

## **ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS**

### **Section 15 Definitions of Basic Terms.**

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

**Abandoned.** The intentional or unintentional cessation of use, or maintenance of a building, structure or lot.

**Accessory Dwelling Unit.** A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

**Accessory Use/Structure.** A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

**Active Recreation.** Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

**Adjacent.** See "Adjoining Property"

**Adjoining Property.** When used in connection with a notice requirement under this ordinance (See Sections 22(e), 102(2), and 323(c)), this term shall refer to any tract having a border that touches at any point the border of the property that is the subject of a proposed permit, appeal, variance or rezoning, as well as any tract that would have such a common border point with the subject property if one were to disregard (i) any intervening street or other public or utility right-of-way, and (ii) any intervening property that is under the same ownership as the subject property.

**Administrator, Land Use.** Primary responsibility for administering and enforcing this ordinance may be assigned to one or more individuals by the Town Board of Commissioners. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "land use administrator" or "administrator." The term "staff" is sometimes used interchangeably with the term "administrator."

**Adult Establishment** Any structure, business or use of land which meets the definition of Adult Establishment as outlined in N.C.G.S. 14-202.10, and including adult video stores and adult hotels and motels. This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in N.C.G.S. 14-202.10 and the definitions are adopted by reference. However, certain massage businesses are exempt from this definition where the employees associated with massage meet the ethical and educational requirements

specified by the American Massage Therapy Association, or equivalent national or state standards.

**Adult Motel or Hotel** - a hotel, motel or similar commercial establishment that:

- (a) Offers accommodations to the public for any form of consideration and, as one of its principal business purposes, provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

**Adult Video Store** - a commercial establishment that has as a substantial portion (over 25% of total retail space) of its-stock-in-trade and offers for sale or rent, for any form of consideration, any one or more of the following: photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas".

**Agency**. A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

**Agribusiness**. A commercial operation that (i) involves the processing or distribution of farm products or the sale or repairs of farm machinery, equipment, or supplies, and (ii) is not otherwise specifically listed in the Table of Uses. (See Section 168 for standards). Without limiting the generality of the foregoing, a temporary collection facility for the disposal of dead fowl shall be considered an agribusiness use.

**Agricultural Uses**. The commercial production of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; rheas, ostrich, emu, livestock, including beef cattle, sheep, swine, llamas, horses\*, ponies\*, [\*horses and ponies must be raised commercially on a horse farm for the purpose of sale to qualify as an "agricultural use", as distinct from riding stables or boarding facilities, which do not qualify as an "agricultural use"], mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Also land used as pasture or in the commercial production of fish hatcheries or aquaculture.

Also for the purposes of this ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not

limited to poultry and hoofed animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Other uses which shall not be deemed as “agricultural uses” include (I) zoos, (ii) kennels, and (iii) riding stables and academies.

For the purposes of this Ordinance, Agricultural Uses are divided into two classes:

- (a) Agricultural Uses, Class I. Agricultural uses excluding livestock, with the exception of horses.
- (b) Agricultural Uses, Class II. Agricultural uses including livestock, horses, and poultry (e.g. turkeys, chickens, ducks, geese, rheas, emus, ostrich, or other domestic fowl), hog and rabbit meat production centers on 10 acre minimum tracts.

**Aircraft.** Any contrivance used or designed for navigation of or flight in the air by one or more persons.

**Airport.** An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, except that an airstrip shall not be considered an airport.

**Airstrip.** An area of land or water, located on private property, which the owner of such land uses or authorizes the use of for the landing and take-off of (i) not more than two aircraft owned or leased by the owner of such property, or (ii) aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip and which airstrip is not used in connection with flying lessons or the rental or sale of aircraft, parts, or fuel.

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

**Amusement Arcade.** A commercial facility providing recreational activities that typically includes coin-operated amusement machines such as pinball machines, electronic video games and skeetball machines. A facility shall be deemed an amusement arcade if it has eight (8) or more of such machines.

**Amusement/Fun Park.** A permanent, outdoor, pedestrian-oriented facility containing a cluster of structures and facilities which house devices for entertainment, including but not limited to rides, booths for the conduct of games, food and souvenir stands, buildings for shows and entertainment (movies), video games, go-carts, remote control cars track, and miniature golf.

**Animal Grooming Facility.** An indoor facility where household pets, primarily dogs and cats are bathed, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

**Animal Hospital (Indoor).** A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

**Animal Hospital (with Outdoor Runs).** A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. Outdoor runs are permitted.

**Animal 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. Occasional breeding and offering the resultant litter for sale shall not constitute the operation of a kennel.

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

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

**Animal Unit.** A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

**Antenna.** Equipment designed to transmit or receive electronic signals, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

**Applicant.** A person seeking an action or approval under provisions of this ordinance.

**Art Gallery.** A commercial establishment where individual pieces of art are sold to the general public on a retail basis.

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

**Automobile, Truck, Boat, Motorcycle or Sales and Service.** Premises upon which new or used passenger automobiles, trailers, motorcycles, or trucks in operating condition are displayed in the open for sale or trade. Service of vehicles, trucks, motorcycles or boats may also take place but only in conjunction with the sales operation.

