

Article V.
Rules of Construction, Interpretation, and Definitions

5.1 Rules of Construction.

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

- (A) Interpretations shall be guided by statements of intent.
- (B) The term "this ordinance" shall refer to the Town of North Wilkesboro Zoning Ordinance.
- (C) The words "shall", "must", and "will" are mandatory, implying an obligation or duty to comply with the particular provision.
- (D) The word "may" is permissive, except when the context of the particular use is negative, then it is mandatory (e.g., .may not.).
- (E) The word "should", whether used in the positive or the negative, is a suggested guideline.
- (F) References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- (G) For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in Section 5.3. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.
- (IT) Words used in the present tense include the future tense, and words used in the future tense include the present tense.
- (I) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (J) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.
- (K) The word "lot" includes the word "plot", "parcel" or "tract".
- (L) The word "building" includes the word "structure", and the word "structure" includes the word "building".
- (M) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.
- (N) Words used in the masculine gender include the feminine gender.

(O) The word "street" includes the words road, avenue, place, way, drive, lane, boulevard, highway, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.

(P) The terms "Town Board" and "Board of Commissioners" shall mean the Town Board of Commissioners of the Town of North Wilkesboro, North Carolina.

(Q) The term "Planning Board" shall mean the Planning Board of the Town of North Wilkesboro, North Carolina.

(R) The term "Zoning Enforcement Officer" shall mean the Zoning Enforcement Officer of the Town of North Wilkesboro, North Carolina.

(S) The term "Subdivision Administrator" shall mean the subdivision administrator of the Town of North Wilkesboro, North Carolina.

(T) The term "Manager" or "Town Manager" shall mean the Town Manager of the Town of North Wilkesboro, North Carolina.

(U) The term "Board of Adjustment" shall mean the Board of Adjustment of the Town of North Wilkesboro, North Carolina..

(V) The term "state" shall mean the State of North Carolina.

(W) Any reference to an article shall mean an article of the Town of North Wilkesboro Zoning Ordinance, unless otherwise specified.

5.2 Interpretation.

(A) ***Zoning boundaries.*** Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the Zoning Enforcement Officer shall employ the following rules of interpretation.

(1) Where the zoning maps show a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement or waterway, it shall be considered to be in the center of the right-of-way, easement or waterway. If the actual location of such right-of-way, easement or waterway varies slightly from the location as shown on the zoning maps, then the actual location shall control.

(2) Where the zoning maps show a district boundary to approximately coincide with a property line or city, town or county border, the property line or border shall be considered to be the district boundary, unless otherwise indicated on.

(3) Where the zoning maps show a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the zoning maps.

(4) If, because of error or omission in the zoning maps, any property within the jurisdiction of this ordinance is not shown as currently being in a zoning district, such property will be classified as "R10", until changed by amendment.

(5) Where district boundaries appear to be parallel to the centerline of streets, easements or rights-of-way, such district boundaries shall be construed to be parallel thereto and at such a distance there from as is indicated on the zoning maps.

(6) The Zoning Enforcement Officer shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on the zoning maps. This decision may be appealed to the Zoning Board of Adjustment.

(B) *Split tracts and fractional requirements.* The Zoning Enforcement Officer shall employ the following rules with respect to split tracts and fractional requirements:

(1) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the most restricted portion of such lot or tract shall be extended to apply to the whole, provided such extensions shall not include any part of a lot or tract more than thirty-five feet beyond the district boundary line. The term "most restrictive" shall refer to all zoning restrictions except lot or tract size.

(2) When any requirement of this ordinance results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the nearest lower whole number shall apply.

(3) Whenever a density calculation for a legal lot of record results in less than one dwelling unit being permitted, one dwelling unit will be permitted subject to the remaining provisions of this ordinance.

(C) *General rules of conflict.*

(1) In the event of a conflict between the text of this article and any caption, figure, illustration, or table included herein, the text of this article shall control.

(2) In the event there is a conflict in limitations, requirements or standards applying to any individual use or structure, the more stringent or restrictive provision shall apply.

(D) *Distance measurements.*

Distance separations are required for many uses in this article. Unless otherwise specified, the following rules shall apply in determining such measurements:

(1) Where lot separation is required, measurements shall be made from lot line to lot line using the shortest straight-line distance between lots.

(2) Where separation between a building, structure, parking area, buffer, driveway or similar feature on a development site and any other feature on the same or abutting site is required or is part of a regulation contained herein, such separation shall be measured between the closest points on the feature using the shortest straight line distance between the two.

5.3 Definitions.

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

ABANDONED. A use shall be deemed to be abandoned when:

- a) the use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or
- b) the premises are devoted to another use; or
- c) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within thirty days.

