example is as follows.



Tree, Landmark- Tree or trees as defined on a list of trees enunciated and established by the Waxhaw Town Board, with such list being filed in the office of the Waxhaw Town Clerk.

Tree, Mature - A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet. If the tree is single-stemmed, it shall have a caliper of at least two and one-half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree.

Tree, Understory - A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least five (5) feet and is of a species which at maturity, can be expected to reach a height of 10-40 feet under normal growing conditions in the local climate

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

Turning Radius: the curved edge of a Street at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Twin House - Two dwelling units on separate lots joined by a common building wall along the property line.

Use - The purpose for which land or Structures thereon is designed, arranged or intended to be occupied or Used, or for which it is occupied, maintained, rented or leased.

Use, Accessory - Any use that is clearly incidental, secondary, and/or supportive or a principal use.

Use, Conditional - A Use which is permitted in a District only if a Conditional Use Permit therefore is expressly authorized by the Board of Commissioners.

Use, Principal Permitted - Any Use listed as a permitted Use in any Zoning District, except those that by definition or their nature are Accessory Uses.

Utilities - Facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

Class 1 - Distribution, transmission and collection lines (above and below ground) including electrical, telephone/broadband internet, natural, gas, waste water collection, and water distribution lines; pumping stations, lift stations, and telephone/broadband switching facilities (up to 200 square feet).

Class 2 - Elevated water storage tanks; above ground natural gas facilities including regulator stations and Point of Delivery stations; package treatment plants; telephone/broadband switching facilities (over 200 square feet); substations; or other similar facilities in connection with telephone, electric, natural gas, steam, and water facilities, not including cellular communication towers.

Class 3 - Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

Valance - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

Variance - Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

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

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

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

Vehicle Renting/Leasing/Sales - Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or boat and marine craft dealers.

Vehicle Services – Major Repair/Body Work - The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping. This may be an accessory use to an establishment that provides vehicle

rental/leasing/sales.

Vehicle Services – Minor Maintenance/Repair - The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Vehicular Use Area (VUA) - Any portion of a parking lot or driveway that is used by vehicles.

Veterinary Services - Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

Video Arcade - See "Game Room"

Village House - A single-family detached dwelling built on a small lot (typically smaller than the minimum lot size for the zoning district). Land saved by use of smaller lots is dedicated for common use. Houses may be placed close to the street to maximize rear yards. Shared driveways with separate parking areas may be utilized.

Wall, Building - The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

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

Warehouse-Mini - See "Mini-Warehouse"

Water System, Public - The Union County Water System.

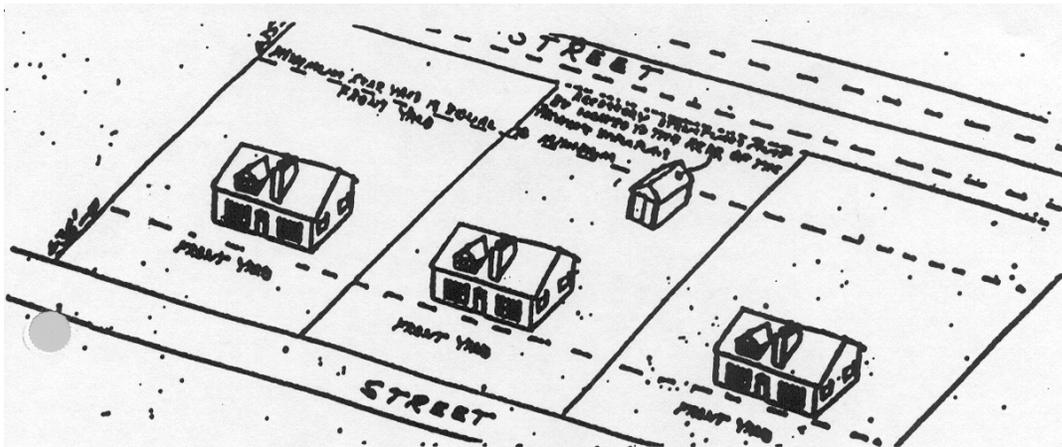
Wholesale Sales Operation - A place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Administrator may require proof of this through sales

tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations" but rather shall be considered a retail sales operation.

