



ARTICLE

DEFINITIONS

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DEFINITIONS

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ARTICLE 9. DEFINITIONS

9.1 PURPOSE

For the purpose of interpreting this Ordinance, certain words, concepts and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

9.2 INTERPRETATION

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or "parcel" or "tract".
- F. The words "shall", "must", and "will" are mandatory, implying an obligation or duty to comply with the particular provision.
- G. The word "may" is permissive, except when the context of the particular use is negative, then it is mandatory (e.g., "may not").
- H. The word "should," whether used in the positive or the negative, is a suggested guideline.
- I. The word "structure" shall include the word "building."
- J. The term "street" shall include the word "road".
- K. The word "day" shall mean a normal business day unless otherwise specified.

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- L. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.
- M. The term "Zoning Map," shall mean the Official Zoning Map of Mineral Springs, North Carolina.
- N. The term "Town Board" shall mean the Town Council of the Town of Mineral Springs, North Carolina."
- O. The term "Planning Board" shall mean the Planning Board of the Town of Mineral Springs, North Carolina.
- P. The term 'Board of Adjustment' shall mean the Board of Adjustment of the Town of Mineral Springs North Carolina.
- Q. The term "Administrator" shall mean the Administrator, Subdivision Administrator, Floodplain Administrator, or Zoning Administrator of the Town of Mineral Springs, North Carolina.
- R. The term "manager" or "Town Manager" shall mean the Town of Mineral Springs, North Carolina.
- S. The term "County" shall mean Union County, North Carolina.
- T. The term "State" shall mean the State of North Carolina.
- U. Any reference to a section shall mean a section of the Mineral Springs Development Ordinance, unless otherwise specified.
- V. The term "Ordinance" shall be synonymous and refer to the Mineral Springs Development Ordinance.
- W. For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in Section [9.4](#). Except as defined herein, all other words used in this ordinance shall follow the dictionary definition.

9.3 ACRONYMS AND ABBREVIATIONS

Below is a list of acronyms and abbreviations and their meanings found throughout the Ordinance. Zoning district abbreviations can be found in Section [4.1](#).

- ADA: Americans with Disabilities Act
- BFE: Base Flood Elevation
- BOA: Board of Adjustment
- CTP: Comprehensive Transportation
- DUA: Dwelling Units per Acre
- FEMA: Federal Emergency Management Agency
- FIRM: Flood Insurance Rate Maps
- HOA: Homeowners Association
- MPO: Metropolitan Planning Organization
- NAICS: North American Industrial Classification System
- NC: North Carolina
- NCDEQ: North Carolina Department of Environmental Quality (formerly DENR)
- NCDOT or DOT: North Carolina Department of Transportation
- NCGS or GS: North Carolina General Statute
- ROW: Right-of-way
- RPO: Rural Planning Organization
- SR: Supplemental Regulations
- TRC: Technical Review Committee
- US: United States of America
- USGS: United States Geological Survey

9.4 DEFINITIONS

ABANDONED. The intentional or unintentional cessation of use when one or more of the following conditions exists:

1. The use is discontinued for a consecutive period of 180 days; or
2. The premises are devoted to another use; or
3. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days.
4. Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or lease.

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

ACCESSORY DWELLING UNIT. A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ACCESSORY STRUCTURE OR USE. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. Accessory structures shall include sheds, storage buildings, detached garages, swimming pools, and similar structures.

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

ADJACENT/ABUTTING PROPERTY. This term shall mean anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist, unless the right-of-way is greater than 100 feet wide.

ADMINISTRATOR. The person appointed by the Town Council charged with interpreting, applying and enforcing the provisions of this Ordinance. The Administrator may be referred as "Zoning Administrator", "Subdivision Administrator", "Zoning Enforcement Officer", "Planning Director", "Planning Department", or "Planning Staff".

ADULT ESTABLISHMENT. Any structure, business or use of land which meets the definition of Adult Establishment as outlined in NCGS 14-202.10, and including adult video stores, adult hotel/motels, and adult lingerie modeling stores. 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 NCGS 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:

1. 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
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. 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 (1) 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".

AGRIBUSINESS

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

AGRICULTURAL USE. NCGS 106-581.1, defines the terms "agriculture," "agricultural," and "farming" to include the following activities:

1. The cultivation of soil for production and harvesting of crops, including fruits, vegetables, sod, flowers, and ornamental plants;
2. The planting and production of timber;

3. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, deer, elk, and other animals for individual and public use, consumption, and marketing;
4. Aquaculture;
5. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; and
6. When performed on the farm, the marketing and selling of agricultural products; agritourism; the storage and use of materials for agricultural purposes; and packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm.

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. Uses which shall not be deemed as "agricultural uses" include (I) zoos, (II) kennels, (III) riding stables and academies, (IV) non-domesticated animals, and (V) animals commonly perceived to be a threat to humans.

AGRICULTURAL USES, HOME. The production principally for use or consumption of the property owner, of plants, animals or their products and for sale to others where such sales are incidental, including, but not limited to gardening, fruit production, and poultry and livestock products for household use only.

AIRPORT AND HELIPORT. An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, ultra lights, other mechanical aircraft, or other flying apparatus whether or not so designated by the Federal Aviation Authority (FAA). This definition includes parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word aircraft shall include fixed-wing as well as rotary-wing craft, excluding hot air balloons.

ALLEY. A service roadway, typically located to the rear of a property, providing a secondary means of access to that property or adjacent properties.

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.

ALTERNATIVE DESIGN PROPOSAL. A request to deviate from the requirements of Article 5 or 6 of this Ordinance in regards to landscaping, parking, infrastructure or building design due to unique site circumstances or creative design proposals, provided that the intent of this Ordinance is met, subject to the procedures of Section [3.8](#).

AMENDMENT (MAP OR TEXT). Any change by the Town Council to the text of these regulations or the official zoning maps.

AMORTIZATION. A provision requiring a nonconformity to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

ANIMAL SERVICES. Any facility used for the purpose of giving licensed medical treatment to animals or pets or any other treatment of animals, such as grooming, boarding, or selling of pet supplies. This use may include indoor or outdoor animal kennels as shown in the Permitted Uses Table.

ANIMAL KENNEL. A commercial enterprise where more than six (6) dogs or other domesticated animals are groomed, bred, boarded, trained, or sold. Occasional breeding and offering the resultant litter(s) for sale shall not constitute the operation of a kennel.

ANIMAL PEN. A fenced area of land made of constructed material such as chain link, wrought iron, or chicken wire, which may or may not include an enclosed or otherwise sheltered area used to keep farm or domesticated animals. The enclosure shall not be any larger than 50 square feet of gross floor area. Barns are enclosures more than 50 square feet in gross floor area.

ANTENNA. A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

APPEAL. A request for the review of an Administrator determination in relationship to the interpretation of this Ordinance subject to the statutory requirements set for in NCGS 160D-405 and Section [3.6](#) of this Ordinance.

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

ARBORIST.

An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native ornamental trees. A certified arborist is a person who is licensed (Combination of either a professional certification or ISA Certified Arborist) to perform arboricultural work in the Town of Mineral Springs. A consulting arborist is a registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice for a fee about trees and other woody plants, their care, safety, preservation and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate his proficiency and credibility through evidence of the following:

1. Documentation of substantial experience in arboricultural practice;
2. Documentation of degree acquisition and/or other forms of certified training;
3. Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem-solving situations; and
4. Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape.

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

ARCADE OR COLONNADE. An architectural element that has columns or piers supporting a row of arches, often with a covered roof. Piers are rectangular vertical support structures. If the structure has columns or piers but does not have arches, it's called colonnade.