All of the above events are considered abandonment, regardless of the intent of the owner, lessee or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

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

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

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

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

ACCESSORY STRUCTURE. See "*Structure, Accessory*".

ACCESSORY STRUCTURE OR USE. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure.

ACCESSORY USE. See "*Use, Accessory*".

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

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

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

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

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

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

AIRPORT. (Applies only to the Airport Overlay District.). Landing fields, parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word aircraft shall include fixed-wing as well as rotary-wing craft. This term shall also be used in reference to the Wilkes County Airport.

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

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

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

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

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

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

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

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

ANIMAL UNIT. (Applies only to the Watershed Overlay District.). A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

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

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

APPROACH SURFACE. (Applies only to the Airport Overlay District.). A surface longitudinally centered on the extended runway centerline of the airport, extending outward and upward from the end of the primary surface and at the same slope as the

approach zone height limitation slope set forth in Section 6.5(A)(3) B. In plan, the perimeter of the approach surface coincides with the perimeter of the approach.

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

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

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

ARMORIES. Federal or state military facilities engaged in the storage and maintenance of weapons and munitions.

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

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

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes only those uses in the following NAICS group(s):

23811 Poured Concrete Foundation and Structure Contractors.

324121 Asphalt Paving Mixture and Block Manufacturing

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

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

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

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

AUTOMOTIVE REPAIR. See "*Motor Vehicle Repair and Maintenance*".

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

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

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans. This definition includes only those uses in the following NAICS group(s):

5221 Depository Credit Intermediation

5222 Non-depository Credit Intermediation

BAR. An establishment where the principal use is to serve spirituous liquors and/or beer to be consumed on the premises. Usually counters and stools are present. Food may or may not be served. [Added 9-5-17]

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

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

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

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

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

BEST MANAGEMENT PRACTICES (BMPS). (Applies only to the Watershed Overlay District.) A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

BEST MANAGEMENT PRACTICES, NON-STRUCTURAL. Non-structural BMPs are non-engineered methods used to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

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

BILLIARDS, POOL ROOMS. Commercial indoor recreational establishments primarily to provide tables for the playing of billiards, pool and similar games.

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

BOWLING ALLEYS. Commercial indoor recreational establishments primarily to provide lanes and equipment for bowling.

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

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

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

services, but excluding those uses classified as utilities. This definition includes only those uses in the following NAICS group(s):

5151 Radio & Television Broadcasting

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

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

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

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

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

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

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition generally includes those uses in the following NAICS group(s):

238140 Masonry Contractors

238150 Glass and Glazing Contractors

238160 Roofing Contractors

238170 Siding Contractors

238210 Electrical Contractors

238220 Plumbing, Heating, Air-Conditioning Contractors

238290 Building Equipment and Other Machinery Installation Contractors

238310 Drywall and Insulation Contractors

238320 Painting and Wall Covering Contractors

238330 Floor Contractors

238340 Tile and Terrazzo Contractors

238350 Finish Carpentry Contractors

238990 All Other Special Trade Contractors

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition generally includes those uses in the following NAICS group(s):

237110 Water and Sewer Line and Related Structures Construction
237120 Oil and Gas Pipeline and Related Structures Construction
237310 Highway, Street and Bridge Construction
237990 Other Heavy and Civil Engineering Construction
238120 Structural Steel and Pre-cast Concrete Contractors
238910 Site Preparation Contractors

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

BUILDING HEIGHT. See "*Height, Building*".

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

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes only those uses in the following NAICS group(s):

4441 Building Materials and Supplies Dealers

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

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

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

BUILDING WALL. 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 only the first three stories, or forty-five feet in height of a building, whichever is less.

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

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). The storage on a zoning lot of two thousand five hundred gallons water capacity or more of flammable liquid, or two thousand gallons water capacity or more of flammable gas, excluding "storage tanks, above ground" and "fuel dealers" as defined herein. This definition includes all uses listed in the following NAICS group(s):

4247 Petroleum and Petroleum Products Merchant Wholesalers

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

CALIPER. The diameter measurement of a tree-trunk.

CAMPGROUND. See "*Recreational Vehicle Park and Campground*".

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

CANOPY TREE. A species of tree which normally grows to a mature height of thirty-five feet or more with a minimum mature crown width of thirty feet and meets the

specifications of the American Standards for Nursery Stock published by the American Nurserymen Association.

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

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

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

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

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

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

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

CERTIFICATE OF COMPLIANCE. A certificate issued by the Zoning Enforcement Officer setting forth that a lot, building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

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

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

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

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

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

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

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

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

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

CLINICAL LABORATORIES. Commercial facilities engaged in specimen analysis for medical purposes.

