
Sec. 32-8. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use. A use that is subordinate to the principal building and located on the same lot as the principal building. Examples would be garages, storage sheds, swimming pools, etc.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative hearing. A proceeding to gather facts needed to make an administrative decision.

Adult bookstore. Notwithstanding the definition of "adult bookstore" contained in G.S. 14-202.10(1), means a business establishment that: (i) receives a majority of its gross income during any calendar month from the sale of publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices; (ii) has as one of its principal business purposes the sale or rental of publications which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices. In addition to all other information available to the zoning officer in making a determination whether a particular use is an adult bookstore, any of the following shall be an indication that an establishment has as one of its principal business purposes the sale or rental of publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas or sexually oriented devices:

- (1) Restricted access to the business establishment or portions of the business establishment by persons under 16 years of age.
- (2) Posted signs or notices outside or inside the business establishment indicating that the material offered for sale or rental might be offensive.
- (3) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.
- (4) Having a preponderance of its publications distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices.

As used in this definition, the term "publications" includes books, magazines, other periodicals, movies, videotapes and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Adult care center. Any establishment that provides supervision and care for adults on a regular basis for more than five persons unrelated to the operator for a period of less than 24 hours a day and which receives a payment, fee, or grant for any of the persons receiving care.

Adult establishment. Any structure or use of land which is an adult bookstore, an adult live entertainment business, an adult motion picture theatre, an adult mini-motion picture theatre or a massage business.

Adult live entertainment. Has the meaning set forth in G.S. 14-202.10(3).

Adult live entertainment business. Has the meaning set forth in G.S. 14-202.10(4).

Adult mini-motion picture theatre. Notwithstanding the definition of "adult mini-motion picture theatre" contained in G.S. 14-202.10(6), means an enclosed building with one or more viewing booths or partitioned areas designed to

hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where: (i) one of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices; or (ii) a substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices. In addition to all other information available to the zoning officer in making a determination whether a particular use is an adult mini-motion picture theater, any of the following shall be an indication that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths of motion pictures which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas or sexually oriented devices:

- (1) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under 16 years of age.
- (2) Posted signs or notices outside or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.
- (3) The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.

Adult motion picture theatre. Has the same meaning as set forth in G.S. 14-202.10(5).

Apartment. One or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms. Control of the apartment may be by rental agreement or ownership.

Accessory apartment. A dwelling unit that is secondary to the principal single household dwelling unit in terms of gross floor area, intensity of use, and physical character, but which has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance.

Apartment house/structure. Any building or part of a building in which there are three or more apartments, providing accommodation on a monthly or longer basis.

Applicant. The party applying for permits or other zoning approvals required by this chapter.

Billboard. Outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service, or other activity conducted, sold or offered elsewhere than on the premises on which such structure or display is located.

Boardinghouse (including bed and breakfast facilities). A dwelling where the owner shares a common facility with boarders. Separate facilities such as bathrooms and kitchens shall not be allowed. Not more than five boarders may stay at the house at any one time.

Bona fide farm. Any property whether owned or leased that meets the requirements of G.S. 160D-903.

Buffer. A strip that includes but is not limited to landscaping of at least ten feet in width consisting of a compact evergreen hedge of at least six feet in height at maturity or other type of evergreen foliage or vegetative screening of at least eight feet in height or a decorative fence of at least eight feet in height. No building, part of a building, driveway or parking area shall occupy any part of the buffer. See section 32-256.

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. The connection of two or more buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or

without a roof, shall be deemed to make them one building. This term does not apply to camping trailers, motorized homes, pickup coaches, travel trailers or to self-contained travel trailers.

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

Building, principal. A building in which is conducted the principal use of the lot on which the building is situated.

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

Certificate of zoning compliance. A statement, signed by the zoning administrator, stating that the plans for a building, structure or use of land complies with this chapter.

Classic vehicle. Any vehicle between 20 years old and 40 years old.

Condominium. A dwelling unit owned as a single-family home within a multiple unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, exterior, and other common elements. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools and, club house, hallways, basements, heating units and elevators.

Comprehensive plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

Conditional zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Craft shop/residential dwelling. A structure containing both a craft shop and residential dwelling including, but not limited to, a kitchen, bathroom, living room and bedroom. The commercial uses of the building shall not cover more than 50 percent of the total floor area of the structure.