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

ARTICULATION, HORIZONTAL. An architectural technique to provide visual interest and human scale along the horizontal wall plate of a building.

ARTICULATION, VERTICAL. An architectural technique to give emphasis to the height of a building and provide visual interest along the vertical wall plane of a building.

ARTIFICIAL OBSTRUCTION. Any object or material which is not a natural obstruction, including

any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

ARTIST OR CRAFTSMAN STUDIO. An establishment where works of art are individually created on-premises by no more than five (5) artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, painters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and similar craftsmen. This definition also includes handmade, small-scale production of edible goods to be sold retail or online.

ASPHALT PLANTS, MIXING PLANTS (CONCRETE & ASPHALT). A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes poured concrete foundation and structure contractors, and asphalt paving mixture and block manufacturing.

AUCTION HOUSE. Any establishment where items are sold at auction to the highest bidder.

AUDITORIUM, ASSEMBLY HALL. A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to attend lectures, theatrical, musical or other presentations.

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

AUTOMOTIVE SALES OR RENTAL. The use of any building or portion thereof, or any premises or portion thereof, for the display, sale, rental, or lease of new or used motor vehicles (excluding boats and recreational vehicles) as a principal or ancillary use of a lot or tract, except for the incidental sale of not more than two (2) vehicles per year, provided those vehicles are owned by a resident of the premises and were not purchased with the specific intent to resell them, or the use of said premises for the preparation of such vehicles for sale if such preparation is part of either a full- or part-time income-producing venture.

AUTOMOTIVE SERVICES. An establishment engaged in providing mechanical, automotive, fuel, maintenance, and repair services. This definition includes gas stations, service stations, motor vehicle repair, and car washes. Outdoor storage associated with such uses may be permitted as indicated in the Permitted Uses Table. This does not include boat and recreational vehicle (RV) services.

AWNING. A structure affixed to a building that overhangs a window or doorway and is made of canvas, metal, or other material affixed to a building.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans, excluding brokers, financial planners, credit counselors and similar uses that are located in professional offices.

BANQUET AND EVENTS FACILITIES. A facility for lease for private parties. Such facilities may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays and similar occasions.

BARN. A building or enclosure of more than 50 square feet used exclusively for the storage of grain, hay and other farm products, and/or the sheltering of livestock, horses or farm equipment.

BED AND BREAKFAST INN. A use that (I) takes place within a building that prior to such establishment, was designed and used as a single-family residence, (II) that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, (III) where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and (IV) where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of two (2) full-time employee. This use does not include banquet and events facilities.

BEDROOM. A fully enclosed interior room with a closet, door, and window for egress.

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

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

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

BEST MANAGEMENT PRACTICES, STRUCTURAL. Structural BMPs are engineered structures that are

designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply.

BILLIARDS, POOL ROOMS. Commercial indoor recreational establishments that provide more than two (2) pool tables for the playing of billiards, pool and similar games.

BINGO HALL. An establishment in which the game of Bingo is played. Bingo is a game in which players mark off numbers on cards as the numbers are drawn randomly by a caller with the winner being the first person to mark off five numbers in a row or another required pattern.

BOARD, PLANNING. An appointed advisory board to the Town Council to be tasked with the duties set forth in NCGS 160D-30.

BOARD OF ADJUSTMENT. An appointed review board tasked with the duties set forth in NCGS 160D-302 to make quasi-judicial decisions upon appeals, variances and Special Use Permits.

BOARDING OR ROOMING HOUSE. A dwelling, or part thereof, in which lodging is provided to more than two (2) guests on a long-term basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.

BOAT AND RV SALES. An establishment that boats and/or recreational vehicles for sale or lease.

BOAT AND RV SERVICES. An establishment that offers the repair, customization, refurbishment, or storage of boats and/or recreational vehicles.

BODY ART ESTABLISHMENT. A business that provides tattooing and/or body piercing services.

BONA FIDE FARM. A farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3.
3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

4. A forest management plan.
5. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

BROADCAST TOWERS. A facility primarily engaged in providing radio and television broadcasting but excluding those uses classified as wireless telecommunications towers or utilities.

BUFFER. 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.

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

BUILDING. A temporary or permanent structure having a roof supported by 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 AREA. The area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.

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

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

BUILDING MODULATION. The varying of the footprint of a building by projecting or recessing portions of the façade from the base plane of the building wall.

BUILDING OCCUPANCY. The use(s) or tenant(s) located within a building.

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

BUILDING, PRINCIPAL (Principal Structure). A building in which is conducted the principal use on the lot on which said building is situated. In any residential zoning district any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

BUILDING SITE. (See also "Development.") An area of land or property where development is undertaken. A building site may consist of one (1) or more legal parcels of land and shall be defined to include any and all such parcels developed with uses operating under a coordinated management or use strategy regardless of when such parcels were developed.

BUILDING WALL. The entire surface area, including windows and doors, of an exterior wall of a building.

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

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 KIOSK. A walk-up or drive-through self-service unit that provides convenience-type services including but not limited ice vending, movie rental, and household propane tanks.

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".

CALIPER. The diameter measurement of a tree trunk.

CAMPGROUND. Land containing two (2) 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. Manufactured homes shall not be permitted in any camping and recreational vehicle park.

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

CANOPY TREE. A species of tree which normally grows to a mature height of 35 feet or more with a minimum mature crown width of 30 feet and meets the specifications of the American Standards for Nursery Stock published by the American Nurserymen Association.

CARPORT. An attached or detached roofed structure enclosed on not more than two (2) sides and used for the parking of motor vehicles.

CARETAKER RESIDENCE. A dwelling unit which houses an individual or family who is employed by the primary user of the property or is the property owner to oversee and protect the daily operations of the property and structure(s). Such dwelling unit shall not be used for any purpose other than as a caretaker unit. The total square footage of the dwelling unit shall not exceed 2,500 square feet.

CAR WASH. A motor vehicle services facility for the washing of motor vehicles.

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. Setbacks for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to also include bona fide pet cemeteries. Such a facility includes any burial ground, mausoleum, or columbarium and meeting licensing requirements of the state.

CENTER LINE. The center of a street right of way, as defined or surveyed by the North Carolina Department of Transportation.

CERTIFICATE OF COMPLIANCE. A certificate issued by the Administrator setting forth that a lot, building, structure, or use complies with this Ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF NONCONFORMITY ADJUSTMENT. An approval issued by the Board of Adjustment to enlarge, expand, or otherwise alter a nonconforming use or structure subject the standards of Section [3.7](#) and Article 8 of this Ordinance.

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

CHANGE OF USE, MINOR. A change in the use of a structure or land from one use to another use within the same category as listed in the Table of Uses. For example, a change from a "Retail Use" to a "Restaurant" within the Retail and Wholesale Uses category is a minor change of use.

CHANGE OF USE, SUBSTANTIAL. A change in the use of a structure or land from one use category to another use category. For example, a change from a "Professional Office" in the Office and Service Uses category to a "Retail Use" in the Retail and Wholesale Uses category is a significant change of use.

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.

CIVIC USE. A land use related to government or community functions. Examples include government offices, libraries, and community centers.

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

CLUB, PRIVATE. A for-profit establishment as defined in NCGS 18B-1000 (5) which holds an ABC permit from the State of North Carolina. Music, dancing and similar activities may also take place. This definition does not include those establishments that meet the definition of an adult business.

CLUB, SOCIAL, FRATERNAL, PHILANTHROPIC CLUBS AND LODGES. An establishment that is organized and operated solely for a social, recreational, patriotic, fraternal, or philanthropic purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. This provision does not, however, prohibit such an establishment from being open to the general public for raffles and bingo games as required by NCGS 14-309.11(a) and NCGS 14-309.13.