CLINIC, VETERINARY. See “*Veterinary Services*”.

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

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

CLUSTER DEVELOPMENT. The grouping of buildings and built-upon areas in order to conserve and/or protect natural resources and to provide for innovation in the design of a development project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

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

COLISEUMS, ARENAS AND STADIUMS. Structures or facilities designed, intended or used primarily for public gatherings; indoor exhibitions, galleries or conventions; or indoor or outdoor spectator events including but not limited to professional and amateur sporting events, concerts, theatrical presentations, and motor vehicle racing.

COLLECTOR STREET. See “*Street, Collector*”.

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

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

LOCATION. The sitting of two or more separate person's wireless antennas on the same support structure.

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

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

COMMERCIAL COMMUNICATION TOWER. See “*Telecommunication Tower*”.

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

CONDITIONAL USE PERMIT. A permit that allows a use of land upon approval by the Board of Adjustment as part of a public hearing process.

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

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

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

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

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

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

CORNER LOT. See "Lot, Corner".

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

CRITICAL AREA. (Applies only to the Watershed Overlay District.). The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watershed areas essentially undeveloped, establishment of a critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE. The area under a tree, which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree's canopy to the ground.

CUL-DE-SAC. See "*Street, Cul-de-sac*".

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

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

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

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

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

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

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

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

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

DENTAL LABORATORY. See "*Medical or Dental Laboratory*".

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

DEVELOPER. Any person actively engaged in the development of land. See "*Applicant*".

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

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

(1) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;

(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;

(3) Alteration of the shore or bank of a pond, lake, river, or other waterway;

(4) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;

(5) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or

(6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

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

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

(1) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

(2) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;

(3) A change in use of land or structure from a use within a specified category of use to another use in the same category;

(4) A change in the ownership or form of ownership of any parcel or structure;

(5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or

(6) The clearing of survey cuts or other paths of less than four feet in width.

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

DEVELOPMENT SITE. See "*Building Site*".

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

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

DISTILLERIES. This industry comprises establishments primarily engaged in one or more of the following: (1) distilling potable liquors (except brandies); (2) distilling and blending liquors; and (3) blending and mixing liquors and other ingredients.

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

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

DOUBLE FRONTAGE LOT. See "*Lot, Double Frontage*".

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

DRY CLEANING AND LAUNDRY PLANTS. A building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersions in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. This definition includes only those uses which meet this definition and have the following NAICS group(s):

8123 Drycleaning and Laundry Services

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

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

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

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

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

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

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

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

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

ELEVATED BUILDING. (Applies only to the Floodplain Overlay District.). Means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

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

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

EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION CONTROL ACT. The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDENR)

EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

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

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

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

(A) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

(B) Having an outstanding valid building or zoning permit;

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

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

EXTERIOR FEATURES. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

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

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

FAMILY. One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen years or older, not exceeding four and their children or stepchildren under eighteen years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

For the purposes of this definition, the following persons shall be considered related by blood:

- (a) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral consanguinity, or to any degree of lineal consanguinity, as defined in State law; and
- (b) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and
- (c) a dependent, as defined in State law, of any person described in (A) or (B) above.

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

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

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

FARM, BONA FIDE. (Bona fide farms are exempt from the exercise of municipal extraterritorial jurisdiction.) Crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses for workers shall be in the same ownership as the farm and located on the farm. For purposes of determining whether a property is being used for a bona fide farm, the property must meet the above definition or any one of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLOODPRONE AREA. See "Floodplain"

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

FLOODWAY. (Applies only to the Floodplain Overlay District.). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

FLOOD ZONE.

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

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

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

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

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

445 Food and Beverage Stores

FOOD TRUCK: A licensed, motorized vehicle or mobile food unit (trailer) which is temporarily parked on a lot where food items are sold to the general public. [Added 9-5-17].

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

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

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

FRONT LOT LINE. See "Lot Line, Front".

FRONT YARD. See "Yard, Front".

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

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

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

FUEL DEALER. An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels. This definition includes only those uses in the following NAICS group(s):

45431 Fuel Dealers

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

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes only those uses in the following NAICS group(s):

8122 Death Care Services

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

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

GENERAL RETAIL. See “Retail, General”.

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

GOLF DRIVING RANGE. An open air golf practice facility.

GOVERNMENT OFFICES. The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments. This definition includes only those uses in the following NAICS group(s):

92 Public Administration

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

GRADE, EXISTING. The elevation along the ground surface of a site as recorded in topographic mapping at two foot or four foot contour intervals, on file in the Office of the Planning and Inspections, or as surveyed and mapped at a contour interval of not more than four feet, by a licensed surveyor.