Day care facility. Any child care arrangement where five or more children less than 13 years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardian, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four hours per day.

Development. Any of the following:

- (1) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- (2) The excavation, grading, filling, clearing, or alteration of land;
- (3) The subdivision of land as defined in G.S. 160D-802;
- (4) The initiation or substantial change in the use of land or the intensity of use of land.

Development approval. An administrative or quasi-judicial approval made pursuant to this chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory

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approvals required by regulations adopted pursuant to this chapter, including plat approvals, permits issued, development agreements, entered into, and building permits issued.

Development regulation. A unified development ordinance, zoning regulations, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, state building code enforcement, or any other regulation adopted pursuant to this chapter, or local act or charter that regulates land use or development.

Decision-making board. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this chapter.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Unless the context clearly indicates otherwise, the term means any of the following:

- (1) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- (2) The excavation, grading, filling, clearing, or alteration of land.
- (3) The subdivision of land as defined in G.S. 160D-802.
- (4) The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by this chapter.

Development approval. An administrative or quasi-judicial approval made pursuant to this chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, state building code enforcement, or any other regulation adopted pursuant to this chapter, or a local act or charter that regulates land use or development.

Dwelling, multifamily. A building or portion thereof used or designed as residence for three or more families living independently of each other, including apartment houses, apartment hotels and group housing projects.

Dwelling, single-family. A detached building designed for or occupied exclusively by one family.

Dwelling, two-family. A building arranged or designed to be occupied by two families living independently of each other.

Dwelling unit. A building or portion thereof providing complete and permanent living facilities for one family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence or a travel trailer.

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

Easement, negative access. An easement which allows no driveway or vehicles access to a lot from an adjacent public street.

Easement, drainage. An easement which grants the right to allow for the transport of stormwater runoff or drainage from adjacent properties upon the subject property. Easement may be private or dedicated to the city for public use and maintenance.

Easement, pedestrian. Where it is necessary to facilitate pedestrian circulation between neighborhoods, schools, shopping, recreation, or other activity centers in addition to that provided for adjacent to a street, pedestrian access easements shall be dedicated to the city or a HOA for maintenance.

Easement, private off-site access. An easement which grants the right of access to properties owned differently from the property underlying the access easement. Private off-site easements shall be a minimum of 30 feet in width and serve no more than three separately platted lots.

Easement, site. An easement which grants the right to maintain an unobstructed view across property located at a street intersection.

Easement, utility. Any easement owned by the city or state and acquired, established, dedicated, or devoted for public utility purposes not inconsistent with telecommunications facilities, a right-of-way, easement, or use restriction acquired for public use for sewers, pipelines, pole lines, electrical transmission and communication lines, pathways, storm drains, drainage, water transmission lines, and similar purposes.

Electronic Gaming. Any business or enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not limited to, cyber-gaming establishments, internet cafes, internet sweepstakes, beach sweepstakes, video sweepstakes or cyber-cafes, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina. See also Sec. 32-262.

Electronic Gaming Machine or Electronic Gaming Machine Used as an Accessory to a Principal Use. An electronic machine, including but not limited to a computer and/or gaming terminal, used in Electronic Gaming or by the customers or clientele of an Electronic Gaming Business.

Encroachment. Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the public frontage, or above a height limit.

Evidentiary hearing means a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this chapter.

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

Family care home.

- (1) A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities.
- (2) Persons with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual or other developmental disability, 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.

- (3) A family care home is deemed a residential use of property for zoning purposes and is a permissible use in all residential districts. No local government shall require that a family care home, its owner, or operator, because of the use, a special use permit or variance from any such zoning regulation, however, local government may prohibit a family care home from being located within a one-half mile radius of an existing family care home.
- (4) A family care home is deemed a residential use of property for the purposes of determining charges or assessments imposed by local governments or businesses for water, sewer, power, telephone services, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

Garages, auto. means establishments primarily engaged in furnishing auto repair, rental, leasing and parking services to the general public.

Go-kart track. Any establishment that provides on a rental basis go-karts for public recreation. Go-karts shall be five horsepower or less and shall meet all applicable county or city noise ordinances. In no case shall the track be used for competition racing and no nonrental go-karts will be allowed. Go-kart tracks shall be of an impervious surface.

Governing board. The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

Greenhouse, commercial. A building usually made largely of glass or plastic in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. Plants are raised to be sold to the general public or to wholesalers.

