

Section 10. Definitions.

For the purpose of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section. In general, the words "used for" shall include the meaning "designed for"; the word "structure" shall include the word "building;" the word "lot" shall include the words "plot" and "tract"; and the word "shall" is mandatory.

Accessory use. A use customarily incidental and subordinate to the principal use of the land or building located on the same lot with such principal use of the land or building.

Adjacent lot. Any lot which has a common boundary with the subject lot.

Adult Establishment.

1. Any business, club, or other establishment which permits any employee, member, patron or any person on its premises for any form of consideration, to exhibit any specified anatomical areas (as defined) before any other person(s).
2. Any business, club, or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing or exhibiting specified anatomical areas (as defined) or relating to specified sexual activities (as defined) is permitted on its premises for any form of consideration.

Adult establishments shall include, but are not limited to adult arcades, adult taverns/bars, adult theaters, adult nightclubs/dance halls/discotheques, sadomasochism centers, adult bookstores, adult retail establishments, and adult motion picture theaters, as defined by this ordinance.

(Amended 3/8/11)

Alley. A roadway that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alternative design. A buffer design, though not specifically identified within the standards, which by mutual agreement, is equal to or exceeds the intent of the screening requirements.

Antenna, conventional television or radio. Any receiving antenna other than a satellite television antenna. *(Amended 8/2/88)*

Antenna, microwave, radio, and TV transmission and wireless telephone

Any antenna, excluding any supporting structure, designed to send or receive signals from any microwave transmitter or receiver, commercial telephone communications and/or commercial telecommunications transmitter or broadcast radio or television signals. *(Amended 10/16/96)*

Antenna, satellite television. An apparatus capable of receiving signals from geostationary orbital satellites. *(Amended 8/2/88)*

Apartment. A room or suite of 1 or more rooms in a multiple dwelling intended for use as a residency by a single family.

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Apartment house. See dwelling, multiple.

Applicant. Principal property owner(s) of record submitting a bona fide Site Specific Development Plan for the purpose of obtaining approval of a Zoning Vested Right.

(Amended 12/4/91)

Approval authority. The City Council or other official designated by ordinance or this ordinance as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

(Amended 12/4/91)

Arcade. A use, whether principal or an accessory, conducted solely indoors, where person(s) of any age group can utilize electronic machines or devices, including but not limited to computers or terminals, and gaming consoles, to conduct or participate in electronic/video gaming; where cash, merchandise or other items of value are **NOT** redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term does not include, but is not limited, to internet cafes, internet sweepstakes, beach sweepstakes or cybercafés or any others as defined by North Carolina General Statutes. This does not include any lottery approved by the State of North Carolina.

(Amended 3/8/11)

Arcade, adult. A use, whether principal or an accessory, conducted solely indoors, where person(s) that are required by management to be 18 years or older, utilize electronic machines or devices, including but not limited to computers or terminals, and gaming consoles, to conduct or participate in electronic/video gaming; where cash, merchandise or other items of value are **NOT** redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term does not include, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes, cybercafés, or any others as defined by North Carolina General Statutes. This does not include any lottery approved by the State of North Carolina. In addition, if a substantial or significant portion (over twenty five percent of total gaming space) of its stock in trade, and offers for rent or sale, for any consideration, one or more of the following: 1) books, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, CD-ROM, computer software, slides, other visual representations, or related merchandise that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities (as defined) or specified anatomical areas (as defined) is considered Adult Establishment and shall follow the standards found in Section 107.

(Amended 3/8/11)

Boardinghouse. A dwelling or part thereof, in which lodging is provided by the owner or operator, for compensation, to more than three adult persons not related by blood, marriage, or adoption to the owner or operator. This definition does not include a homeless shelter or mission nor hotels/motels.

(Amended 7/20/93)

Bufferyard. A unit of required yard which is a combination of land and physical barriers such as fencing, plant materials, and earthen berm which separate various land uses.

(Amended 2/7/89)

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Building. See structure.

Building, height of. The vertical distance from the mean elevation of the finished grade of the building footprint to the parapet on a building with a flat roof, or to a point halfway between the eaves and peak on a building with a pitched roof. *(Amended 10/2/01)*

Built opaque fence/wall. A vertical structure at least 6 feet in height constructed of cedar, masonry, redwood, or pressure treated lumber resistant to rot, that is completely impenetrable by light. Fence installation should be consistent with acceptable building practices.*(Amended 2/7/89)*

Caliper. A measurement of the diameter of a tree trunk. Such measurement shall be taken according to the following standards:

1. New nursery (to be installed) and non-regulated (existing on-site) trees - Trees up to and including four (4) inches in diameter shall be measured six (6) inches above ground level. For trees above four (4) inches in diameter, the caliper measurement shall be taken twelve (12) inches above the ground level.
2. Regulated (on-site) trees - The caliper of regulated trees shall be measured four and one-half (4 ½) inches above ground level. *(Amended 12/8/98)*

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking area aisles) comprise the circulation area. *(Amended 12/8/98)*

Clinic. A facility, in which persons not bedridden are diagnosed or treated, including doctor's offices.

