

CHAPTER 16 - LAND USE ORDINANCE

Article II - Basic Definitions and Interpretations

Section 16-15 Definitions of Basic Terms.

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

- (1) ***Accessory Use.*** (See Section 16-150)
- (2) ***Acute Care.*** Short-term medical treatment, usually in a hospital, for patients having an acute illness or injury or recovering from surgery. *[Amended August 14, 2001]*
- (3) ***Administrator.*** (See Section 16-37)
- (4) ***Adult Day Care.*** Adult day care offers support, services, and supervision to older, frail, or disabled adults who have difficulty taking care of themselves at home, but wish to maintain their independence. Services may include an individual plan of care, skilled nursing care and health education, rehabilitation services, personal care and supervision, social services, recreational therapy, meals, and transportation. *[Amended August 14, 2001]*
- (5) ***Antenna.*** [See Section 16-289.03(A)(3)] *[Amended May 13, 1997]*
- (6) ***Assisted Living Unit.*** A unit occupied by an individual or individuals who are unable to live independently. The unit is part of a facility that provides indoor, conveniently located, shared food preparation service and major dining areas, and common recreation, social, and service facilities for the exclusive use of all residents. *[Amended August 14, 2001]*
- (7) ***Base Flood.*** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.
- (8) ***Billboard.*** An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign. *[Amended April 10, 1985]*
- (9) ***Bed and Breakfast.*** A use (i) that takes place within a building that, before the effective date of this subdivision, was designed and used as a single-family detached dwelling; (ii) that consists of a single family dwelling unit together with the rental of one or more, but not to exceed six (6), dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients; (iii) where the provision of meals, if provided at all, is limited to the breakfast meal; and (iv) where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one full-time employee. *[Amended February 11, 1986]*
- (10) ***Boarding House.*** A residential use consisting of at least one dwelling unit together with one or more rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. Notwithstanding the foregoing, the renting out of one or two rooms within a single-family residence may be regarded as an accessory use - see Subdivision 16-150(C)(3). A rooming house or boarding

house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

- (11) **Building.** A structure designed to be used as a place of occupancy, storage or shelter. For the purposes of this ordinance, a parking deck shall be considered to be a building. [*Amended July 9, 1996*]
- (12) **Building Footprint.** A building footprint is the outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building and extended to include the area under all decks and porches, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof and extended to include the area under all decks and porches. The footprint shall not include the area under an appendage such as an awning. [*Added November 10, 2009*]
- (13) **Building, Accessory.** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.
- (14) **Building, Principal.** The primary building on a lot or a building that houses a principal use.
- (15) **Caliper.** A nursery stock tree measured 6" above the ground or root ball.
- (16) **Carry-out Restaurant.** A place where meals or food products are prepared and served, to be eaten primarily off-premise.
- (17) **Certify.** Whenever this chapter requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.
- (18) **Child Care Home.** A home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.
- (19) **Child Care Institution.** An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.
- (20) **Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (21) **Combination Use.** A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Section 16-146. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 16-150. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall *not* constitute a combination use.)

- (22) **Conditional Use Permit.** A permit issued by the Board of Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Board.
- (23) **Convenience Store.** A one story, retail store containing less than 2000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of "stop and go" traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare", "7-11" and "Pantry" chains.
- (24) **Day Care Center.** Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of pre-school age.
- (25) **Deck.** A flat, floored, roofless area adjoining a building supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports. [Added November 10, 2009]
- (26) **Developer.** A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.
- (27) **Development.** That which is to be done pursuant to a zoning permit, special use permit, conditional use permit, or sign permit.
- (28) **Diameter at Breast Height (dbh)** – The diameter of an existing tree measured 4.5 feet above grade.
- (29) **Dimensional Nonconformity.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (30) **Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area. Driveways may serve as access from streets or private roads for single-family residences, and may serve as access between parking areas.
- (31) **Duplex.** A two-family residence other than a two-family conversion.
- (32) **Dwelling Unit.** A building containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- (33) **Effective Date of This Article.** The effective date of this article as originally adopted, or the effective date of an amendment to it if the amendment makes a sign nonconforming. [Amended April 10, 1985]
- (34) **Expenditure.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures as well as any other substantial changes in position.