COLLECTOR STREET. See "Street Classifications."

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

COLLOCATION. The siting of two (2) or more separate operator's wireless antennas on the same support 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.

COMMON OPEN SPACE. Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, 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 PLAN. A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

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.

CONSERVATION DEVELOPMENT. Residential subdivisions that are characterized by large areas of dedicated common open space and clustered lots. The purpose of a conservation development is to protect farmland, open space and/or natural resources while allowing for a maximum number of residences, consolidated infrastructure and reduced development costs.

CONSERVATION EASEMENT OR LAND. A right conveyed by deed or other appropriate recorded instrument, which gives the grantee a nonpossessory interest in the real property of the grantor, and which permanently and perpetually restricts the use of the real property to specified uses.

CONSERVATION ORGANIZATION. A nonprofit corporation or trust, or any private corporation or business entity authorized to do business in North Carolina, intended to exist indefinitely, and whose ongoing purpose includes the following:

1. The permanent and perpetual preservation of land areas for outdoor recreation by, or for the education of, the general public,
2. The permanent and perpetual protection of the natural habitat of fish, wildlife, or plants, or similar ecosystem, or
3. The permanent and perpetual preservation of open space (including farmland and forest land) where such preservation is (1) for the scenic enjoyment of the general public, or (2) pursuant to a clearly delineated Federal, State or local governmental conservation policy, and that will yield a significant public benefit.

CORRECTIONAL FACILITY. A jail or other institutional facility used to confine or provide treatment or rehabilitation to those accused of violations of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station or court facility.

CONSTRUCTION TRAILER. A temporary 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 for office purposes for the duration of a valid building permit.

CONTIGUOUS AREA. Any area which abuts directly on a subject property or is separated from

the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

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.

COUNCIL, TOWN. The elected governing body of the Town of Mineral Springs established by its charter to perform the legislative duties of the municipality as set forth in NCGS 160A and 160D.

CONVENIENCE STORE. A one story, retail store that is designed and stocked to sell food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items. It is designed to attract and depends upon a large volume of vehicular traffic. Convenience stores may be co-located with automotive service uses such as fuel sales, where specifically permitted.

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 freestanding entity or as part of a residential community or planned residential development.

CREMATORY. An establishment either part of or separate from a funeral home or veterinary services establishment that contains a furnace for the purpose of cremating the bodies of deceased persons or animals.

CRITICAL ROOT ZONE. A circular region measured outward from a tree trunk representing the

essential drip-line area of the roots that must be maintained in order for the tree's survival. The critical root zone is one (1) foot of radial distance for each inch of tree diameter-at-breast-height (DBH), with a minimum of eight (8) feet.

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

CUPOLA. A tower structure on a dome or roof, serving as a belfry, lantern or belvedere.

DAY CARE CENTER. A place where daytime care is provided to six (6) or more children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

DAY CARE CENTER (accessory to religious institution or school). A day care center run by a church or school where day time care is provided to not more than 25 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 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.

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

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

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

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

DEVELOPER. Any person actively engaged in the development of land subject to the issuance of a zoning permit or other development approval.

DEVELOPMENT. The carrying out of any building activity, the making of any material change in

the use or appearance of any structure or land, or the subdividing of land into two (2) or more parcels. For the purposes of these regulations, the following activities or uses shall be considered “development”:

- The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
- A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- Alteration of the shore or bank of a pond, lake, river, or other waterway;
- Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
- Grading or land disturbing activity; or
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

“Development” includes all other activity customarily associated with it. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition. For the purposes of these regulations the following operations or uses shall not be considered “development”; some may, however, require a zoning permit:

- Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
- Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- A change in use of land or structure from a use within a specified category of use to another use in the same category;
- A change in the ownership or form of ownership of any parcel or structure;
- The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw;
- The clearing of survey cuts or other paths of less than four (4) feet in width; or
- Timbering or silviculture activity that does not involve land disturbing activity.

DIAMETER AT BREAST HEIGHT (DBH). The measurement of the diameter of an existing semi-mature or mature tree measured at four and one-half (4.5) feet above the existing ground on the uphill side of the tree.

DIRECT LIGHT. Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

DIRT FARMING. A type of mining in which topsoil or subsoil is removed from the property by scraping, digging, bulldozing, or similar techniques and sold, bartered, traded, or exchanged. This definition does not apply to approved excavation or other site work conducted pursuant to a valid building permit and in compliance with applicable North Carolina Department of Environmental Quality (NCDEQ) regulations.

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

DORMER. A projecting structure built out from a sloping roof, usually housing a vertical window or ventilating louver.

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

DRIPLINE. An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DRIVE-THROUGH/DRIVE-IN USE. 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.

DRY CLEANING AND LAUNDRY SERVICES. A building, portion of a building, or premises used for the collection and distribution of dry cleaning or the cleaning of fabrics, textiles, wearing apparel, or articles of any sort without the immersion of such articles in volatile solvents including, but not

limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system. This shall not include industrial dry cleaning and laundry facilities.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING, MULTI-FAMILY. A residential building which contains three (3) or more attached dwelling units located on the same lot of record. This definition includes condominiums and apartment complexes.

DWELLING, SINGLE-FAMILY. A detached residential building which contains one (1) dwelling unit for one (1) family unit and which occupies its own lot of record. This term includes modular housing units built to North Carolina Building Standards but does not include manufactured homes as defined by this ordinance.

DWELLING, TOWNHOME. An residential building for one (1) family unit, attached to one (1) or more residential buildings located on their own lots of record. Also known as a townhouse.

DWELLING, TWO-FAMILY (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 UNIT. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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 other vehicles, access to a lot from an adjacent public street.

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 or games of skill, including 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 or skill. The term includes, but is not limited to internet sweepstakes, internet sweepstakes café, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

EMERGENCY SERVICES. Government or institutional organizations that respond to emergency situations. These organizations generally provide police, EMT/EMS, ambulance, and firefighting services.

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

ENGINEER. A Professional Engineer (PE) is a person licensed to practice engineering in the State of North Carolina.

ENTERTAINMENT USE. A land use primarily intended for entertainment, amusement, events, or recreation. Examples include theaters, banquet and events facilities, and indoor recreation facilities, such as bowling and skating, and outdoor recreation facilities such as batting cages and water parks.

EQUESTRIAN USE. An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

ESSENTIAL SERVICES. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services provided no transmitter or antenna tower exceeds 100 feet in height. Essential Services are divided into the following classes:

1. Class I. Transmission lines (whether, subterranean or overhead) including electrical, natural

gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines.

2. Class II. Booster stations, pumping stations with a total fenced compound area greater than 5,000 square feet, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, wireless communications, electricity, stream, water, water storage, sewer, or other similar utilities. This classification is not intended to govern apparatus and functions set out in Essential Services Class IV more particularly defined below.
3. Class III. Generation, production, or treatment facilities such as power plants, sewage treatment plants, or similar utilities.
4. Class IV. Subterranean neighborhood or cabinet style switching facilities designed to handle telephone transmissions within the immediate vicinity of the Town of Mineral Springs and pumping stations with a fenced compound area of 5,000 square feet or less.

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

EXISTING DEVELOPMENT (as it applies to stormwater requirements). Existing development means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the adoption of water supply watershed regulations based on at least one of the following criteria:

- Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- Having an outstanding valid building permit; or
- Having an approved site specific or phased development plan.

For projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, existing development shall be defined as those projects that are built or those projects for which a state permit was issued prior to adoption of watershed protection regulations.