Greenhouse, private. A temperature-controlled building used for the raising of plants for the personal enjoyment of the property owner or his tenant.

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

Group home. See *family care home*.

Hazardous waste. A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical, or infectious characteristics may:

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

Heavy industrial. Areas for heavy industry and related uses and is designed to accommodate all but the most objectionable industries; however, industries permitted by right are required to minimize their emission of smoke, dust, fumes, glare, noise, and vibrations. The following standards are established for this district and designed to promote sound permanent heavy industrial development, and to protect nearby areas from undesirable aspects of industrial development: (i) outside storage must be screened from public view by opaque fencing, screening or landscaping; (ii) outside storage shall be limited to the rear and side of the principal building; (iii) storage of unsafe (corrosive, flammable or explosive materials) or hazardous material shall comply with any local, state or federal requirements; and (iv) outside storage must be on the premises of the business. This district should be separated

from residential areas whenever possible by natural or structural features such as sharp breaks in topography, strips of vegetation or traffic arteries. This district shall be located adjacent to and/or with direct access to thoroughfare roads or streets.

Home occupation, incidental. Any use conducted entirely within a dwelling or accessory structure carried on by the occupant thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. See section 32-258.

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

Internet Café shall have the same meaning as Electronic Gaming.

Internet Sweepstakes shall have the same meaning as Electronic Gaming.

Impervious surface. A surface through which water cannot penetrate, like a roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

Junked or wrecked motor vehicles. Motor vehicles which are not registered with the state or do not have current state inspection stickers or are either incapable of operation or are partially dismantled for a period of three months. See section 32-542.

Junkyard. An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying, or selling scrap or used materials such as paper products or articles, machinery, vehicles, appliances and the like, or more. See section 32-202.

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

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

Landowner or owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Landscaping. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, streetscapes, lawns and plantings.

Legislative decision. The adoption, amendment, or repeal of a regulation under this chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of article X of this chapter.

Legislative hearing. A hearing to solicit public comment on a proposed legislative decision.

Light manufacturing. A business activity that combines retailing and light manufacturing in the same building. Usually the retailing operation provides an outlet for the goods produced there. The entire operation, excluding parking or loading areas, is enclosed inside the building. Outdoor storage is limited to minimal area and must be screened from public view per ordinance requirements.

Local act. As defined in G.S. 160A-1(5).

Local government. A city or county.

Lot. A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings, including the open space required under this chapter. For the purpose of this chapter,

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the word "lot" shall mean any number of contiguous lots or portions thereof upon which one principal building and its accessory buildings are located or are intended to be located.

Lot, corner. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot depth. The distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

Lot, interior. A lot other than a corner lot.

Lot of record. A lot which is part of a subdivision, a plat of which has been duly recorded in the office of the register of deeds prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the ordinance from which this chapter derives.

Lot, through. An interior lot having frontage on two streets.

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

Manufactured housing. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Massage. Has the same meaning as set forth in G.S. 14-202.10(7).

Massage business. Has the same meaning as set forth in G.S. 14-202.10(8).

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

Mixed-use. Properties on which various uses like office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Mobile home. See manufactured housing.

Manufactured home park. Any site or tract of land where two or more manufactured homes are located that are utilized as dwelling units and a rental fee is paid to the landowner or park operator.

Manufactured home space. Any parcel of ground within a manufactured home park designated for the exclusive use of one manufactured home.

Modular home. A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the department of insurance pursuant to G.S. 143-139.1.

NFT Trading shall have the same meaning as Electronic Gaming.

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

Notice (of hearing). A legal document announcing the opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency.

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

Off-site improvements. Conditions that can be required of a project that involves the installation of streets, curbs, gutters, sidewalks, street trees and other improvements that are located adjacent to the project on public property.

Open space. Undeveloped land or land that is used for recreation. Farmland as well as all natural habitats (forests, fields, wetlands etc.) is lumped in this category.

Operating permit. A permit issued by the zoning enforcement officer, planning board, board of adjustment, or the city council to a property owner or developer upon the completion of meeting the requirements of this chapter.

Ordinance. A law or regulation adopted by a public agency, usually a city or county.

Overlay districts. A zoning district(s) in which additional regulatory standards are superimposed on existing zoning. Overlay districts provide a method of placing special restrictions in addition to those required by basic zoning ordinances. (See sections 6-176, 14-32, and 32-271.)