- (35) ***Extraterritorial Planning Area.*** That portion of the town's planning jurisdiction that lies outside the corporate limits of the town.
- (36) ***Family.*** One or more persons living together as a single housekeeping unit.
- (37) ***Floodplain.*** Any land area susceptible to being inundated by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the inspections department.
- (38) ***Floodway.*** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this chapter, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the inspections department.
- (39) ***Gross Floor Area.*** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (40) ***Habitable Floor.*** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
- (41) ***Halfway House.*** A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness [as defined in G.S. 35-17(30)], or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.
- (42) ***Handicapped or Infirm Home.*** A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.
- (43) ***Handicapped or Infirm Institution.*** An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.
- (44) ***High Volume Traffic Generation.*** All uses in the 2.000 classification other than low volume generation uses.
- (45) ***Historic Tree.*** A healthy tree with a 30" dbh (diameter at breast height) or greater.
- (46) ***Home Health Care.*** Services provided to individuals who are restricted in their ability to leave home without assistance, due to illness or injury. Services may include, but are not necessarily limited to, skilled nursing, physical therapy, occupational therapy, speech therapy, personal hygiene, meal preparation, light housekeeping, etc. [Amended August 14, 2001]

- (47) **Home Occupation.** A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 16-150), but that can be conducted without any significantly adverse impact on the surrounding neighborhood. Without limiting the generality of the foregoing, a use may usually not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if: (i) goods, stock in trade, or other commodities are displayed; (ii) any on-premises retail sales occur; (iii) more than one person not a resident on the premises is employed in connection with the purported home occupation; (iv) it creates objectionable noise, fumes, odor, dust or electrical interference; or (v) more than twenty-five percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 300 square feet of gross floor area (whichever is less), is used for home occupation purposes.
- (48) **Hotels and Motels.** A building or group of buildings wherein temporary lodging is provided on a regular basis to persons who seek to rent rooms or dwelling units on a day-to-day basis, except that the following are excluded from this definition: (i) tourist homes; (ii) bed and breakfast establishments; (iii) single-family and two-family residences, regardless of the basis on which they are rented; (iv) multi-family residences, unless at least ten percent of the dwelling units within a multi-family development are regularly rented or offered for rent on a day -to-day basis. *[Amended November 12, 1985]*
- (49) **Independent Living Unit.** A unit providing a residential environment for ambulatory or disabled individuals at least fifty-five years of age who do not require health and support services located on the site, such as medical and nursing care, central dining, and transportation services. Each unit is a self-contained dwelling unit that is physically accessible to older or disabled persons. *[Amended August 14, 2001]*
- (50) **Intermediate Care.** Intermediate care is health-related care, outside of a conventional hospital, that is provided by supervised licensed personnel and does not require hospital or skilled nursing care on a regular basis. It provides the opportunity to care for patients who do not need the facilities of high technology hospitals, but are not capable of being cared for in their own homes without extensive support. It includes help with activities of daily living, including meals, dressing, personal hygiene, feeding, and medications. *[August 14, 2001]*
- (51) **Intermediate Care Home.** A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- (52) **Intermediate Care Institution.** An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- (53) **Itinerant Merchant.** A person, other than a merchant with an established retail store in the town, who transports an inventory of goods to a building, vacant lot, or other location in the town and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail. *[Amended August 13, 2002]*