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

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

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

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

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

GROUND SIGN. See “*Sign, Ground Mounted*”.

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

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

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

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

GROUP HOME A. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include family care homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

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

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

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

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

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

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

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

- (A) A facility which manufactures hazardous materials from component non-hazardous materials;
- (B) A facility or location for the long term or perpetual storage of hazardous materials; or

(C) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

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

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

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. A hazardous waste facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This definition includes hazardous materials treatment facilities as defined herein.

HEIGHT, AIRPORT. (Applies only to the Airport Overlay District.) With reference to a height limitation under this article, the height of a structure or tree above mean sea level elevation, unless otherwise specified.

HEALTH SERVICES, MISCELLANEOUS. This class of use includes out patient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses. This definition includes only those uses in the following NAICS group(s):

6214 Outpatient Care Centers

6215 Medical and Diagnostic Laboratories

62199 All Other Ambulatory Health Care Services

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

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

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

HELISTOP. A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word "helistop" shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine

maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term "helistop" includes the terms "private-use heliport" and "personal-use heliport" as contained in federal aviation administration publications, except for the limitations on the facility as noted in this definition.

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

HISTORIC STRUCTURE. Any structure that is:

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

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

HOMELESS SHELTER. A short or long term shelter for persons who lack a fixed, regular and adequate nighttime residence.

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

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

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes only those uses in the following NAICS group(s):

622 Hospitals

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

HUD. The United States Department of Housing and Urban Development.

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

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

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

INDUSTRIAL DEVELOPMENT. (Applies only to the Watershed Overlay District.). Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or development any product or commodity.

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

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

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

KENNEL. Any lot on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold on a commercial basis.

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

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

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

LANDOWNER. Any owner of a legal or equitable interest in real property, including the heirs, devise, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for

purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

LANDSCAPE ARCHITECT. A person licensed to use the title of landscape architect in the State of North Carolina.

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

LARGE MATURING TREE. A tree whose height is greater than thirty-five feet at maturity and meets the specification of American Standards for Nursery Stock published by the American Nurserymen's Association.

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

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

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

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

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

LOGO. A business trademark or symbol.

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

LOT, ADJACENT. See "*Adjacent Property*".

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

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

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

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

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

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

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

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

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

LOT LINE, REAR. That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten feet in length, entirely within the lot, parallel

to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Zoning Enforcement Officer shall designate the rear lot line.

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

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

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

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

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

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

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

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

- (a) The complete waiver of a watershed management requirement;
- (b) The relaxation, by a factor of more than 10%, of any watershed management requirement that takes the form of a numerical standard;
- (c) The relaxation of any watershed management requirement that applies to a development proposal intended to qualify under the high-density option.

MANUFACTURED HOME. A dwelling unit that 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; a dwelling unit that exceeds forty feet in length and eight feet in width; a dwelling unit that is constructed in accordance with the National Manufactured Home Construction and Safety Standards and those of the federal department of Housing and Urban Development (HUD); and a dwelling unit that is not constructed in accordance with the standards of the North Carolina State Building Code for one and two family dwellings.

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

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

MANUFACTURED HOME SUBDIVISION. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

MANUFACTURING A. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. This definition may include the uses in the following NAICS group(s):

- 3149 Other Textile Product Mills
- 3156 Apparel Manufacturing
- 3369 Other Transportation Equipment Manufacturing
- 3399 Other Miscellaneous Manufacturing
- 33991 Motorcycle, Bicycle and Parts Manufacturing
- 33641 Aerospace Product and Parts Manufacturing

MANUFACTURING B. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- 313 Textile Mills
- 322 Paper Manufacturing
- 337 Furniture and Related Product Manufacturing
- 3119 Other Food Manufacturing
- 3122 Tobacco Manufacturing
- 3169 Other Leather and Allied Product Manufacturing
- 3219 Other Wood Product Manufacturing
- 3231 Printing and Related Support Activities
- 3261 Plastics Product Manufacturing
- 3341 Computer and Peripheral Equipment Manufacturing
- 3342 Communications Equipment Manufacturing
- 3343 Audio and Video Equipment Manufacturing
- 3344 Semiconductor and .Other Electronic Component Manufacturing.
- 3351 Electric Lighting Equipment Manufacturing
- 3353 Electrical Equipment Manufacturing
- 3391 Medical Equipment and Supplies Manufacturing

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

- 331 Primary Metal Manufacturing
- 3133 Textile and Fabric Finishing and Fabric Coating Mills