EXTERIOR FEATURES. The architectural style, general design, and general arrangement of the

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

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

FAMILY UNIT. One (1) or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or no more than four (4) adult persons, 18 years or older, and their children or stepchildren under 18 years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization. For the purposes of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral kinship, or to any degree of lineal kinship, as defined in State law; and, (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and, (C) a dependent, as defined in State law, of any person described in (A) or (B) above.

FAMILY CARE HOME. A facility subject to NCGS 160D-906 that is licensed by the State of North Carolina as a family care home with support and supervisory personnel that provide room and board, personal care, and habilitation services in a family environment in a single housekeeping unit for not more than six (6) resident persons, 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. "Dangerous to others" means that within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence

that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

FARMERS' MARKET. An outdoor market open to no greater than 25 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, sport utility vehicles and trucks of no greater than three-quarter (3/4) ton in weight capacity.

FARM SUPPLY STORE. A retail establishment at which animal feed, crop seeds and related cultivation products are sold. The milling, grinding and storage of feed or flour at such establishments shall be prohibited. The sale of agricultural chemicals shall be limited to pre-packaged items for general retail use.

FACILITY. The buildings or other man-made improvements associated with a land use.

FENCE. A device 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.

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

FINANCIAL SERVICES. Any establishment in which the principal use is a business which provides financial service involving the management of money, funds, securities, and other financial assets. Financial institutions include banks; savings and loan associations; agricultural, business, and personal credit services and credit unions; security and commodity brokerages, exchanges; and services; and other investment firms, lending companies, and credit services; any of which shall be licensed, insured or chartered by the United States of America or the State of North Carolina.

FIXTURE. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

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

FLEA MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers who rent or otherwise reserve booths or spaces from the market organizer or property owner.

FLEX SPACE FACILITY. 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 LIGHT. A form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

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

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

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

FOOTCANDLE. One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the imperial system. One footcandle equals approximately 10.8 lux.

FORESTLAND. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater and includes areas that have at least 100 trees per acre with at least 50% of those trees having at least a two (2) inch or greater diameter at 4.5 feet above the ground.

FOWL. For the purposes of this Ordinance, fowl included any type of bird kept domestically for

food or any other purpose, which includes but is not limited to chickens, turkeys, ducks, geese, ostriches, peacocks, guineas, emus, and similar birds.

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

FULL CUTOFF LIGHT FIXTURE. A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

FULLY SHIELDED LIGHT FIXTURE. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries as accessory uses.

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. The facility could include food and beverage services, but incidental to the games.

GARDEN SUPPLY STORE. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, pre-packaged fertilizers, pre-packaged pesticides, and other garden supplies to the general public.

GLARE. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

GOLF COURSE. An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, and green, and may have one or more hazards. A clubhouse,

pool and other facilities associated with a country club built around a golf course are considered part of the golf course. A golf course may also be part of a country club as defined by this Ordinance.

GOLF DRIVING RANGE. A type of outdoor recreation facility for open air golf practice which has a set area for tees and a large grass or turf area towards which golf balls are hit.

GOLF, MINIATURE. A type of recreation facility in which patrons pay to play a round of 9 to 18 holes on a series of putting greens for entertainment or practice purposes.

GOVERNMENT OFFICE BUILDINGS. The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments.

GOVERNMENT USE. A land use operated by a local, state, or federal government entity in the execution of that government body or agency's duties.

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

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

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

GRADING. Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling & shaping or any combination thereof and shall include the land in its cut or filled condition.

GRADING, SPECULATIVE. Grading in anticipation of development prior to obtaining required permits.

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.

GREENHOUSE OR HORTICULTURAL NURSERY, COMMERCIAL. An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses and/or plant farms.

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

GROSS FLOOR AREA. The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the centerline of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

GROUND COVER. Any plant material that reaches an average height of not more than 12 inches or mulching material intended to provide nourishment or protection to plants and/or reduce erosion.

GROUP HOME FOR THE HANDICAPPED, AGED, OR INFIRM

An institutional facility or a residential building, housing and providing care or assistance for more than six (6) persons with support and supervisory personnel that provides room and board, personal care, or rehabilitation services in a family environment for not more than 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.

HALF WAYHOUSE. A home for not more than five (5) 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 (2) persons providing supervision and other service to such persons, all of whom live together as a single housekeeping unit.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially

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

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

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

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

- A facility which manufactures hazardous materials from component non-hazardous materials;
- A facility or location for the long term or perpetual storage of hazardous materials; or
- A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

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

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

HEIGHT, BUILDING. 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.

HEIGHT OF LUMINAIRE. The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest directly light-emitting part of the luminaire.

HISTORIC SITE. One or more parcels, structures, or buildings that is either: included on the State Register of Historic Properties or designated on the National Register of Historic Places, or authenticated as historic in a survey and report by a registered architect or architectural historian and which has been submitted to and approved by the Town of Mineral Springs.

HOME OCCUPATION. Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

HOME SCHOOL. A home school in which one (1) or more children of not more than two (2) 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 customary Home Occupation.

HORSE STABLE. An establishment where more than two horses are housed, bred, boarded, trained, or sold for financial remuneration.

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, outpatient services, training facilities, central service facilities, emergency services, and staff offices.

HOTEL. A building containing six (6) or more individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Hotels may or may not provide onsite parking and access to hotel rooms is generally provided through interior hallways. Hotels may include meeting rooms, conference facilities, and recreation facilities for use by reservation.

HOUSEHOLD. A family unit (as defined by this Ordinance) 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.

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

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

INDUSTRIAL USE. A land use where goods are produced either from raw materials or the assembly of goods manufactured from raw materials elsewhere. This use also includes the warehousing and distribution of manufactured goods, and may include some wholesale of those goods. Retail sales may be conducted on a limited basis as an accessory to manufacturing (i.e. outlet store).

INFILL DEVELOPMENT. The construction of a building or buildings on a vacant parcel of than two (2) acres or less located in a predominately built-out area.

INSTALLED. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

INSTITUTIONAL USE. A land use which serves the community's social educational, health, and

cultural needs, typically through a government entity or non-profit organization.

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

JUNKYARD, SALVAGE YARDS, & RECYCLING OPERATIONS. The use any lot for more than 600 square feet of area for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof regardless of whether such material is for sale or recycling.

KENNEL, INDOOR. A use within a fully-enclosed structure intended and used for the breeding or keeping of more than six (6) small domestic animals for sale and/or for the training or overnight boarding of animals for persons other than the owner of the lot. This definition shall not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. This definition shall also not include occasional breeding and offering of resultant litters.

KENNEL, OUTDOOR. A use outside of a fully-enclosed structure intended and used for the breeding or accommodation of more than six (6) small domestic animals for sale and/or for the training or overnight boarding of animals for persons other than the owner of the lot.

LAKE. Any inland body of water that in its natural state has a surface area of two (2) acres or greater, and any body of water artificially formed or increased that has a surface area of two (2) acres or more.

LAMP. The component of a luminaire that produces the actual light.

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

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A landfill that is limited to receiving

land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

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

LANDSCAPING. The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LARGE TREE. A tree whose height is greater than 35 feet at maturity and meets the specification of the American Standards for Nursery Stock published by the American Association of Nurserymen.

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

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

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

LIGHT TRESPASS. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

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

LINTEL. A beam supporting the weight above a door or window opening.

LIVESTOCK. Domesticated four-legged mammals including but not limited to cows, horses, sheep, goats, llamas, swine, rabbits and similar animals. Small livestock are 15 pounds or less. Large livestock are greater than 15 pounds.

LIVESTOCK SALES AND AUCTIONS. A commercial establishment where livestock are collected

for sale or auction.