**Automobile Body Shop.** Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

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

**Automobile Car Wash (Self-Service Car Wash or Automatic).** A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines, or by using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods as well as vacuuming facilities may also be provided on-premises on an accessory basis.

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

**Automobile Parts Supply Store.** An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto parts sales, or the installation of such parts.

**Automobile Repair Shop.** Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

**Automobile Service Station.** A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

**Automobile Towing and Wrecking Service.** An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard nor an automobile salvage yard.

**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 to include a canopy.

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

**Bank Teller Machine.** A machine which dispenses cash and allows the user to make bank transactions without personal contact and without entering a bank or other financial

institution. Use of machines is generally not limited to specific hours of operation. Unit may be associated with a financial institution or free-standing either outdoor or within a building.

**Banner.** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation's applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

**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.

**Basement.** The lowest level or story which has its floor subgrade on all sides.

**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 dwelling unit together with the rental of one or more 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.

**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.

**Blood Relative.** For the purposes of this ordinance, a blood relative(s) shall be the great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure.

**Boarding/Rooming House.** A residential use (i) that consists of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, (ii) where the dwelling unit is occupied by the owners of the boarding/rooming house and (iii) where there are no separate kitchen and bath facilities provided for any lodger.

**Bookstore.** A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of "adult uses", as herein defined, shall not be considered a book store.

**Buffer.** (As used in this Ordinance with the exception of Article XVI, which has a separate and different definition). A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**Building.** A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

**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. (See Section 150).

**Building Front.** The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, the street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal. When the two (2) street lines are of equal length, the final plat shall be reviewed to determine which side was designated as the "front" by the original subdivider. If the plat does not provide this information, then the property owner shall be required to specify which is the front when requesting a zoning permit, and the setbacks shall be set accordingly.

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

**Building and Home Materials Center (i.e. hardware stores).** A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances, etc.).

**Building Line.** The edge of a building closest to the street.

**Building, Principal.** The primary building on a lot or a building that houses a principal use.

**Building Setback Line.** A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), and the nearest edge of the street right-of-way.

**Bulletin Board.** A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

**Bus Terminal, Passenger.** Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers going on inter-city bus trips.

**Business Identification Sign.** A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said

premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

**Business Park.** A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

**Bulk Storage.** Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

**Business Services.** Establishments primarily engaged in rendering services (which are not listed elsewhere in this ordinance) to business establishments on a contract or fee basis. These services include but are not limited to: advertising, claims adjusters, and computer software development.

**Camping and Recreational Vehicle Park.** Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are solely used for recreation or vacation purposes.

**Campsite.** Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, or tent.

**Canopy.** A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

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

**Cemetery.** Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

**Center Line of Street.** The center line of a right of way, as defined or surveyed by the North Carolina Department of Transportation or the Town of Wingate.

**Certificate of Compliance.** A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Land Use Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

**Certificate of Occupancy.** A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

**Certify.** Whenever this ordinance 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.

**Changeable Copy.** The display area of a sign where characters, letters, or illuminations can be changed or rearranged without altering the face or surface of the sign.

**Charitable Organizations.** Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

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

**Child Care Institution.** An institutional facility housing more than six orphaned, abandoned, dependent, abused, or neglected children.

**Church (or Other House of Worship).** A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead.

**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.

**Clinic.** Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

**Club or Lodge.** A building or site used by a non-profit membership organization for recreational or social purposes.

**Cluster Development.** (See Sec. 187) The grouping of buildings in order to conserve land resources and provide for innovation in the design of the 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.

**College Or University.** An institution other than a trade school that provides full-time or part-time education beyond high school. This includes associated facilities such as dormitories, office buildings, athletic fields, sororities, and fraternities.

**Co-Location.** Co-location means the location of wireless telecommunications antennae/equipment from more than one provider on one common tower or structure.

**Columbarium.** A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

**Combination Use.** A use consisting of a combination of one lot of two or more principal uses separately listed in the Table of Uses, Section 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 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.)

**Commercial Vehicle Storage and/or Operations Center.** A facility specifically designated for routine storing and/or servicing of six (6) or more commercial vehicles operated by the same entity.

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

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

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

**Condominium.** A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

**Construction Trailer.** A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

**Continuing Care Facility.** A residential complex which contains a variety of living

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

**Contractors.** General contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. Also included are heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

**Convenience Store/Mini Mart/Express Fuel.** A one-story retail store containing less than three-thousand five-hundred (3,500) square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "food store").

**Correctional Facility.** A public or privately operated facility used for 1) the temporary incarceration and/or housing of persons serving sentences or 2) incarceration or housing of persons serving criminal sentences.

**Council.** The Town Board of Commissioners of Wingate.

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

**County.** Union County.

**Craft Studio.** An establishment where works of art are individually crated on-premises by no more than five artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers.