3161 Leather and Hide Tanning and Finishing
321114 Wood Preservation
3212 Veneer, Plywood, and Engineered Wood Product Manufacturing
3221 Pulp, Paper and Paper Board Mills
3241 Petroleum and Coal Products Manufacturing
3259 Other Chemical Product and Preparation Manufacturing
3262 Rubber Product Manufacturing
3271 Clay Product and Refractory Manufacturing
3272 Glass and Glass Product Manufacturing
3279 Other Nonmetallic Mineral Product Manufacturing
3329 Other Fabricated Metal Product Manufacturing
3333 Commercial and Service Industry Machinery Manufacturing
3353 Electrical Equipment Manufacturing
3359 Other Electrical Equipment and Component Manufacturing
3369 Other Transportation Equipment Manufacturing

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

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

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

MEAN SEA LEVEL. The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. The definition includes all uses in the following NAICS group(s):

3116 Animal Slaughtering and Processing

MEDICAL OR DENTAL LABORATORY. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession. This definition includes only those uses in the following NAICS group(s):

3391 Medical Equipment and Supplies Manufacturing

6215 Medical and Diagnostic Laboratories

MEDICAL AND SURGICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state. This definition includes only those uses in the following NAICS group(s):

6211 Offices of Physicians

6212 Offices of Dentists

6213 Offices of Other Health Practitioners

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

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

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

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

MOBILE HOME. See "*Manufactured Home*".

MOBILE HOME PARK. See "*Manufactured Home Park*".

MOBILE HOME SUBDIVISION. See "*Manufactured Home Subdivision*".

MOBILE OFFICE. A structure intended for office use comprised of one or more components each of which was substantially assembled in a manufacturing plant and designed to be transported to the site, and is constructed to Housing and Urban Development (HUD) standards and is not constructed in accordance with the standards of the North Carolina State Building Code. [Added 2-3-15].

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

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

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

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

(A) Vehicle is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate;

(B) Vehicle lacks a current inspection certificate, or displays an expired certificate;

(C) Vehicle is partially dismantled or wrecked;

(D) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or

(E) Vehicle has expired license plate or is unlicensed.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles. This definition includes only those uses in the following NAICS group(s):

81112 Automotive Body, Paint, Interior and Glass Repair

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Any open area of more than two hundred square feet used for storing or dismantling inoperative motor vehicles. This definition includes only those uses in the following NAICS group(s):

- 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
- 4239 Miscellaneous Durable Goods Merchant Wholesalers

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes only those uses in the following NAICS group(s):

- 8111 Automotive Repair and Maintenance
- 81112 Automotive Body, Paint, Interior and Glass Repair

MOTOR VEHICLE SALES, RENTAL AND LEASING. Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit. This definition includes only those uses in the following NAICS group(s):

- 4411 Automobile Dealers
- 4412 Other Motor Vehicle Dealers
- 45393 Manufactured (Mobile) Home Dealers
- 5321 Automotive Equipment Rental and Leasing

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition. This definition does not include motor vehicle parts, used, NAICS Group 423140, Waste Materials, NAICS Group 5093, Recyclable Material Merchant Wholesalers, NAICS Group 423930, Automotive Parts and Accessories Stores, NAICS Group 441310, or Tire Dealers, NAICS Group 441320.

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

MULTIFAMILY. See "*Residential Building, Multi-family*".

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes only those uses in the following NAICS group(s):

- 7121 Museums, Historical Sites and Similar Institutions

NAICS. North American Industry Classification System, 2002.

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

NC DENR. North Carolina Department of Environment and Natural Resources. Also known as NC DEQ.

NCDOT. North Carolina Department of Transportation.

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

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

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

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

[Added 9-5-17].

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

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

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

NON-ENCROACHMENT AREA. (Applies only to the Floodplain Overlay District.). means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

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

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

NONSTORE RETAIL. See "Retail, Non-store".

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment. This definition includes only those uses in the following NAICS group(s):

4442 Lawn and Garden Equipment and Supplies Stores

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

OBSTRUCTION. (Applies only to the Airport Overlay District.). Any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth in Section 19-105.

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

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

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

OFFICE, PROFESSIONAL. See “*Professional Office*”.

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

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

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

ORNAMENTAL TREE. A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shaded tree.

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

OUTDOOR DISPLAY, RETAIL. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display. This definition includes only those uses in the following NAICS group(s):

4411 Automobile Dealers

4412 Other Motor Vehicle Dealers

4539 Other Miscellaneous Store Retailers

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

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

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

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

OVERLAY DISTRICT. A zoning district which overlays and combines with one of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

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

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

PARCEL. See “*Lot*”.