Parking space. A space of not less than nine feet by 18 feet for one automobile, plus the necessary access isles. It shall be always located outside the dedicated street right-of-way.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Pet cemeteries. Land used or intended to be used for the burial of the dead animals, including crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

Planning board. The planning board of the city pursuant to G.S. 160D-301. See section 22-36.

Public sewage disposal system. A system of subterranean conduits that carries refuse liquids or waste matter to a plant where the sewage is treated.

Private sewage disposal system. A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. Septic systems are often used for individual-home waste disposal where an urban sewer system is not available. The system is designed and approved by the county health department.

Property. All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

Public water system. A system for collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

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Private water system (well). A private water system is any water system, other than a public water supply system, for the provision of water for human consumption. Private water systems shall be approved by the county health department prior to installation.

Public works and public utility facilities, or public safety of public utility facilities, or public works and public facilities. Any structure, facility or operation or use by or of any public utility as defined in G.S. 62-3(23) or of any person operating under certificate of convenience and necessity or under public franchise or ownership.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Retail business. An establishment that is primarily engaged in selling merchandise for personal or household consumption to the consumer. Service shall be as follows but not limited to: Eating and drinking establishments, hotels and motels, finance centers, real estate and insurance, personal services, motion pictures, amusement and recreation services, healthcare, educational, legal and tax services, social services, hardware and mercantile centers, clothing centers, and fuel stations.

Right-of-way. A strip of land occupied or intended to be occupied by certain transportation and public use facilities, like roads, railroads, and utility lines.

Service station. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease and accessories, and the minor repair of automobiles, excluding body working, overhauling and painting.

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

Sexually oriented devices. Has the same meaning as set forth in G.S. 14-202.10(9).

Sign. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. See section 32-426.

Sign area. The entire face of a sign and all wall work, including illuminating tubing incidental to its decoration, shall be included for measurement of sign areas, excluding architectural trim and structural embellishments.

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

Sign, off premises. A sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, off-site (billboard). One advertising device used to disseminate information concerning a person, place or thing, not pertaining to the use of the land upon which it is located.

Sign, on premises. A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed, and pertaining only to the name of the business, type of product sold, manufacturer, or assembled, and/or service, activity, or entertainment offered on such premises, including business identification and occupancy signs.

Sign, on-site. Signs relating in subject matter to the premises on which they are located or to products, accommodations, services or activities on the premises.

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

Sign, portable. A sign that is not permanent, affixed to a building, structure or the ground. They include signs on wheels, trailers, truck beds or other devices which are capable of/ or intended to be moved from one location to another.

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

Sign, temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, and designed or intended to be displayed for a short period of time.

Sign, types of. Are as follows:

- (1) *Advertising sign.* A sign which directs attention to a business, commodity or product, service, profession, activity or entertainment not conducted, sold or offered upon the premises where such sign is located.
- (2) *Business sign.* A sign which directs attention to a business, profession, commodity or product, service, activity or entertainment conducted, sold or offered upon the premises where such sign is located.
- (3) *Nameplate sign.* An unlighted sign which states only the name and title or address, or both, of the occupant of the lot where the sign is located.
- (4) *Directional sign.* A sign indicating the direction to churches, schools, hospitals, parks, scenic or historic sites, or other such public places, including off-street parking and transportation terminals. Such signs shall contain only the name and address of the public place.
- (5) *Temporary construction sign.* Signs identifying the name and address of the building or uses, the developer and architect.
- (6) *Real estate sign.* A sign advertising the property on which it is located for sale, rent or lease.
- (7) *Public signs.* Signs and notices erected by or at the direction of an authorized municipal official.
- (8) *Private signs.* Signs erected other than by or at the direction of an authorized municipal, state or federal highway official.
- (9) *Identification sign.* A permanent sign announcing the name of a church, school, park or other public or quasi-public structure or facility, located on the premises at major entrances and limited to announcing only the name of the structure, facility or development, the owners or developers, and the date of its establishment.
- (10) *Projecting sign.* A sign which is attached to the building wall and extends more than 18 inches from the surface of such a wall.
- (11) *Roof sign.* A sign erected on or over the roof of a building.
- (12) *Freestanding sign.* A sign erected on poles or other supports wholly or partially independent of a building for support.