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. Also, a parcel or tract of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot Area (Size). The horizontal area within the legal lot lines of a lot, exclusive of the portions of the lot which lie within the street right-of-ways and any buffer.

Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other.

Lot Depth. The average 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, Interior. A lot line which does not have road frontage.

Lot Line (Property Line). The lines bounding a lot.

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

Lot, Panhandle (Flag Lot). An irregularly shaped lot where the building portion of the lot is connected to its street frontage by an arm or pole of the lot. The pole or handle portion does not meet the minimum lot width of the district, but the building portion of the lot does.

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

Lot Line, Side. Any lot line abutting another lot which is neither the front nor the rear lot line.
Lot, Through (Double frontage lot). A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) 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.

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

LOT, EASEMENT. A lot created as part of a conservation development, having an area of a minimum of 5 acres that is connected to a public road for access via a recorded easement. An easement lot may be a minimum of 80,000 square feet when created within a conservation easement of at least 25 acres that is dedicated to a conservation organization. The principal uses shall be limited to those uses (i.e. uses by right) that are permitted uses in the underlying zoning district.

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

LUMEN. A unit of luminous flux. One (1) foot-candle is one (1) lumen per square foot. For the purpose of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

LUMINAIRE. This is a complete lighting system, and includes a lamp or lamps and a fixture.

MACHINE SHOP. A workshop in which work is machined to size and assembled.

MAINTENANCE AGREEMENT. A binding agreement between a party and the Town, which provides that the party will be responsible for the implementation of all maintenance and

operational obligations set forth in the Maintenance Plan.

MAINTENANCE PLAN. A plan which provides for the continued operation and maintenance of open space conservation lands required by this Ordinance.

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

MANUFACTURED GOODS, CLASS 1. Manufacturing or assembly of goods or products subject to the following limitations. 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 any activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use". All manufacturing industries not listed in Manufactured Goods, Class 2 [as identified by 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: 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 any activity is conducted at all within the use and that activity is listed as being a Class 2 use, then the entire establishment will be considered to be Class 2. The following uses are considered Class 2 manufactured goods uses, and shall not be permitted in the Town of Mineral Springs. Any Class 2 manufactured goods uses legally existing prior to the adoption of this Ordinance shall be allowed to continue under the provisions of Article 8: "Nonconforming Uses". This shall not include any production that falls under the definition of "Artists, Craftsmen".

1. Meat packing plants and poultry dressing plants (SIC #2011, 2015)
2. Pickled fruits and vegetables (SIC #2035)
3. Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
4. Animal feeds and pet foods (SIC #2047, 2048)
5. Fats and oils (SIC Group #207)
6. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
7. Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)
8. The following manufacturing listed under SIC #2099:
 - Yeast
 - Molasses and sweetening syrups
 - Vinegar
9. Tobacco products (SIC Major Group #21)
10. 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
11. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
12. Sawmills and planing mills, general (SIC #2421)
13. Wood building and manufactured homes (SIC Group #245)
14. Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)
15. Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulose and other manmade fibers, except glass (SIC Group #281; SIC Group #282)
16. Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
17. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
18. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.)(SIC Group #281; SIC Group #287)
19. 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)
20. Petroleum refining (SIC Group #291)
21. Asphalt paving and roofing materials (SIC Group #295)
22. Lubricating oils and greases (SIC #2992)
23. Products of petroleum and coal classified under SIC #2999

24. Tires and inner tubes (SIC Group #301)
25. Plastic products found under SIC Group #308 when resins are made at the same facility
26. Leather tanning and finishing (SIC Group #311)
27. Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
28. Cement, hydraulic (SIC Group #324)
29. Structural clay products (SIC Group #325)
30. 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
31. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
32. Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
33. Minerals and earths, ground or otherwise treated (SIC #3295)
34. Non-clay refractories (SIC #3297)
35. Miscellaneous nonmetallic mineral products listed under SIC Code #3299
36. 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)
37. Metal heat treating; metal forging-iron, steel and nonferrous; coating and
38. Engraving of metals and allied services (SIC #3398, SIC #3462 and SIC #3463)
39. Manufacture of other primary metal products listed under SIC #3399
40. Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
41. Power, distribution and specialty transformers (SIC #3612)
42. Electrical industrial carbon and graphic products (SIC #3624)
43. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
44. Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes (SIC #3711, 3713; SIC #3715; SIC #3716), except the manufacture of components for, and the assembly of sanctioned racing vehicles (i.e. stock cars)
45. Railroad equipment (SIC #3743)
46. Motorcycles (SIC #3751) except bicycles and bicycle parts
47. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
48. Under SIC #3792 - camping trailers
49. (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
50. Under SIC #3861 - all photographic supplies but not photographic equipment
51. Under SIC #3952 all inks, paints, oils, enamels, and crayons

- 52. Carbon paper and inked ribbons (SIC #3955)
- 53. Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)
- 54. Mining (all of SIC Division B)
- 55. Incinerator Operations (SIC #4953)

MANUFACTURED HOME. A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a home site on its own chassis and exceeds 40 feet in length and eight (8) feet in width. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code. The term “manufactured home” does not include park trailers, travel trailers, 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. 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.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after July 13, 1994 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling. All criteria shall be satisfied before occupancy.

1. The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
2. The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
3. The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
4. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
5. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable

in composition, appearance and durability to the exterior siding commonly used in standard residential construction

6. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with NC Building Code and Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
7. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
8. The moving hitch, wheels and axles, and transporting lights have been removed.

MANUFACTURED HOME, CLASS B. A manufactured home that meets all of the criteria of a Class A manufactured home, except the limiting width criteria.

MANUFACTURED HOME, CLASS C. A manufactured home constructed after July 1, 1976 but before July 13, 1994 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 or does not satisfy all of the criteria necessary to qualify the house either as a class A or class B manufactured home.

MANUFACTURED HOME PARK. A lot of record containing two (2) or more spaces leased or intended for occupancy by manufactured homes used as residential dwellings regardless of whether such homes are provided as part of the lease and including all uses accessory to the residential use. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

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

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

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

MEAN SEA LEVEL. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the flood insurance rate maps for Union County are referenced.

MEDICAL CLINIC. A facility housing the offices of three (3) or more doctors where outpatient medical services are routinely provided to the general public. This does not include facilities that provide inpatient care.

MEDICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state. This definition includes physicians, dentists, chiropractors, opticians, ophthalmologists, psychiatrists, psychologists, and other health practitioners.

MICRO-BREWERY/MICRO-DISTILLERY/MICRO-WINERY. A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the State of North Carolina Alcoholic Beverage Control Commission, meeting all of the standards of NCGS 18B, and associated tasting rooms, brewpubs, restaurants, and food trucks for the consumption of on-site produced beer, wine, or distilled products are permitted on the premises. Micro-breweries shall not exceed production of 25,000 barrels as defined by NCGS 81A-9. A micro-distillery produces less than 50,000 proof gallons of spirits per year according to the American Distilling Institute. Micro-wineries primarily source fruit from local farms but do not farm fruit on site and do not exceed the equivalent of 50,000 gallons. Any beverage production facility that exceeds the production thresholds established in this definition shall be classified as beverage manufacturing and fall under the definition of "Manufactured goods, Class 2".

MILITARY RESERVE CENTER. A facility designed to house and accommodate military reserve personnel and equipment.

MIXED-USE BUILDING. The combination of both commercial and residential uses within a single building of two (2) or more stories.

MIXED-USE DEVELOPMENT. A development on a tract of land containing more than one type

of use, where the different types of uses (i.e., residential, commercial, and/or institutional) are in close proximity, planned as a unified complementary whole, and functionally integrated with each other. Any use that is allowed within the MUD district may be allowed within an approved Mixed Use Development, unless otherwise prohibited or restricted by the Town in association with the approval of a particular CD MUD district for such a development.