- (54) **Kennel.** A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or (ii) engages in the breeding of animals for sale.
- (55) **Loading and Unloading Area.** That portion of the vehicle accommodation area used to satisfy the requirements of Section 16-300.
- (56) **Lot.** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. Subject to Section 16-123, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.
- (57) **Lot Area.** The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending to the center of a public street right-of-way or into a public street right-of-way, then the lot boundary for the purposes of computing the lot area shall be the street right-of-way line, or a line running parallel to and thirty feet from the center of the traveled portion of the street if the right-of-way line cannot be determined; and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
- (58) **Low Volume Traffic Generation.** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.
- (59) **Major Renovation.** Work to restore or repair a structure estimated to cost more than twenty-five percent of the appraised valuation of that structure. *[Amended August 11, 1992]*
- (60) **Mobile Home.** Any structure that: (i) consists of a single unit completely assembled at the factory, or of two (double-wide) or three (triple-wide) principal components totally assembled at the factory and joined together at the site; (ii) is designed so that the total structure (or in the case of double-wides or triple-wides, each component thereof) can be transported on its own chassis; (iii) is over 32 feet in length and over 8 feet in width; (iv) is designed to be used as a dwelling and provides complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation; (v) is actually being used or held ready for use as a dwelling; (vi) is not constructed in accordance with the standards set forth in the North Carolina State Building Code.
- (61) **Mobile Home, Class A.** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
- a. The mobile home has a length not exceeding four times its width;
 - b. The pitch of the mobile home's roof has a minimum vertical rise of one foot for each five feet of horizontal run;
 - c. The exterior materials are of wood, hardboard, or aluminum comparable in composition, appearance, and durability to site built houses in the vicinity;

- d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the mobile home; and
 - e. The tongue, axles, transporting lights, and removable towing apparatus are to be removed subsequent to final placement.
- (62) **Mobile Home, Class B.** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a class A mobile home.
- (63) **Mobile Home, Class C.** Any mobile home that does not meet the definitional criteria of a class A or class B mobile home.
- (64) **Mobile Home Park.** A multifamily residential use consisting of two or more detached mobile homes located on one lot.
- (65) **Modular Home.** A single-family residence constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.
- (66) **Modular Newsrack.** A grouping of several newsrack containers, that have the appearance of one unified newsrack of the same color, style, and design, generally provided by a modular newsrack distributor. *[Amended August 14,2007]*
- (67) **Multifamily Conversion.** A multifamily residence containing not more than four dwelling units resulting from the conversion of a single building containing at least 2000 square feet of gross floor area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.
- (68) **Newsrack.** Any individual self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, distribution or sale of any written or printed material, including but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs, advertising circulars, and records (hereinafter collectively referred to as “newsrack material”).” *[Amended August 14,2007]*
- (69) **Nonconforming Lot.** A lot existing at the effected date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.
- (70) **Nonconforming Project.** Any structure, development, or undertaking that is incomplete on the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
- (71) **Nonconforming Situation.** A situation that occurs when, on the effective date of this chapter, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet

minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and set-back requirements) is not in conformity with this chapter, because signs do not meet the requirements of this chapter (Article XVII), or because land or buildings are used for purposes made unlawful by this chapter.

- (72) ***Nonconforming Use.*** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area is a nonconforming use.)
- (73) ***Nursing Care Home.*** A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.
- (74) ***Nursing Care Institution.*** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.
- (75) ***Overlay District.*** A zoning district, as established in Section 16-139, which is applied only in conjunction with an underlying, general use zoning district and which may grant additional use or development requirements upon the underlying zoning district. The effect is for both the overlay district and the underlying zoning district to control the use and development of a lot. In the event of a conflict between the regulations of the overlay district and the underlying zoning district, the regulations of the overlay district shall prevail, regardless of whether they are more strict or less strict than the regulations of the underlying district. *[Amended April 11, 2000]*
- (76) ***Parking Area Aisles.*** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (77) ***Parking Space.*** A portion of the vehicle accommodation area set aside for the parking of one vehicle.
- (78) ***Patio.*** A hard-surfaced recreation area that adjoins a building and is often adapted for dining. *[Added November 10, 2009]*
- (79) ***Planning jurisdiction.*** The area within the town limits as well as the area beyond the city limits within which the town is authorized to plan for and regulate development, as set forth in Section 16-3.
- (80) ***Planned Unit Development.*** A development constructed on a tract of at least five (5) acres under single ownership, planned and developed as an integral unit, and consisting of a combination of principal uses that could not be combined in any district other than a planned unit development district.
- (81) ***Porch.*** A covered area adjoining an entrance to a building and usually having a separate roof. *[Added November 10, 2009]*