**Day Care Center.** Any child care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children of pre-school age, as well as a center providing day care for more than two (2) hours per day for more than five (5) school age children, adults or senior citizens.

**Day Care Center associated with Place of Worship or School.** A day care center run by a church or school where day care is provided to children, handicapped persons, or senior citizens. The day care center may be located on the grounds of the church or

school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on a lot owned by the church or school where religious or educational activities are regularly conducted.

**Density, Gross.** A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces.

**Developer.** A person who is responsible for any undertaking that requires a zoning permit, conditional use permit, major development permit or sign permit.

**Development.** (as used in this Ordinance, with the exception of Article XVI, which has a separate and different definition). That which is to be done pursuant to a zoning permit, conditional use permit, major development permit, or sign permit.

**Development Permit.** See Major Development Permit.

**Development Site Plan.** A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this ordinance.

**Diet House or Diet Facility.** A facility housing a dietary treatment program supervised by trained professionals which may also contain temporary living quarters for clients.

**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.

**Discharging Landfill.** 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.

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

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

**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.

**Drugstore.** See "Pharmacy".

**Dry Cleaning and Laundry Plant.** A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. Such a facility may be free-standing or combined with a dry cleaning service facility.

**Dry Cleaning Services Outlet.** An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

**Duplex.** See Dwelling, Duplex.

**Dwelling, Attached.** A single-family dwelling attached to two or more one-family dwellings by common vertical walls.

**Dwelling, Detached.** A dwelling unit that is developed with open yards on all sides. This shall include modular homes but shall not include manufactured homes.

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

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

**Dwelling, Multi-Family Apartments.** A multi-family residential use other than a multi-family conversion or multi-family townhouse.

**Dwelling, Multi-Family Conversion.** A multi-family residence containing not more than four dwelling units and 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.

**Dwelling, Multi-Family Townhouse.** A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

**Dwelling, Patio Home.** A one-family dwelling unit on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar units on adjacent lots and still meet this definition, and are therefore known as zero lot line homes.

**Dwelling, Primary 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.

**Dwelling, Single-Family Detached, More Than One Dwelling Per Lot.** A residential use consisting of two or more single-family detached dwelling units on a single lot.

**Dwelling, Single-Family Detached, One Dwelling Unit Per Lot.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**Dwelling, Two Family.** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

**Dwelling, Two-Family Apartment.** A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

**Dwelling, 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.

**Dwelling Unit.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**Effective Date of This Ordinance, Article, Section.** Whenever this article refers to the effective date of this ordinance, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.

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

**Existing Development.** Those projects that are built or those projects that at a minimum have established a vested right in accordance with Sec. 62.

**Existing Lot (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 Article, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Article.

**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

**Fairgrounds.** An area where outdoor fairs, circuses, or exhibitions are held.

**Family.** One or more persons living together as a single housekeeping unit

**Family Care Home.** (See Handicapped, Aged, Infirm Home).

**Farm** (See Agricultural Uses)

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

**Farmer's Market.** An outdoor market open to no greater than fifty (50) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans and trucks of no greater than three-quarter (3/4) ton in weight capacity.

**Fence.** A devise made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof. A fence is not a structure.

**Finance Company.** A commercial establishment which makes short and long term loans to individuals.

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

**Flag.** A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

**Flag Lot.** An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than fifty percent of the presumptive minimum required lot width as set forth in Section 183 (or if no minimum lot width is

specified therein, is less than the lesser of (i) fifty percent of the width of the buildable portions of the lot, or (ii) fifty feet).

**Flea Market.** A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation.

**Flex Space.** Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

**Flood or Flooding.** 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 (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**Floodplain.** Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, 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 land use administrator's office. This area shall comprise the floodplain overlay zoning district established in Section 139.

**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 ordinance, 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 land use administrator's office. This area shall comprise the floodway overlay zoning district established in Section 139.

**Floor.** The top surface of an enclosed concrete slab construction or top of wood flooring in frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Florida Room.** A prefabricated room designed and manufactured specifically for manufactured homes.

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

**Food Catering Facility.** A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food

catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

**Food Store or Grocery Store.** An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

**Fortune Teller/Astrologer.** A commercial establishment where people go to have their fortunes predicted through the use of astrology, card reading, numerology, etc. If located in a Residential zoning district, it may only take place as a customary home occupation only.

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

**Freestanding/Self-Supporting Tower.** All telecommunications towers which are placed on an independent base and erected without support from other structures. Monopoles and lattice towers are types of freestanding towers.

**Frontage.** The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded.

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

**Funeral Home.** A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Also a facility where funeral services are held, funeral vehicles are stored, and caskets and other funeral supplies are sold.

**Game Room/Video Arcade.** An indoor commercial facility providing recreational and entertainment activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeetball machines. A facility shall be deemed a video arcade if it has eight (8) or more of such machines. If three (3) or more pool tables are provided, the facility shall also be deemed a "Billiard Parlor". The facility could include food and beverage services, but incidental to the games.