MOBILE FOOD VENDING UNITS (FOOD TRUCKS). A licensed, motorized vehicle, or mobile food unit licensed by the North Carolina State Division of Motor Vehicles, designed, and equipped to serve food and beverages. Food trucks are permitted in the GB, NB, LI, TC, and Conditional Zoning Districts that maintain commercial or industrial uses.

MOBILE HOME. See "Manufactured Home."

MOBILE HOME PARK. See "Manufactured Home Park."

MODULAR HOME. A dwelling unit which is constructed in compliance with the North Carolina State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation or other acceptable means established by the North Carolina State Building Code. A modular home shall not be considered a manufactured home for the purposes of this Ordinance.

MOTEL. A building containing more six (6) or more individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Motels provide on-site parking and access at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

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

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one (1) wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or

other repair, or other disposition. This definition does not include motor vehicle parts (used), waste materials, recyclable material, merchant wholesalers, automotive parts and accessories stores, or tire dealers.

MOTION PICTURE PRODUCTION. A business or organization that primarily engages in the filming of motion pictures or movies.

MULTIPLE BUILDING SITE OR GROUP DEVELOPMENT. A group of two (2) or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

MULTI-FAMILY. See "Dwelling, Multi-family."

MURAL. A mural is a hand-painted visual image on the exterior wall of a building that is a one-of-a-kind piece of original artwork, and that does not contain text, lettering, or trademarked symbols. A mural shall not be considered a sign for the purposes of this Ordinance.

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

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

NET ACREAGE. The remaining area after deleting all portions for proposed and existing streets within a development parcel or subdivision. For parcels including recreational facilities and outdoor display lots, the area devoted to the special use shall also be excluded from the net acreage.

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.

NIGHT CLUB. An establishment that stays open after 10:00 pm 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.

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

NONCONFORMING STRUCTURE. Any structure which does not comply with all of the standards and regulations of this ordinance as adopted or amended.

NONCONFORMING SIGN. A sign that, on the Effective Date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

NONCONFORMING USE. Any use of land or buildings which does not comply with all of the regulations of this ordinance as adopted or amended.

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

NURSING AND ASSISTED LIVING FACILITIES. A licensed facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities to meet the needs of three (3) or more elderly, handicapped, or ill persons. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization, "Family Care Homes", or "Group homes".

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

OFFICE USE. A land use in which business or professional services are conducted or rendered within an enclosed structure.

OPEN AIR STORAGE. An unroofed area for the storage of bulk materials or discarded items whether fenced or not, but not including items and non-bulk materials openly displayed for the purpose of retail sale.

OPEN SPACE. Land used for recreation, natural resource protection, amenities, protection of important rural and Town vistas and/or buffer yards. Open space may include nature preserves, greenways, greenbelts, agricultural preserves, recreational uses, squares, greens, parks, and playgrounds in accordance with the requirements of Section [5.3.4](#).

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

OUTDOOR DISPLAY. An area for displaying large items on a regular basis that are for sale or rent outside of a fully enclosed building. Large items include storage buildings and equipment.

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

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

OUTPARCEL. A 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.

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

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

PARCEL. See "Lot."

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

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

PAWN SHOP. An establishment at which a pawnbroker, as defined in NCGS 91A- 2, regularly conducts business.

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

PERSONAL SERVICES. An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, massage therapy, aesthetician, nail salon, or similar uses, but shall not include any use which may be defined as adult entertainment.

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

PLAN, PLOT. A drawing submitted for review with a Zoning Permit application for the construction of a single-family or two-family dwelling.

PLAN, SITE. A drawing or set of drawings submitted for review for the development of multi-family residential or non-residential development.

PLAN, SKETCH. A preliminary drawing preceding a site plan to facilitate discussion between a developer and Development and Design Services Department staff.

PLANNED DEVELOPMENT. A shopping center, commercial subdivision, business park, mixed use development, or similar development that is developed in accordance with a site-specific development plan and contains unifying characteristics such as site design, building design,

and/or sign design.

PLANTING YARD. Area where required plantings are located.

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

PLAT, FINAL. A drawing depicting surveyed lots that is recorded at the Register of Deeds to subdivide a property.

PLAT, PRELIMINARY. A major subdivision plan that depicts the number of lots, open space, location of streets, and utilities for a proposed development. A preliminary plat is followed by one or more final plats once improvements (roads, utilities) have been installed or bonded.

POND. Any inland body of water that in its natural state has a surface area of at least 1,000 square feet but less than two (2) acres, and any body of water artificially formed or increased that has a surface area of 1,000 square feet but less than two (2) acres.

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

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

POWER GENERATION/PRODUCTION FACILITIES. Facilities involved in the production and generation of electricity by, but not exclusive to, fossil fuels, wind, water or sun.

POWER GENERATION/PRODUCTION, SOLAR (INDIVIDUAL USE). Any means by which electricity is generated from the sun and the use of photovoltaic cells for use by an individual property and does not generate electricity for other users.

POWER GENERATION/PRODUCTION, SOLAR (FARM). Any means by which electricity is generated from the sun and the use of photovoltaic cells for sale to other users not located on the property.

POWER GENERATION/PRODUCTION, WIND (INDIVIDUAL USE). Any means by which electricity is generated by wind turbines for use by an individual property and does not generate electricity for other users.

POWER GENERATION/PRODUCTION, WIND (FARM). Any means by which power is generated and produced by wind turbines for sale to other users not located on the property.

PREMISES. A parcel of real property with a separate and distinct number or designation shown on a of survey, parcel map or subdivision map. When a lot is used together with one (1) 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.

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

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

PRODUCE STAND. The sales of any form of agricultural or horticultural products at an individual retail stand. The produce may be grown on or off the parcel of land upon which the stand is established. Produce Stands are limited to one such stand per parcel.

PROFESSIONAL OFFICES. An establishment primarily engaged in providing professional services. This definition includes, but is not limited to, newspaper, periodical, book, and database publishers; software publishers; securities and commodity contracts intermediation and brokerage; insurance carriers; agencies, brokerages, and other insurance related activities; real estate agents and brokers; legal services; accounting, tax preparation, bookkeeping, and payroll services; architectural, engineering and related services; computer system design and related services; management, scientific and technical consulting services; advertising and related services (except display advertising); management of companies and enterprises; and travel arrangement and reservation services.

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

PROPOSED RIGHT-OF-WAY LINE. The margin of a thoroughfare's right-of-way at its ultimate

intended width, determined by the adopted Comprehensive Transportation Plan.

PUBLIC. Under the control or responsibility of a governmental entity on behalf of the general population, rather than individual or private control.

PUBLIC WORKS FACILITY. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission. This definition does not include pump stations, lift stations, water towers, utility substations or similar appurtenances.

QUALIFIED PROFESSIONAL. A professional licensed and/or registered in the state of North Carolina performing services only in their areas of competence. This term shall include only registered land surveyors, registered engineers, registered architects, and registered landscape architects.

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

RECREATIONAL FACILITY, ACCESSORY. An area or facility designed to meet the demand for active recreation, including play fields, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots and similar uses, accessory to the principal use such as a hotel, residential development, country club, etc.

RECREATION FACILITIES, INDOOR. Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, gymnasiums, spectator sports facilities, tennis or other racquet courts, swimming pools, YMCA's, YWCA's, bowling alleys, skating rinks, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

RECREATION FACILITIES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as skateboard parks, waterslides, batting cages, and outdoor spectator sports (excluding motor sports) that are located outside of a public park which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor

recreation shall include any accessory uses, such as snack bars, pro shops, and field houses which are designed and intended primarily for the use of patrons of the principal recreational use.