- (82) **Public Water Supply System.** Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof. (See G.S. 130A-311.)
- (83) **Receive-Only Earth Station.** An antenna and attendant processing equipment for reception of electronic signals from satellites.
- (84) **Residence, Multi-Family.** A residential use consisting of two dwelling units located in separate buildings on the same lot or three or more dwelling units located in one or more buildings on the same lot.
- (85) **Residence, Single-Family.** A residential use consisting of a building containing one dwelling unit on a single lot.
- (86) **Residence, Single-Family with Accessory Apartment.** A residential use having the external appearance of a single-family residence, but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.
- (87) **Residence, Two-Family.** A residential use consisting of two dwelling units within a single building on a single lot other than a single-family residence with accessory apartment. Two dwelling units that are connected only by structural components designed to form a passageway (e.g., a covered walkway) rather than a place of occupancy (e.g., porch or garage) shall not be regarded as a two-family residence.
- (88) **Restaurant.** A place where meals or food products are prepared, served, and eaten.
- (89) **Road.** All private ways used to provide motor vehicle access to (i) ~~two~~ three or more lots or (ii) two or more distinct areas or buildings in unsubdivided developments.
- (90) **Rooming House.** (See Boarding House)
- (91) **Short-Term Rental of a Dwelling Unit.** The rental, lease, or use of an attached or detached residential dwelling unit for a duration that is less than 28 consecutive days. Short-term rental use does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses within the Table of Permissible Uses. [Amended April 11, 2000]
- (92) **Sign.** (see definitions Section 16-272) Any object, device, display, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, to call attention to, to announce or identify the purpose of any person, place, or entity, or to communicate information of any kind to the public. Any flag, streamer, pole, or architectural device shall be construed a *sign* when it is intended to draw attention to or announce or identify an enterprise. [Amended March 11, 1997]
- (93) **Sign Permit.** A permit issued by the land use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.
- (94) **Significant Tree.** A healthy tree with an 18" dbh (diameter at breast height) or greater.
- (95) **Silviculture.** The art and science of sustainably growing and harvesting trees to meet needs.

- (96) **Skilled Nursing Care.** Skilled care is professionally supervised nursing care and related medical and other health services for persons who are assessed as needing 24-hour nursing care that can only be met in a long-term care facility on an inpatient basis. [Amended August 14, 2001]
- (97) **Special Events.** Circuses, fairs, carnivals, festivals, or other types of special events that: (i) run for longer than one day, but not longer than two weeks; (ii) are intended to or likely to attract substantial crowds; and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.
- (98) **Special Use Permit.** A permit issued by the board of adjustment that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the board of adjustment.
- (99) **Street.** A public Town street or a street with respect to which an offer of dedication has been made and accepted by the Town.
- (100) **Shared Driveway.** A driveway shared between two single-family zoning lots. See Section 16-294.
- (101) **Street, Arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the town and carries high volumes of traffic.
- (102) **Street, Collector.** A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets, but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.
- (103) **Street, Cul-de-sac.** A street that terminates in a vehicular turn-around.
- (104) **Street, Local.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten, but not more than twenty-five, dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.
- (105) **Street, Marginal Access.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- (106) **Street, Minor.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.
- (107) **Street, Subcollector.** A street whose principal function is to provide access to abutting properties, but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six, but not more than one hundred, dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.