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

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

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

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

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

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

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

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

5419 Other Professional, Scientific and Technical Services (except 54194 VS)

5617 Services to Buildings and Dwellings

81143 Footwear and Leather Goods Repair

8121 Personal Care Services

8123 Dry Cleaning and Laundry Services, (excluding .Dry Cleaning and Laundry Plants.)

8129 Other Professional Services (except 81293 "Parking Lots and Garages")

PERVIOUS SURFACE COVER. A surface cover that presents an opportunity for precipitation to infiltrate into the ground.

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

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

PLANNING BOARD. The Planning Board of the Town of North Wilkesboro.

PLANTING YARD. Area where required plantings are located.

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

PLAZA. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of

building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

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

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

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

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

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

PREMISES. See "Lot".

PRIMARY STREET FRONTAGE. The street to which the main/front façade faces. Typically the more major street (Arterial, Collector, Minor). [Added 12-6-16].

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

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

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

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

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

PROFESSIONAL OFFICE. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies. This definition includes only those uses in the following NAICS group(s):

5111 Newspaper, Periodical, Book, and Directory Publishers

5112 Software Publishers

5231 Securities and Commodity Contracts Intermediation and Brokerage

5241 Insurance Carriers

5242 Agencies, Brokerages, and Other Insurance Related Activities

5312 Offices of Real Estate Agents and Brokers

5411 Legal Services

5412 Accounting, Tax Preparation, Bookkeeping, and Payroll Services
5413 Architectural, Engineering, and Related Services
5415 Computer Systems Design and Related Services
5416 Management, Scientific, and Technical Consulting Services
5418 Advertising and Related Services (except 54185 Display Advertising)
5511 Management of Companies and Enterprises
56144 Collection Agencies
56145 Credit Bureaus
5615 Travel Arrangement and Reservation Services

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

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

PROJECTING SIGN. See "*Sign, Projecting*".

PROPERTY. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the County.

PROPOSED RIGHT-OF-WAY LINE. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by: a) the thoroughfare's classification; and b) dimensional requirements or location criteria as established in the subdivision ordinance.

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

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

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

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

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

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

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

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

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

REDEVELOPMENT. The demolition and reconstruction of a building or a portion of a building.

REAL ESTATE SIGN. See “*Sign, Real Estate*”.

REAR LOT LINE. See “*Lot Line, Rear*”.

REAR YARD. See “*Yard, Rear*”.

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

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

6116 Other Schools and Instruction

711 Performing Arts, Spectator Sports, and Related Industries

7111 Performing Arts Companies

71394 Fitness and Recreational Sports Centers

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation may include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

7112 Spectator Sports

7139 Other Amusement and Recreation Industries

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

RECREATIONAL VEHICLE. (Applies only to the Floodplain Overlay District). A vehicle, which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

RECYCLING CENTER. A facility at which recovered resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include motor vehicle parts, "Used" Merchant Wholesalers, NAICS Group 423140, which is listed as a separate use.

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

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

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

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

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

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

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

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

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

RESIDENTIAL, GROUND-FLOOR. Dwelling units constructed within commercial districts on the ground story of a building with the ground story being established from the primary street frontage of the building. [Added 12-6-16].

RESIDENTIAL, UPPER-STORY. Dwelling units constructed within commercial districts on stories above the ground story of a building with the ground story being established from the primary street frontage of the building. [Added 12-6-16].

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

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

RETAIL, GENERAL. An establishment primarily engaged in selling goods to the public. This definition includes only those uses in the following NAICS group(s):

44131 Automotive Parts and Accessories Stores (indoor sales only)

442 Furniture and Home Furnishings Stores

443 Electronics and Appliance Stores

44413 Hardware Stores

446 Health and Personal Care Stores

448 Clothing and Clothing Accessories Stores

451 Sporting Goods, Hobby, Book, and Music Stores

452 General Merchandise Stores

453 Miscellaneous Store Retailers

RETAIL, NONSTORE. A use that retails merchandise using non-store methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping. This definition includes only those uses in the following NAICS group(s): 4541 Electronic Shopping and Mail-Order Houses

4542 Vending Machine Operators

4543 Direct Selling Establishments (excluding Onsite Fuel Storage)

RETAIL STORE, LARGE. A single retail or wholesale use which occupies no less than 25,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores. **RETAIL STORE, MEDIUM.** A single retail or wholesale use which occupies between 15,000 and 25,000 square feet of gross floor area, typically requires moderate parking to building area ratios, and has a local sales market.

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

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

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

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

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

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

ROOF SIGN. See “*Sign, Roof*”.

ROOMING HOUSE. See “*Boarding or Rooming House*”.

ROOT PROTECTION ZONE. Generally eighteen to twenty-four inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

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

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

SANITARY LANDFILL. See “*Landfill, Sanitary*”.