RECREATION USE. A public or private, indoor or outdoor land use that provides leisure activities. This includes parks, campgrounds, pools, tennis courts, golf courses, gymnasium facilities, athletic facilities, sports facilities, and similar uses.

RECREATIONAL VEHICLE (RV). A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreational vehicle shall not be considered as being a single-family dwelling or accessory structure.

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. 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.

RELIGIOUS INSTITUTION. 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. Day care centers which have enrollment capacities in excess of 25 enrollees and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

RESEARCH FACILITY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, medical laboratories, metallurgical testing, and industrial X-ray inspection services, etc.

RESIDENCE, PERMANENT

A domicile for which the address is used for the occupant's tax returns, passports, voter registration, driver's license, vehicle registrations, insurance policies, personal accounts, and billing. A permanent residence is occupied by the owner for the majority of the year or by a tenant with a lease of 90 days or greater. See North Carolina Administrative Code 17 NCAC 06B.3901.

RESIDENCE, SECONDARY

A residence that is occupied by the owner for less than the majority of a year, but is not used for tourist home or vacation rental purposes.

RESIDENTIAL BUILDING. A building which contains one (1) or more dwelling units.

RESIDENTIAL CHILD CARE INSTITUTION. An institutional facility housing more than six orphaned, abandoned, dependent, abused or neglected children.

RESIDENTIAL USE. A land use which has dwelling units in which people reside outside of an institutional facility. This includes single-family, two-family (duplex), multi-family, townhome and manufactured home residential units.

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

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

RETAIL USE. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL, OUTSIDE FULLY ENCLOSED BUILDING. An establishment that sells or rents large items which require outdoor display including manufactured homes, storage buildings, heavy equipment, and similar items.

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

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

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.

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

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

ROOT PROTECTION ZONE. Generally 18-24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

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

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

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

SEWAGE COLLECTION LINES, PUMP STATIONS, & APPURTENANCES. Utilities that collect and direct sewage/wastewater to sewage treatment plants.

SEWAGE TREATMENT PLANTS. Facilities involved in the process of removing contaminants from wastewater and household sewage.

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

SCHOOL, INSTRUCTIONAL. Private institutions for instruction in activities including but not limited to dance, visual art, performing arts, music, martial arts, sports, sewing, and similar activities.

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for any two (2) or more age or grade levels in grades kindergarten through twelfth and operated by the public school system or approved by the North Carolina department of public instruction as meeting the requirements of state law. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

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

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

SERVICES, OTHER. An establishment primarily engaged in providing a service(s) to businesses and individuals that are not otherwise listed in the Permitted Uses Table. All equipment and goods are stored inside a fully-enclosed building, unless outdoor storage is permitted in the zoning district in which the use is located. This definition includes office support services, services to buildings and dwellings, machinery and equipment (except automotive) repair and maintenance, personal and household goods repair and maintenance, construction and construction related contractors, public utility and transportation construction contractors, all other special trade contractors.

SERVICE USE. A land use in which services are provided including, but not limited to, professional services, repair services, construction services, lodging services, and medical services.

SETBACK. The minimum required horizontal distance between a structure and the lot line or street right-of-way.

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 distances 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.

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

SETBACK, REQUIRED. The minimum setback required by this ordinance.

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

SHOOTING RANGE, OUTDOOR. The commercial or government use of land for archery and/or the discharging of firearms for the purposes of target practice, training, or competitions. Outdoor shooting ranges for personal use on residentially zoned property shall be permitted as an accessory use provided that all Union County and North Carolina firearms laws are being followed.

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.

SHRUB, SCREENING. A woody, branching ornamental plant that is at least one (1) feet tall above the highest root at the time of planting which can be expected to grow to a height of 5-6 feet

within a three (3) year period after planting.

SIGHT DISTANCE TRIANGLE. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line a distance away from the intersection that varies based on the width of the intersecting rights-of-way.

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 flags or murals as defined by this Ordinance or scoreboards located on athletic fields.

SIGN AREA. The entire area of a sign within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter.

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

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

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

SIGN TYPES. See Article 7 for descriptions of all sign types.

SIGNIFICANT TREE. Any tree other than a pine tree with a caliper of 18 inches or more.

SILVICULTURAL OPERATIONS. Harvesting of timber/woods without disturbing or grading the land.

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

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SLOPE, STEEP. An area having a slope greater than 15%.

SMALL TREE. A tree whose height is less than 35 feet at maturity and meets the specifications of American Standards for Nursery Stock published by the American Association of Nurserymen.

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

SOLID WASTE. Any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include fowl and animal fecal waste; solid or dissolved material including domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters, irrigation return flows; or wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under NCGS 143-215.1 by the Environmental Management Commission; oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes; any radioactive material as defined by the North Carolina Radiation Protection Act (NCGS 104E-1 through 104E-23); or mining refuse covered by the North Carolina Mining Act (NCGS 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under NCGS 143B-290).

SPECIAL USE PERMIT. An approval issued by the Board of Adjustment for a land use at a specific location subject to the requirements of NCGS 160A-388 and Section [3.4](#) of this Ordinance.

SPECIMEN TREE. A specimen tree is a tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pines sp.) in good or better condition with a DBH of 24 inches or greater.
- Smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12 inches or greater
- Lesser-sized trees of rare species or special intrinsic value as approved by the Town.

SPOT LIGHT. A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

STEALTH TELECOMMUNICATIONS ANTENNAE. Telecommunications antennae which are housed within a building or on a structure so that the antennae are disguised as some other permitted structure or use.

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

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

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

STREAM. A body of concentrated flowing water in a natural low area or natural channel on the land surface (NC Administrative Code: 15A NCAC 02B .0233(2)). There are three stream types: ephemeral, intermittent, and perennial.

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

STREAM, EPHEMERAL. Channels that only carry stormwater in direct response to precipitation. They may have a well defined channel and they typically lack the biological, hydrological, and physical characteristics commonly associated with intermittent or continuous conveyances of water. These features are typically not regulated by NC DWR or the U.S. Army Corps of Engineers.

STREAM, INTERMITTENT. A well-defined channel that contains water for only part of the year (typically during winter and spring). The flow may be heavily supplemented by stormwater. When dry, they typically lack the biological and hydrological characteristics commonly associated with continuous conveyances of water. These features are regulated by NC DWR and typically regulated by the U.S. Army Corps of Engineers. They are identified on seven and one-half minute (7.5') United States Geological Survey Quadrangle Maps by dashed blue lines.

STREAMS, PERENNIAL. A well-defined channel that contains water year round during a year with normal rainfall. Groundwater is the primary source of water, but they also carry stormwater. They exhibit the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. These features are regulated by NC DWR and typically regulated by the U.S. Army Corps of Engineers. They are identified on seven and one-half minute (7.5') United States Geological Survey Quadrangle Maps by solid blue lines.

STREET. A right-of-way for vehicular travel.

STREET CLASSIFICATIONS.

The following street classifications are intended to define the street types shown on the adopted Comprehensive Transportation Plan (CTP):

Freeway. A restricted access federal and/or state highway with grade-separated intersections designed primarily for the high-speed movement of very large volumes of vehicular traffic from one area or region to another.

Expressway. A controlled access federal and/or state highway with mostly grade-separated

intersections designed primarily for the high-speed movement of very large volumes of vehicular traffic from one area or region to another.

Major Thoroughfare (Major Arterial). A limited access federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another. Also referred to as a major thoroughfare.

Minor Thoroughfare (Minor Arterial). A state or local road designed for the movement of traffic from one area of the City to another. Also referred to as minor thoroughfare.