- (108) **Structure.** Anything constructed or erected.
- (109) **Subdivision.** The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions: (i) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter; (ii) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening streets; or (iv) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter.
- (110) **Subdivision, Architecturally Integrated.** A subdivision in which all of the principal buildings are constructed in accordance with a master plan approved in conjunction with the permit that authorizes the development. All of the uses within such a development must be permissible within the district where this use is located.
- (111) **Subdivision, Major.** Any subdivision other than a minor subdivision.
- (112) **Subdivision, Minor.** A subdivision that does not involve any of the following: (i) the creation of more than a total of three lots; (ii) the creation, dedication, or extension of any new street or road, whether public or private; (iii) the extension of a public water or sanitary sewer system other than laterals to individual lots; or (iv) the installation of drainage improvements that would require an easement across one or more lots to serve other lots. In stating that a minor subdivision does not involve the “creation, dedication, or extension of any new street or road”, it means that adequate access to such lots is provided by an approved existing street (public or private) without the need for additions or improvements to existing street rights-of-way or easements. *[Amended August 13, 1996]*
- (113) **Temporary Emergency, Construction, or Repair Residence.** A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.
- (114) For purposes of this definition, "temporary" shall be construed to mean a period not to exceed 180 days subject to renewal by the Zoning Administrator. *[Amended April 8, 1986]*
- (115) **Temporary Sign.** A sign that: (i) is used in connection with a circumstance, situation, or even that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display

area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

- (116) **Tourist Home.** A use that consists of at least one dwelling unit together with one or more, but not to exceed four (4), rooms that are rented out on a daily basis or weekly basis (with or without board) to tourist, vacationers, or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units. [*Amended February 11, 1986*]
- (117) **Tower.** [See Section 16-289.03(A)(9)] [*Amended May 13, 1997*]
- (118) **Townhouse.** A unit in a non-vertically attached, multi-unit complex where the owner of the unit owns in severalty both the unit (including the entire physical structure) and the land on which the unit rests. The common areas are owned by the unit owners' association.
- (119) **Townhouse development.** A development of a zoning lot that consists of two (2) or more attached dwelling units or buildings and appurtenances, each of which is located on its own individual lot, plus land developed and designated for the common use and benefit of the occupants of the townhouse lots, provided an entity is designated to be legally responsible for maintenance and control of the common land areas. The individual lots within a townhouse development shall not be required to meet the building setback requirements, minimum lot sizes, or minimum lot widths as specified in Article XII, provided the overall zoning lot containing the townhouse development meets such standards.
- (120) **Tract.** (see definition for Lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."
- (121) **Travel Trailer.** A structure that is: (i) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and (ii) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile home.
- (122) **Tree-topping.** The severe cutting back of limbs to stubs larger than 2 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- (123) **Turbine.** The parts of the wind energy system including the blades, generator and tail.
- (124) **Two-Family Conversion.** A two-family residence resulting from the conversion of a single building containing at least 2000 square feet of gross floor area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.
- (125) **Use.** The activity or function that actually takes place or is intended to take place on a lot.
- (126) **Use, Principal.** A use listed in the *Table of Permissible Uses*.
- (127) **Utility Facilities.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3 of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of

water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in subsection 16-151(A)(2).

- (128) **Utility Facilities, Neighborhood.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.
- (129) **Utility Facilities, Community or Regional.** All utility facilities other than neighborhood facilities.
- (130) **Value of a Sign.** The value for tax purposes of any sign so listed. If tax value is not available, the value shall mean the original cost of the sign. In the absence of information as to original cost submitted by the sign owner, the administrator shall estimate original cost based upon the best information reasonably available. *[Amended April 10, 1985]*
- (131) **Variance.** A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.
- (132) **Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (133) **Viewshed.** An area on a single-family residential property where a portion of trees and limbs may be removed to provide a scenic vantage point.”
- (134) **Wholesale Sales.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- (135) **Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics.
- (136) **Wind Energy Tower.** With regard to a wind energy system, the structure on which the wind system is mounted.
- (137) **Zoning lot.** A legally subdivided lot (not a tract) shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots.
- (138) **Zoning Permit.** A permit issued by the land use administrator that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

Section 16-16 Lots Divided by District Lines.

(A) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(B) Whenever a single lot greater than two acres in size is located within two or more zoning districts, then:

(1) If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.

(2) If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

(C) This section applies only to lots created on or before the effective date of this chapter unless the board of adjustment, in a proceeding under Section 16-93 to determine district boundaries, concludes that a lot established after the effective date of this chapter was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this section.

Sections 16-17 through 16-20 Reserved.