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

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

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

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

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

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

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

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

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

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

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

SERVICES A, BUSINESS. An establishment primarily engaged in providing service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This definition includes only those uses in the following NAICS group(s):

- 5322 Consumer Goods Rental
- 5414 Specialized Design Services
- 5415 Computer Systems Design and Related Services
- 5614 Business Support Services
- 56141 Document Prep Services

SERVICES B, BUSINESS. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This definition includes only those uses in the following NAICS group(s):

- 5323 General Rental Centers

5418 Advertising and Related Services
5617 Services to Buildings and Dwellings
8113 Commercial and Industrial Machinery and Equipment (except
Automotive and Electronic) Repair and Maintenance
8114 Personal and Household Goods Repair and Maintenance
8123 Dry Cleaning and Laundry Services

SERVICES, PERSONAL. See “*Personal Services*”.

SERVICE STATION. See “*Gasoline Station, Large*” or “*Gasoline Station, Neighborhood*”.

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

SETBACK, ESTABLISHED. The setback established by existing structures along a block front.

SETBACK, REQUIRED. The setback required by this ordinance.

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

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

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

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

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

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

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

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

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

SIGHT EASEMENT. See “*Easement, Sight*”.

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

- (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- (b) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (c) Legal notice, identification information, or directional signs erected by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (f) Signs not exceeding two (2) square feet providing directional information to places of worship.

SIGN AREA. The area of a sign face.

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

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign, as detailed in §8-3.6.6.

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

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

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

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

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

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

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

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

SIGN, CONSTRUCTION. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

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

SIGN, DIRECTIONAL OR INCIDENTAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "entrance", "exit", "parking", "one-way", "warning", "no trespassing", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

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

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

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

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

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

SIGN, GOVERNMENTAL. Any sign, symbol, or device erected and maintained by a federal, state, county, or municipal government, or any such governmental agency, in the performance of their duties such as regulatory signs, wayfinding/identification/directional signs, welcome signs, school informational signs, legal notice signs and traffic control signs. [Amended 11-13-18].

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

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

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

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

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

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

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

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

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

SIGNIFICANT TREE. Any tree other than a pine tree with a caliper of eighteen inches or more.

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

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

SMALL MATURING TREES. A tree whose height is less than thirty-five feet at maturity and meets the specifications of American Standards for Nursery Stock published by the American Nurserymen's Association.

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

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

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

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

(A) Fowl and animal fecal waste;

(B) Solid or dissolved material in any of the following:

(1) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than three thousand gallons or which discharge effluents to the surface waters;

(2) Irrigation return flows; or

(3) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;

(C) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;

(D) Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 through 104E-23); or

(E) Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143 B-290).

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

SOLID WASTE DISPOSAL SITE. Means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA). (Applies only to the Floodplain Overlay District). Means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 6.5 (C)(1) of this ordinance.

SPECIAL USE PERMIT. Technically a special use permit is identical to a conditional use permit, involving local government approval of a specifically predetermined type of land use with specifically predetermined conditions attached, after an evidentiary public hearing. In this ordinance, a special use permit is distinguished from a conditional use permit in that a special use permit is issued by the Town Board, while a conditional use permit is issued by the Board of Adjustment.

SPECIMEN TREE. A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomized the character of the species.

START OF CONSTRUCTION. (Applies only to the Floodplain Overlay District.). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other

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

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

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

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

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

STREAM, PERENNIAL. A watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

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

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

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

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

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

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

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

STREET, RURAL. A street designed for and located in non-urban and non-urbanizing areas as classified by the town.

STREET, URBAN. A street designed for and located in urban or urbanizing areas as classified by the town.

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

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

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

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

STREET ORIENTATION. See "*Building Presentation*".

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

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

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

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

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

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

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes

freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

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

STUDIOS. A working place or place of study for a painter, sculptor, photographer, dancer or person engaged in a similar artistic pursuit. This definition includes only those uses in the following NAICS group(s):

541430 Graphic Design Services

541921 Photography Studios, Portrait

541922 Commercial Photography

611610 Fine Arts Schools

SUBSTANTIAL DAMAGE. (Applies only to the Floodplain Overlay District.). Means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

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

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

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

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

TECHNICAL ADVISORY COMMITTEE (TAC). An Ad hoc committee headed by the Planning Director and composed of the Fire Marshall, Police Chief, Public Works Director, Public Utilities Director, and any administrative staff deemed necessary by the Planning Director to serve as a review body that will insure conformance to all town standards for development.

TELECOMMUNICATIONS. Personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PC S),

specialized mobile radio (SMR), enhanced specialized mobile radio (LSMR), paging, and similar services that currently exist.