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- (13) *Wall mounted or applied sign.* A sign erected, painted, applied parallel to the face or outside wall or window of a building, supported throughout its entire length by the building, and not projecting more than six inches from the building.
 - (14) *Suspended sign.* A sign suspended beneath a canopy or marquee.
 - (15) *Illuminated sign.* A sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.
 - (16) *Indirectly illuminated sign.* An illuminated, non-flashing sign whose illumination is derived entirely from an external artificial source. It shall be arranged and designed not to shine directly into the eyes of oncoming drivers or into neighboring houses that create hazardous or nuisance situations.
 - (17) *Flashing sign.* A sign that uses an intermittent or flashing light source to attract attention.
 - (18) *Animated sign.* Any sign that uses movement or change of light or text to depict action or create a special effect or scene. Examples of such signs would be time/temperature and scrolling text signs.
 - (19) *Directory sign.* A sign that is used to give specific information regarding a multi-tenant center. Such signs shall only list business names and directional arrows or directional information. Such signs shall not contain any commercial message.

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater controls facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Skill Based Gaming or Businesses that involve Skill Based Gaming shall have the same meaning as Electronic Gaming.

Solid waste. Any unwanted or discarded material that is not a liquid or gas. Includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood, but does not include sewage and hazardous materials.

Specified anatomical areas. Has the same meaning as set forth in G.S. 14-202.10(10).

Specified sexual activities. Has the same meaning as set forth in G.S. 14-202.10(11).

Special use. A development that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, and location, in relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in this chapter by the city council, board of adjustment or planning board as a special use.

Special use permit. A permit issued to authorize development or land use in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised, as well as compliance with specific standards.

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

Street apron. The concrete driving surface that is at the terminus of a private drive and the intersection of the public street. See section 32-254(f).

Street, private. Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public. See section 26-201(d).

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

Subdivision. The division of land for the purpose of sale or development as specified in G.S. 160D-802.

Temporary family health care structure. A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that: (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the North Carolina State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. (See section 32-537.)

Temporary use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Townhome (townhouse). A single dwelling unit in a townhouse group, located or capable of being located on a separate lot, and being separated from the adjoining dwelling unit by an approved wall extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit. Each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Travel trailer (recreational vehicle). A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

Use. The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the city or county zoning ordinance and general plan land use designations.

Variance. A modification of this chapter by the board of adjustment when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vested right. The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

Video Sweepstakes Business shall have the same meaning as Electronic Gaming.

Watershed. The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a reservoir, lake, river, or sea.

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

Yard, front. An open, unoccupied space extending the full width of the lot and situated between the centerline of the street and the front line of the building projected to the sides of the lot.

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 sidelines of the lot.

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

Zoning. A classification of land in a community into different areas and districts. Zoning is a legislative process that regulates building dimensions, density, design, placement and use within each district.

Zoning administrator. A planning department staff member responsible for processing minor zoning permits. The zoning administrator also serves as the liaisons to the planning board, board of adjustment, and the governing board on matters pertaining to rezonings, major subdivisions, variances, and special use permits and may interpret the provisions of the zoning ordinance when questions arise. The decision made by the zoning administrator may be appealed to the local board of adjustment.

Zoning district. A designated section of a city for which prescribed land use requirements and building and development standards are required. See section 32-161.

Zoning enforcement officer. A planning department staff member who shall have the power to grant zoning compliance permits, to make inspections of buildings or premises, revoke permits, and to perform other procedures necessary to carry out the enforcement of this chapter. In connection with the enforcement of this chapter, the zoning officer shall make all necessary determinations and interpretations as required by this chapter. Persons aggrieved by a decision or a determination made by the zoning officer may appeal that action to the board of adjustment.

Zoning map amendment or rezoning. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes: (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include: (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning regulation. A zoning regulation authorized by Article 7 of Chapter 160D.

(Ord. No. 8-85, art. XVI, § 6, 9-23-85; Ord. No. 8.10-85, art. XVI, 4-1-91; Ord. No. 8.12.1-85, art. III, § 2, 5-3-93; Ord. of 5-7-07(2); Ord. No. 2013-04, 3-4-13; Ord. No. 2024-01, 1-2-24; Ord. No. 2024-03, § 1(Exh. A), 3-4-24)

Cross reference(s)—Definitions generally, § 1-2.