**Garage Sale.** See "Yard Sale"

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

**Golf Course.** A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

**Governmental Uses.** Any government use by Wingate, North Carolina which is permitted or required by law.

**Grade of Street.** The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

**Greenhouse.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

**Greenhouse, Commercial.** An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

**Gross Density.** The quotient of the total number of dwelling units divided by the total gross acreage of a site.

**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.

**Gross Tract Area or Gross Acreage.** The total area of a project including rights-of-way, open space, and dedicated public properties.

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

**Group Development.** A group of two (2) 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. Examples of a group development include: cluster-type subdivisions, row houses, apartment complexes, housing projects, school and hospital campuses and shopping centers, business parks, etc.

**Group Care Facility/Group Home.** (See Handicapped, Aged, Infirm Institutions).

**Halfway House.** A home for not more than five persons who have demonstrated a tendency toward antisocial or criminal conduct, or who have been released from incarceration or from a juvenile detention facility, or some other type of similar facility, 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.

**Handicapped, Aged or Infirm Home/ Family Care Home.** A residence within a single dwelling unit, for not more than six persons, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons, who because of age, illness, handicap or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort, as defined by NCGS, 168-21(2). In addition, not more than two persons providing care or assistance to such persons, may live on the premises. Persons residing in such homes principally need residential care rather than medical treatment.

All family care home facilities shall be regulated by the State of North Carolina.

**Handicapped, Aged or Infirm Institution/Independent Living Center/Group Care Facility/Group Home.** An institutional facility or a residential building, housing and providing care or assistance for more than six persons with support and supervisory personnel that provides room and board, personal care, or rehabilitation services in a family environment for not more than thirty (30) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment. Congregate meals may be provided at such facilities.

All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.

**Handicapped Person.** A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

**Hazardous Substance.** Any substance which may pose a danger to the public health or safety if contained in the public water supply, as determined by the land use administrator. A list of all such substances shall be compiled by the land use administrator and maintained in the inspections department. All substances included in the U. S. Environmental Protection Agency's listing of Hazardous substances and Priority Pollutants (developed pursuant to the Clean Water Act of 1977) shall be deemed hazardous substances and included on the list compiled by the land use administrator, but other substances may be included as the land use administrator, in his informed judgment, deems necessary.

**High Volume Traffic Generation.** All uses associated with merchandise sales or service uses other than low volume traffic generation uses.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic Structure.** As used in Article XVI, any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**Home Decorating Center.** A commercial establishment which sells decorating items (e.g. paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

**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 subordinate to the residential use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, in order to be regarded as having an insignificantly adverse impact on the surrounding neighborhood, a use must comply with the regulations found in Section 180J.

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

Uses such as automobile repair shops, body shops and garages shall not be regarded as home occupations.

**Home School.** A home school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or from a member of either household. A home school shall be considered a Home Occupation.

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

**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.

**Household.** A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**Industrial Park.** A development that (i) labeled as such, is constructed on a tract of at least fifty (50) contiguous acres, (ii) contains an internal road network suitable for trucks and employee traffic, and provides adequate water and sewer utilities, (iii) consists of permitted or conditional uses as designated by the Use Table, and (iv) where outside storage is requested, shall be subject to the provisions of subsection 154(c).

**Interior Decorator.** A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wallpaper, and paint samples may be provided.

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

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

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

**Kennel** (see Animal Kennel).

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

**Landfill.** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of Article XVI this term does not include reclamation landfills (i.e. composting facilities).

**Landfill, Demolition.** An operation which consists of the dumping of materials allowed in a reclamation landfill and/or construction material consisting of debris associated with the construction or demolition of housing or buildings, and Industrial Solid Waste as defined in the ENR-Division of Waste Management Regulations effective January 9, 1997. In no event shall such debris include solvents, chemicals, liquid paint, asbestos, food or food by products or any infectious or hazardous substance. On-sight disposal is for those wastes produced from on-sight clearing and building construction. Off-sight disposal is for those wastes which are transported from other sights. See Section 180 for development restrictions.

**Landfill, Reclamation.** An operation which consists of the dumping of uncontaminated soil, sand, gravel, rocks, stumps, limbs, and leaves on a tract of land for the purpose of raising the elevation of such land.

**Landfill, Sanitary.** A tract of land used as a permanent dumping place for garbage, trash, and other types of solid wastes, whether or not such wastes are biodegradable, where the principal purpose of such landfill is to provide a disposal site for such wastes rather than to raise the elevation of the land.

**Lattice Tower.** A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These towers can be either three or four-legged steel girded structures designed typically to support multiple telecommunications users.

**Laundromat.** A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

**Live/Work Unit** A type of structure which includes living space and space for non residential activities. Typically, live/work units are part of mixed use townhouse developments and planned unit developments.

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**Loading and Unloading Area.** That portion of the vehicle accommodation area used to

satisfy the requirements of Section 300.

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

**Lot.** A 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.

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

Subject to Section 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.

**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 into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street, 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.

**Lot, Corner.** A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal. When the two (2) street lines are of equal length, the final plat shall be reviewed to determine which side was designated as the "front" by the original subdivider. If the plat does not provide this information, then the property owner shall be required to specify which is the front when requesting a zoning permit.