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

TERMINAL, BUS OR TAXI. A facility for the storage, maintenance, and dispatch of buses or taxies, and associated customer ticketing and waiting areas. This definition includes only those uses in the following NAICS group(s):

485 Transit and Ground Passenger Transportation

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities. This definition includes only those uses in the following NAICS group(s):

492 Couriers and Messengers

48849 Other Support Activities for Road Transportation

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc. This definition includes only those uses in the following NAICS group(s):

5417 Scientific Research and Development Services

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes only those uses in the following NAICS group(s):

512132 Drive-In Motion Picture Theaters

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons. This definition includes only those uses in the following NAICS group(s)

512131 Motion Picture Theaters (except Drive-Ins)

THOROUGHFARE. See "*Street, Arterial*".

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

TIRE RECAPPING SHOPS. Establishments primarily engaged in repairing, retreading, and rebuilding tires from natural or synthetic rubber. This definition includes only those uses in the following NAICS group(s):

326212 Tire Re-treading

TOWNHOUSE. See "*Residential Building, Townhouse*".

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

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

TRADITIONAL NEIGHBORHOOD. A traditional neighborhood is one that incorporates design principles that produce compact, mixed use, pedestrian scaled communities designed to:

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

TRANSITIONAL SETBACK OR YARD. That area, if any, along a thoroughfare, which lies between: a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line; and b) the minimum setback or yard line measured from the proposed right-of-way line.

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

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

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

UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen to thirty-five feet in height and meets the specifications of the American Standards for Nursery Stock published by the American Nurseryman's Association.

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

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

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

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

USGS. United States Geological Survey.

UTILITIES. Facilities of any agency that provide the general public with electricity, gas, oil, water, sewage, electronic sign, or rail transportation. The term "utility" shall not be construed to include the following: corporate or general offices; storage or service buildings or yards;

gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

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

(A) **Private utility service area.** An area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or

(B) **Public utility service area.** An area, on either private or public property, which contains utility structures owned by a utility for the service of one or more premises, but excluding utility substations.

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

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

VETERINARY SERVICES. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies. This definition includes only those uses in the following NAICS group(s):

54194 Veterinary Services

81291 Pet Care (except Veterinary) Services

VIOLATION. (Applies only to the Floodplain Overlay District). The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 6.5 (C)(3)(A through M).

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

WALL SIGN. See "*Sign, Wall*".

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

4931 Warehousing and Storage

WAREHOUSING, SELF STORAGE. Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units. This definition includes only those uses in the following NAICS group(s):

531130 Lessors of Mini Warehouses and Self-Storage Units

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

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

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

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as

restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.

WATER SURFACE ELEVATION. (Applies only to the Floodplain Overlay District.). means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

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

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

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

WATERSHED PROTECTED AREA. The area adjoining and upstream of the critical areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the critical area.

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

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

4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers

4232 Furniture and Home Furnishing Merchant Wholesalers

4233 Lumber and Other Construction Materials Merchant Wholesalers 4234

Professional and Commercial Equipment and Supplies Merchant Wholesaler

- 4236 Electrical and Electronic Goods Merchant Wholesalers
- 4237 Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
- 4239 Miscellaneous Durable Goods Merchant Wholesalers
- 4241 Paper and Paper Products Merchant Wholesalers
- 4242 Drugs and Druggists. Sundries Merchant Wholesalers
- 4243 Apparel, Piece Goods, and Notions Merchant Wholesalers
- 4244 Grocery and Related Product Merchant Wholesalers
- 4248 Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
- 4249 Miscellaneous Non-durable Goods Merchant Wholesalers (except
- 424910 Farm Supplies Merchant Wholesalers)

WHOLESALE TRADE B. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or to professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five percent of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

- 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers (except
- 42314 Motor Vehicle Parts (Used) Merchant Wholesalers)
- 4235 Metal and Mineral (excluding Petroleum) Merchant Wholesalers
- 4238 Machinery, Equipment and Supplies Merchant Wholesalers
- 4245 Farm Product Raw Material Merchant Wholesalers 4246
- Chemical and Allied Products Merchant Wholesalers 42491 Farm
- Supplies Merchant Wholesalers

WINERIES. This industry comprises establishments primarily engaged in one or more of the following: (1) growing grapes and manufacturing wine and brandies; (2) manufacturing wine and brandies from grapes and other fruits grown elsewhere; and (3) blending wines and brandies. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits.

WINERY. A manufacturing facility engaged in the production and sale of wine or wine-like beverages.

WOODLANDS. Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

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

YARD. Any area of land located between a lot line and a required setback line.

The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

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

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side

building setback line, as required in this ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

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

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

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

ZONING LOT. See "*Lot, Zoning*".

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

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