Collector. A state or local road designed primarily to connect local streets with thoroughfare/arterial streets and/or to provide direct connection between two (2) or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

Local. Those streets whose primary function is to provide direct access to individual properties.

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

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

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

STREET, STUB. A non-permanent dead-end street intended to be extended in conjunction with the subdivision or development of adjacent land.

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

STREET ORIENTATION. See "Building Presentation."

STREET RIGHT-OF-WAY. Street right-of-way shall mean any public right-of-way set aside for

public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Mineral Springs if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Mineral Springs; or has otherwise been established as a public street prior to the adoption of this ordinance.

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

STREET TREE. A tree planted along the street behind the right-of-way.

STREET VENDOR. A person who offers goods or services for sale to the public without having a permanently built structure but rather uses a temporary static or mobile structure or stall.

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

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

STRUCTURE, 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".

SUBDIVIDER. Any person, firm, corporation, or entity who subdivides or develops any land

deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
- The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way;
- The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards this Ordinance;
- The division of land into plots or lots for use as a cemetery;
- Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two (2) or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance; and
- The division of a tract for the sole purpose of the placement of permanent equipment and buildings for the provision of water and sewer service.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 51% of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town code specifications necessary to insure safe habitation of the structure.

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

TAXICAB SERVICE. A facility for the storage, maintenance, and dispatch of taxis, and associated customer ticketing and waiting areas.

TECHNICAL REVIEW COMMITTEE (TRC). A group of professionals tasked with reviewing proposed development plans for compliance with local, state, federal regulations and best management practices. This may include, but is not limited to, planning staff, town engineer, public works director, fire marshal, emergency management, NCDOT, and representatives from other applicable agencies.

TELECOMMUNICATION LINES & RELATED APPURTENANCES. Any utility line, conductor, or other conduit by which audio, visual, or computer information is transmitted.

TELECOMMUNICATION TOWER. A structure either freestanding or attached to a building, principally intended to radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and primary and accessory equipment related to broadcast services, cellular or digital telephone services, pagers, beepers, data, and common carriers (as regulated by the Federal Communications Commission), including FM, AM, two-way radio, fixed point microwave, commercial, satellite, cellular and PCS communication systems. The term telecommunication tower does not include electrical or telephone transmission lines or supporting structures, antennae of amateur radio (HAM) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennae less than 60 feet in height with transmitting power of 250 watts or less.

TEMPORARY EMERGENCY, CONSTRUCTION, OR REPAIR RESIDENCE. A residence (which may be a Class A, B, or C 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 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.

TEMPORARY HEALTH CARE STRUCTURE. A transportable residential structure permitted under NCGS 160D-914, 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 (1) 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 State Building Code and NCGS 143-139.1(b).

TEMPORARY USE. A use permitted on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary uses are mobile classrooms, construction trailers, and produce stands.

TENANT. The occupant or use of a building, portion of a building, or lot.

TENANT BAY. The exterior portion of a multi-tenant building devoted to a single tenant.

TERMINAL, BUS. A facility for the storage, maintenance, and dispatch of buses, and associated customer ticketing and waiting areas.

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities.

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

THEATER, INDOOR. An establishment for the indoor viewing of motion picture, musical or theatrical performances by patrons.

THEATER, OPEN AIR. An establishment for the outdoor viewing of motion picture, musical or theatrical performances by patrons. This does not include drive-in theaters.

TOURIST HOME / VACATION RENTAL. According to North Carolina General Statute 42A, a tourist home or vacation rental is a residential property for vacation, leisure, recreation, or business travel purposes for fewer than 90 days by a person who has a place of permanent residence elsewhere, to which he or she intends to return.

TOWER, MONOPOLE. A slender, often telescoping, self-supporting tower used to support telecommunications equipment.

TOWER, STEALTH. Any tower which is designed to blend into the surrounding environment.

TRAILER. An open or enclosed, wheeled, non-motorized transport mechanism that may be attached to a motor vehicle for the transport of cargo.

TRANSIT STOP. Any structure or location that is primarily used, as part of a public transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSPORTATION USE. A land use related to transportation services including ,but not limited to, rail, public transit, taxi services, truck terminals, and bus services.

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

TREE STAND. An aggregation of trees occupying a specific area and sufficiently uniform in composition, age, arrangement, and condition to make it distinguishable from the forest or adjoining areas.

TRUCK STOP. A facility which accommodates the trucking industry by providing fueling stations, weigh stations, restaurants, convenience foods, bathing facilities, and occasionally, overnight rooming accommodations. These facilities are typically located near state, federal or interstate highways.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of 15 to 35 feet in height and meets the specifications of the American Standards for Nursery Stock published by the American Association of Nurseryman.

USE. The specific purpose for which land, a building, or a portion of a building is designed, arranged, intended, occupied, or maintained. The term "permitted use" or its equivalent shall not be deemed to include a nonconforming use.

UTILITIES, ABOVE GROUND. Above ground facilities associated with the distribution and collection of water, sewer, electric, gas, cable TV, telephone, or internet service except that such shall not include any facility otherwise defined and regulated by this ordinance such as telecommunication towers or public works facilities.

UTILITIES, BELOW GROUND. Utility facilities located entirely below ground associated with the distribution and collection of water, sewer, electric, gas, cable TV, telephone, or internet service except that such shall not include any facility otherwise defined and regulated by this ordinance.

UTILITIES SERVICE AREA. An area which contains any surface mounted heating, ventilation, or air conditioning equipment or freestanding above ground devices, such as utility boxes, booster boxes, switch gear, transformers, water towers, pump stations, lift stations, utility substations or similar appurtenances which are part of an underground utilities system:

- Private utility service area - an area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or,
- Public utility service area - an area, on either private or public property, which contains utility structure owned by a utility for the service of one or more premises, but excluding utility substations.

UTILITY USE. Facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

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

VEHICLE. A motorized transport mechanism that transports passengers or cargo including, but not limited to, motorcycles, cars, trucks, buses, watercraft (boats).

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

VEHICLE, INOPERABLE. A vehicle that for a period of more than 72 hours has been in a state of disrepair and is incapable of being moved under its own power.

VEHICLE, PASSENGER. An automobile, van, sports utility vehicle 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.

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

VETERINARY SERVICES. See "Animal Services".

VIEWSHED. A view through or along a road, or opening, including those along the boundaries of a stream, lake, or pond, which frames, highlights, or accentuates a prominent structure, scene, or panorama.

WAREHOUSE USE. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition does not include mini-warehouse storage.

WAREHOUSE, SELF STORAGE (MINI STORAGE). Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units which individuals pay rent on spaces to store their belongings.

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

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

WATERSHED. The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

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

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

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

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, BUFFER. A strip of land with natural or planted vegetation and/or fencing, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two (2) adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

YARD, BUILDING. The landscaping area between a building and paved parking area.

YARD, PARKING LOT. The landscaping located in and around a parking area.

YARD, RESIDENTIAL LOT. The landscaping located on single-family residential lot.

YARD, SCREENING. The landscaping or fencing located around outdoor storage, mechanical equipment, loading docks, waste collection, and similar facilities that effectively screens such facilities from view.

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

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

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side line, as required in this ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

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

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. For purposes of this Ordinance, attic and garage sales, and the like shall be considered yard sales.

YIELD PLAN. A plan that shows the number of developable lots in a proposed conservation subdivision if such subdivision were to be built as a “conventional subdivision”.

ZONING PERMIT. A permit to occupy or use a parcel of land or construct a building or other structure on a parcel of land subject to the requirements of this ordinance. This does not include building permits issued by the Union County Building Inspector.