**Lot Depth.** The mean horizontal distance between the front and rear lot lines.

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

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

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

**Lot Line House.** A single-family detached dwelling unit which is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard.

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

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

**Lot Line, Side.** Any lot line abutting another lot and which is not a front or rear lot line.

**Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Union County or a lot described by metes and bounds, the description of which has been so recorded.

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

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

**Lounge/Bar.** An establishment (e.g. bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use. Any lounge which provides facilities or services which satisfy any portion of the definition of “adult establishment” per G.S. 14.202.10 shall be considered an “adult establishment”.

**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.

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

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

**Main Traveled Roadway.** The principal traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled roadway. Not included are such facilities as arterial access streets.

**Major Development Permit.** A permit issued by the planning board that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

**Major Map Amendment-** An amendment to the Zoning Map initiated by the Town Board of Commissioners, Planning Board, or planning staff that addresses a zoning reclassification action directly affecting more than 50 properties, owned by a total of at least 50 different property owners.

**Manufactured Goods, Class 1.** Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as needing a "conditional use permit" then the entire use shall be deemed to need a "conditional use permit" as opposed to a "permitted use".):

All manufacturing industries not listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses. Please refer to the definition of Manufactured Goods, Class 2.

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

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

- (a) Meat packing plants and poultry dressing plants, sausage and other prepared meat products (SIC #2011, 2013, 2015)
- (b) Pickled fruits and vegetables (SIC #2035)
- (c) Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
- (d) Animal feeds and pet foods (SIC #2047, 2048)

- (e) Fats and oils (SIC Group #207)
- (f) Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
- (g) Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)
- (h) The following manufacturing listed under SIC #2099:
  - (1) Yeast
  - (2) Molasses and sweetening syrups
  - (3) Vinegar
- (i) Tobacco products (SIC Major Group #21)
- (j) Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers
- (k) Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
- (l) Sawmills and planing mills, general (SIC #2421)
- (m) Wood building and manufactured homes (SIC Group #245)
- (n) Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)
- (o) Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281; SIC Group #282)
- (p) Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- (q) Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- (r) Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #286; SIC Group #287)

- (s) Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
- (t) Petroleum refining (SIC Group #291)
- (u) Asphalt paving and roofing materials (SIC Group #295)
- (v) Lubricating oils and greases (SIC #2992)
- (w) Products of petroleum and coal classified under SIC #299
- (x) Tires and innertubes (SIC Group #301)
- (y) Plastic products found under SIC Group #308 when resins are made at the same facility
- (z) Leather tanning and finishing (SIC Group #311)
- (aa) Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
- (bb) Cement, hydraulic (SIC Group #324)
- (cc) Structural clay products (SIC Group #325)
- (dd) Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
- (ee) Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- (ff) Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
- (gg) Minerals and earths, ground or otherwise treated (SIC #3295)
- (hh) Non-clay refractories (SIC #3297)
- (ii) Miscellaneous nonmetallic mineral products listed under SIC Code #3299
- (jj) Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)

- (kk) Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)
- (ll) Manufacture of other primary metal products listed under SIC #3399
- (mm) Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
- (nn) Power, distribution and specialty transformers (SIC #3612)
- (oo) Electrical industrial carbon and graphic products (SIC #3624)
- (pp) Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
- (qq) Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, 3713; SIC #3715; SIC #3716)
- (rr) Railroad equipment (SIC #3743)
- (ss) Motorcycles (SIC #3751) except bicycles and bicycle parts
- (tt) Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- (uu) Under SIC #3792 - camping trailers
- (vv) (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
- (ww) Under SIC #3861 - all photographic supplies but not photographic equipment
- (xx) Under SIC #3952 all inks, paints, oils, enamels, and crayons
- (yy) Carbon paper and inked ribbons (SIC #3955)
- (zz) Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)
- (aaa) Mining (all of SIC Division B)
- (bbb) Incinerator Operations (SIC #4953)

**Manufactured Home.** A dwelling unit that: (i) is not constructed in accordance with the standards set forth in The North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant

and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width. A structure that would otherwise be characterized as a manufactured home except that it is not used or held ready for use as a dwelling unit (e.g., is used as an office or some other business use) shall not be regarded as a manufactured home.

**NOTE: FOR PURPOSES OF ARTICLE XVI, THE FOLLOWING DEFINITION SHALL APPLY TO THE TERM “MANUFACTURED HOME”:**

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include park trailers, travel trailers, recreational vehicles, SUV’s, and other similar vehicles. Within the text of this ordinance, when the term single family dwelling is used it shall not include a manufactured home.

**Manufactured Home, Class A (Double wide).** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (a) The home has a length not exceeding three times its width;
- (b) The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted), comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (d) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

**Manufactured Home, Class B (Single-wide).** A manufactured home that meets all of the criteria of a Class A manufactured home except the length/width ratio.