Wholesaling and Distribution - Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include: Agents, merchandise or commodity brokers, and commission merchants; Assemblers, buyers and associations engaged in the cooperative marketing of farm products; Merchant wholesalers; Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

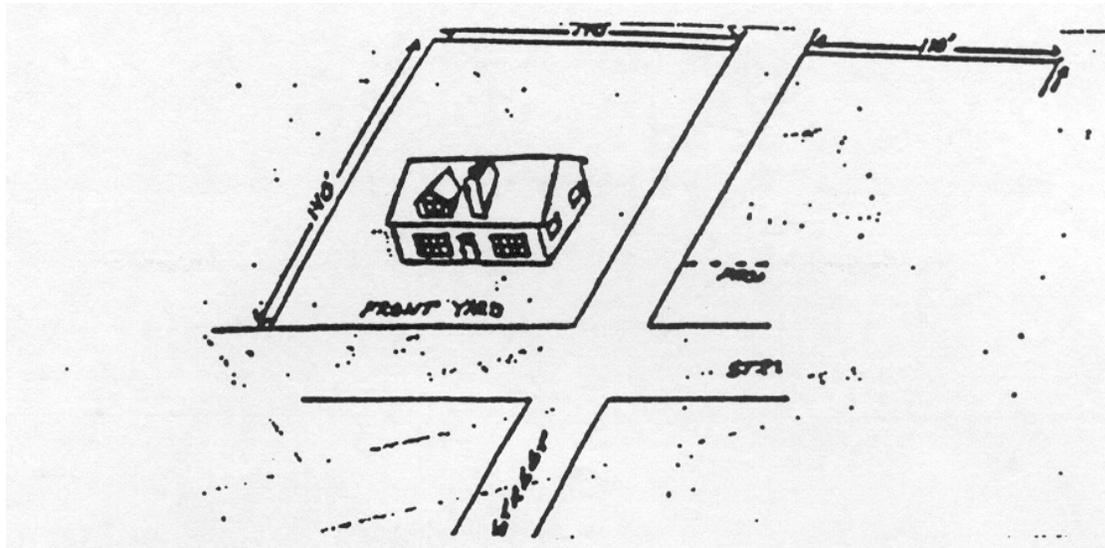
Yard Sale - An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

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



On through lots, the required front and rear yards shall each equal or exceed the greater required front or rear yard setback that would normally be applied in that

zoning district. For example, if a through lot were located in a zoning district which normally required a thirty foot front setback and a thirty-five foot rear setback, both front and rear setbacks would have to equal or exceed thirty-five feet. For the purpose of placing accessory structures, however, the rear yard shall be deemed to be the yard opposite the street-side yard that the architectural front of the building faces or lies closest to. A graphic example of this is as follows:

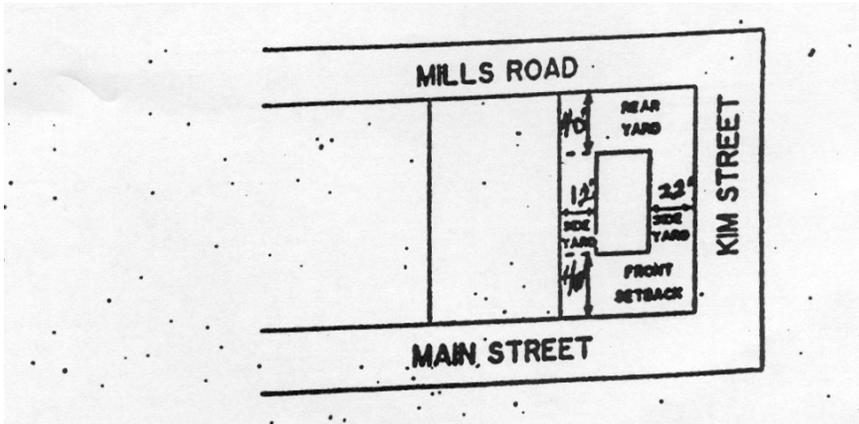


If a lot is abutted by streets on three sides, the front setback requirement for the zoning district shall be applied only on the two opposing street fronts. The required setback on the third street front must be the side yard requirement plus 10' since it is a corner lot. The yard opposite the third street front must be at least the minimum side yard requirement for the zoning district.

Example: Regulations for a single family dwelling in the R-3 Zoning District:

- Front Setback: 30'
- Rear Setback: 30'
- Side Yard: 10'

A graphic example of this is as follows:



Zoning Administrator - See "Administrator, Unified Development Ordinance."