**Manufactured Home, Class C (Single wide).** Not allowed in any zoning district in Wingate, except as a non-conforming structure after the date of this Ordinance. A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house either as a class A or class B manufactured home. This may include, but not be limited to, manufactured homes with flat roofs, metal/vinyl siding, and/or vinyl underpinning.

**Manufactured Home, Class D (Single-wide).** Not allowed in any zoning district in Wingate, except as a non-conforming structure after the date of this Ordinance. Any manufactured home that does not meet the definitional criteria of Class A, B, or C manufactured homes. In general, the unit was built before July 1, 1976.

**Manufactured Home Park.** Not allowed in any zoning district in Wingate. A residential use in which more than one manufactured home is located on a single lot.

**Manufactured Home Park or Subdivision, Existing** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes is located has been completed before the effective date of this Ordinance. New manufactured home parks are not allowed in any zoning district in Wingate.

**Manufactured Home Space.** Any premises within an existing manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto. New manufactured home parks are not allowed in any zoning district in Wingate.

**Manufactured Home Subdivision:** A recorded subdivision containing residential lots for individual sale and occupancy by manufactured homes.

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

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

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

**Mini-Mart, Express Fuel.** (See Convenience Store)

**Mini-Warehouse, Class 1.** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included.

**Mini-Warehouse, Class 2.** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Outdoor storage shall be allowed in conjunction with the facility. Storage shall be limited to dead storage. Dead storage

excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included.

**Minor Map Amendment.** An amendment to the Zoning Map that addresses a zoning reclassification action involving less than 50 properties which are owned by less than 50 different property owners.

**Modular Home.** A dwelling unit 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 manufactured home (except that the modular home meets The North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

**Monopole Tower.** A free-standing and self-supporting single pole structure that supports telecommunication equipment.

**Motor Vehicle.** Every self propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self propelled vehicle.

**Multi-Family Development/Multi-Family Dwellings.** A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

**Net Floor Area.** Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to-which patrons do not have regular access.

**Net Tract Area or Net Acreage.** The residual acreage of a project after the amount of rights-of-way, open space, and public property have been deducted from the "Gross Tract Area".

**New Construction.** As used in Article XVI, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction"

commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Night Club.** An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 or older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS 18B-1000(6), clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health and athletic facilities.

**Noncommercial Copy.** A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

**Nonconforming Lot.** A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located, except that such a lot created pursuant to a provision of this or any prior ordinance allowing the creation of lots smaller than normal minimums shall not constitute a nonconforming lot.

**Nonconforming Project.** Any structure, development, or undertaking that is incomplete on the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**Nonconforming Sign.** A sign that on the effective date of this ordinance does not conform to one or more of the regulations set forth in this ordinance, particularly Article XVII, Signs.

**Nonconforming Situation.** A situation that occurs when, on the effective date of this ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a 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 ordinance, because signs do not meet the requirements of Article XVII of this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance.

**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 running a bakery in a residentially zoned area is a nonconforming use.)

**Non-residential Development.** All development other than residential development, agriculture and silviculture.

**Nursery.** A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes. See Agriculture Uses, Class III.

**Nursery Products Sales, Retail and Wholesale.** A commercial enterprise where flowers, shrubs and plants are raised for sale on the retail or wholesale level. Nurseries may use greenhouses for the raising of such entitles. See Agricultural Uses, Class III.

**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 six persons.

**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 six persons.

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

**Office Building.** A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**Office Park.** A development on a tract of land containing two or more office buildings, supporting uses and open space designed, planned and constructed and managed on an integrated and coordinated basis.

**Open Space.** Areas of development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or home owner's association. Public open space is open space owned by a governmental jurisdiction.

**Open Storage.** An unroofed storage area, whether fenced or not.

**Outparcel.** A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks,

savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

**Owners.** See "Property Owners."

**Package Treatment Plant.** A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

**Parapet.** That portion of a building wall or false front that extends above the roof line.

**Parking Area Aisles.** That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

**Parking Bay.** A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

**Parking Space.** A portion of the vehicle accommodation area set for the parking of one vehicle.

**Passive Recreation.** Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

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

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

**Perennial Stream.** A stream that flows continuously during most or all of the year.

**Permit, Building.** Written permission issued for the construction, repair, alteration or addition to a structure.

**Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

**Personal Service Establishments.** An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops

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

**Place of Worship.** A building primarily used by a non-profit organization for organized religious services and supporting uses.

**Planned Industrial Development.** A development that (i) is constructed on a tract of at least fifty contiguous acres under single ownership located within a planned industrial district, (ii) is developed in accordance with a comprehensive and unified scheme of development covering the entire tract, (iii) consists of a single principal use or a combination of principal uses consisting of wholesale sales or manufacturing uses (class 1), and (iv) is otherwise developed according to building height, setback and other regulations applicable to the LI zoning district.

**Planned Residential Development.** A development constructed on a tract of at least five acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multifamily residences, or both, all developed in accordance with Section 158.

**Planned Unit Development.** A development constructed on a tract of at least twenty-five acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a P.U.D. district (see Section 138) in accordance with Section 159.

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

**Poultry, Hog and Rabbit Meat Production Centers.** A commercial enterprise where poultry (e.g., turkeys, chickens, ducks, geese, ostrich, rhea, emu, and or other domestic fowl), hogs, llama or rabbits are raised in large numbers (exceeding on a regular basis twenty-five hogs or rabbits or fifty fowl), usually in relatively confined quarters, for sale as meat.

**Premises.** A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

**Private Road.** See "Road."

**Produce Stand.** The sale of any form of agricultural or horticultural products at a retail stand on the property under the same ownership as the lot upon which the produce is grown.

**Property Owners.** Those listed as owners of property on the records of the Union County Assessor's Office.

**Public Safety Station.** A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of

operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

**Public Water Supply System.** Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

**Racetrack, Outdoor.** An outdoor facility where motor vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

**Racetrack, Indoor.** An indoor facility where reduced-scale cars or airplanes are raced. Other entertainment or recreation activities may also be provided such as video games, or pool tables and where food may be provided.

**Receive-Only Earth Station.** An antenna and attendant processing equipment for reception of electronic signals from satellites. (As indicated in Subsection 150(c)(5), receive only earth stations are generally regarded as accessory uses to residential uses).

**Recreation Center, Indoor.** Public or private health or exercise clubs, tennis or racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and 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.

**Recreational Facility, Outdoor.** A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park. The term shall not include the terms "racetrack", "outdoor firing range", "stadiums", "amphitheaters", "amusement park", "baseball hitting ranges", "country club" or "golf course".

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

**Recreation Vehicle.** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycling Station.** A center located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

**Rental Center, Class 1.** A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. This shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

**Rental Center, Class 2.** A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

**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.

**Residency Hotel/Motel.** A building or group of buildings containing ten (10) or more guest rooms for transient or permanent residents. Transients are generally daily or weekly rentals and permanent are generally weekly or monthly rentals. Occupancy shall not exceed two people per guest room. Registration facilities, 24-hour on site management and housekeeping services shall be provided. Accessory uses may include restaurants, laundry facilities, or other services for occupants. These are often called an “apartment hotel” or “single room occupancy housing”.

**Restaurant.** A commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

**Restaurant, Fast Food.** An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoor calling station.

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

**Riding Stable/ Academy.** A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds. Horseback riding lessons may also be provided.

**Road.** All private ways used to provide motor vehicle access to (i) two or more lots or (ii) two or more distinct areas or buildings in unsubdivided developments.

**Road, Frontage.** A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

**Rooming House.** See “Boarding/Rooming House”.

**Roof Line.** The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

**Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

**School, Vocational.** A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

**Schools for Arts, Etc.** A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance.

**Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards.** The use of more than six hundred (600) square feet of the area of and 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 or machinery or parts thereof, and any salvage yards or junkyards, or any additional such usage as defined under Standard Industrial Classification 5015 and 5093.

**Screening.** A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

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

**Septic Tank Disposal Operating Service.** (See Commercial Vehicle Storage and Operations Center)

**Setback.** A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.

**Setback, Front.** That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**Setback, Rear.** That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**Setback, Side.** That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

**Setback, Sign.** The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

**Sewer, Community.** See "Public Sewer"

**Sewer, Public.** Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity of greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition the definition shall include all connections to such a system.

**Shopping Center.** A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

**Shopping Center, Class A.** A shopping center containing less than twenty-five thousand (25,000) square feet of gross leasable area.

**Shopping Center, Class B.** A shopping center containing twenty-five thousand to ninety-nine thousand nine hundred ninety-nine (25,000-99,999) square feet of gross leasable area.

**Shopping Center, Class C.** A shopping center containing one hundred thousand to four hundred ninety-nine thousand nine hundred ninety-nine (100,000-499,999) square feet of gross leasable area.

**Shopping Center, Class D.** A shopping center containing five hundred thousand (500,000) or more square feet of gross leasable area.

**Sight Distance Triangle.** The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being fifteen (15) and seventy-five (75) feet from the point of intersection.

**Sign.** Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term “sign” does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

**Sign, Advertising.** A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

**Sign Area.** The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

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

**Sign, Canopy and Awning.** A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall 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, Directional.** A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

**Sign, Directory.** A sign on which the names and locations of occupants or the use of a building or property is identified.

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

**Sign, Freestanding.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

**Sign, Government.** Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

**Sign, Ground.** Any sign which extends from the ground or which has supports which places the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

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

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

**Sign, Incidental.** A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

**Sign, Instructional.** An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional 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, Internally Illuminated.** A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

**Sign, Lighted.** A sign illuminated only by light cast upon the sign from an external light source.

**Sign, Luminous.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

**Sign, Monument.** A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

**Sign, Nonconforming.** A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance, particularly those contained in this article.

**Signs, Off-Premises.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious or other non-commercial message shall also be an off-premises sign unless such sign is excluded from regulation under Section 271 or is subject to regulation under Subsection 272(a)(4).

**Sign, On-Premise.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

**Sign Permit.** A permit issued by the land use land use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

**Sign, Pole.** A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

**Sign, Portable.** Any freestanding sign that is not permanently affixed to the ground, or other permanent structure, or a sign designed to be transported including but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used for advertising. A sign is permanently affixed to the ground if its supporting elements are set in a concrete base in the ground or the sign is otherwise securely fastened to the ground in such a manner as manifestly to indicate that the sign is intended to remain in one location for an indefinite period. Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or on wheels.

**Sign, Projecting.** Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

**Sign, Public Interest.** A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

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

**Sign, Roof.** A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

**Sign, Temporary.** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (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.

**Sign, Vehicular.** Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

**Sign, Wall.** Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

**Special Events.** Circuses, fairs, carnivals, festivals, or other types of special events that (i) require more than one day from the time of set-up to final break-down, but no 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.

**Start of Construction.** As used in Article XVI, "start of construction 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 a building, whether or not that alteration affects the external dimensions of the building.

**Stealth Tower.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

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

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

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

**Street, Arterial.** A street whose principal function is to carry large volumes of traffic at higher speeds through the Town of Wingate or from one part of the Town of Wingate to another or to circulate traffic into, out of, or around the Town of Wingate.

**Street, Arterial 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.

**Street, Collector.** A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally 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.

**Street, Cul-de-sac.** A street that terminates in a vehicular turn-around.

**Street, Local.** A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.

**Street, Loop.** A street that has its beginning and ending points on the same road.

**Street, Major Arterial.** An arterial that is part of the State's primary road system, including US 74.

**Street, Minor Arterial.** All arterials other than major arterials.

**Street Property Line.** The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

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

**Structure.** Anything constructed or erected.

**Structure, Accessory.** A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to as an "accessory building".

**Structure, Principal.** A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

**Subdivision.** The division of a tract of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created 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 ordinance 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 ordinance, (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 ordinance.

**Subdivision, Architecturally Integrated.** A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 188.

**Subdivision, Major.** Any subdivision other than a minor subdivision.

**Subdivision, Minor.** Any subdivision that does not result in the creation of more than five lots out

of a single tract since February 14, 1978 as well as any subdivision (regardless of the number of lots) with respect to which this ordinance does not require the construction of new streets, roads, public water or sewer facilities, sidewalks, or similar facilities.

**Substantial Damage.** As used in Article XVI, damage of any origin sustained by a structure 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 Improvement.** As used in Article XVI, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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 project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local 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".

**Superstore.** A freestanding department, variety, or general merchandise store that contains 50,000 or more square feet of gross store space.

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**Telecommunications Equipment Building.** The buildings in which the electronic receiving and relay equipment for a telecommunication facility is housed.

**Telecommunication Tower and Facilities.** A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as "stealth" locations, shall be included in this definition, as well as towers which are camouflaged to resemble trees (not flagpoles). This definition also includes accessory buildings and related equipment required for the telecommunications facility. This definition does not include ham radio operations, radio broadcast towers or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

**Temporary Emergency, Construction, or Repair Residence.** A residence (which may be a Class A, or B manufactured 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 the 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. (See Section 160 and 149 for limitations on the duration of temporary residences).

**Tourist Home.** A use (i) that consists of at least one dwelling unit together with one or more rooms that are rented out on a daily or weekly basis (with or without board) to tourists, vacationers, or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units, (ii) where the dwelling unit is occupied by the owners or operators of the tourist home business.

**Tower.** Any structure whose principal function is to support an antenna.

**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 off spring or other adverse health effects.

**Tract.** A 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."

**Traditional Neighborhood Development.** [A traditional neighborhood development is a land development technique that encourages mixed-use, pedestrian oriented communities and promotes the diversification and integration of land uses. The TND is a human scale, walkable communities composed of a variety of housing types and densities and mixed use core of shopping, offices, public, and civic uses.](#)

**Travel Trailer.** A motor vehicle that is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a manufactured home.

**Truck Stop.** A facility typically offering multiple services to the traveling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

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

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

**Use, Principal.** The primary or predominant use of any lot.

**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(23) 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 151(2).

**Utility Facilities, Community or Regional.** All utility facilities other than neighborhood facilities.

**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.

**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 ordinance, he could not otherwise legally do.

**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 (spaces and aisles).

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

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

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

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

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

**Water Dependent Structure.** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

**Watercourse.** See Lake or Watercourse.

**Wholesale Sales.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Wholesale Sales Operation.** A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Enforcement Officer may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

**Wooded Area.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

**Yard.** An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

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

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

**Yard, Side.** A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

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

**Zero Lot Line:** A development in which one or more detached or attached dwelling units abut at least one property line (the unit has a zero (0) foot side setback). This definition does not include townhouses.

**Zoning Permit.** A permit issued by the land use administrator or his designee that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

**Section 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 or less in size is located within two or more different zoning districts:
  - (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 ordinance unless the land use administrator in a proceeding under Section 94 to determine district boundaries, concludes that a lot established after the effective date of this ordinance 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 17 through 20 Reserved.**