Commercial vehicles. Commercial vehicles include all such vehicles or moving vans, freight and transfer trucks, tractor and, or trailers for moving construction equipment, and all other similar vehicles. Taxies, small, panel body trucks, pickup trucks, and similar vehicles are not included.

Communication Tower, Temporary Wireless. Any wireless communication tower to be placed in use for a period of one-year or less and as outlined in Section 106 of this ordinance. *(Amended 4/5/05)*

Community Docking Facility (major). A private nonprofit boating facility including a dock, pier, and/or launching ramp on property which has water frontage, the use of which is intended to serve eleven (11) or more residential lots or units, to include any private nonprofit boating facility, dock, pier and/or launching ramp. The right to use such facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind, including commercial letting of slips to parties who are not residents of the waterfront subdivision, shall be allowed within the confines of the facility. *(Amended 6/5/07)*

Community Docking Facility (minor). A private nonprofit boating facility including a dock and/or pier on property which has water frontage, the use of which is intended to serve ten (10)

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or less residential lots or units. The right to use such facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind, including commercial letting of slips to parties who are not residents of the waterfront subdivision, shall be allowed within the confines of the facility. *(Amended 6/5/07)*

Condominium - residential. An enclosed residential space under single ownership consisting of one or more rooms occupying all or part of a floor or floors in a building in a multi-unit structure with common areas and facilities. Said space may include areas such as garage space, storage space, balcony, terrace, or patio. A condominium must have direct access to public right-of-way or full access to a common space connected to a public right-of-way.

Condominium - nonresidential. An enclosed non-residential space designed for office, for the operation of any industry or business, or for any other type of nonresidential independent use under single ownership consisting of one or more rooms occupying all or part of a floor or floors in a building in a multi-unit structure with common areas and facilities. Said space may include areas such as garage space, storage space, balcony, terrace, or patio. A condominium must have direct access to a public right-of-way or full access to a common space connected to a public right-of-way.

Construction vehicles and equipment. This includes all bulldozers, backhoes, tractors, hydraulic lifts, septic tank pumping trucks, earth moving machinery, construction machinery, and all other such related items.

Convenience food store. A one story retail store designed and stocked to sell primarily food, beverages, gasoline, and household supplies to customers who purchase relatively few items.

Currently awaiting repairs. A period of time during which active effort is expended to place an item back in operation through replacement of parts, repair of operation systems and circuits, fabrication and repair of broken structural members and testing. If parts or materials are not available or on order, the item is not currently under repair. An item which has remained unrepaired for 30 days is considered unrepairable unless procurement of long lead time replacements parts can be demonstrated or unless the vehicle is subject to pending litigation and/or awaiting an insurance settlement. (The property owner/tenant must provide documentation to substantiate "currently awaiting repairs over 30 days".) *(Amended 9/7/93)*

Dance Halls/Discotheques/Night Clubs. Any place established primarily for the provision of entertainment or dancing to live or recorded music and wherein alcoholic beverages may or may not be sold or consumed. *(Amended 3/17/98)*

Dance Halls/Discotheques/Night Clubs, Adult. Any place established primarily for the provision of entertainment or dancing to live or recorded music, wherein singers, dancers, staff, or any other persons display specified anatomical areas (as defined) to any other person(s), or perform specified sexual activities (as defined), and wherein alcoholic beverages may or may not be sold or consumed. *(Amended 3/17/98)*

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Day care/Nurseries/Pre-school. Institutions or organizations providing supervision, education, and facilities for more than eight (8) pre-school and/or school-going children for a period of more than four (4) hours a day. *(Amended 2/3/98)*

Design capacity. The maximum occupancy as determined by the Fire Department and Inspections Division. *(Amended 3/31/92)*

Development Impact Area. That portion of the lot being considered for improvements at the time development plans are submitted for review to the Planning Department. *(Amended 12/8/98)*

Driveway. Every entrance and/or exit to serve vehicular traffic to or from property fronting a public or private street right-of-way. *(Amended 9/2/03)*

Driveway width. The narrowest width of a driveway measured parallel with the edge of the traveled way.

Duplex. See Residence, Duplex. *(Amended 8/5/97)*

Dwelling. A detached building designed for, or occupied exclusively by 1 family. *(Amended 4/5/83)*

Dwelling, multiple. See Residence, Multi-Family *(Amended 8/5/97)*

Dwelling unit. A single independent housekeeping unit with sanitation, living, dining, sleeping, and kitchen facilities designed for or used as a permanent residence by one (1) household. *(Amended 8/5/97)*

Earthen berm shall mean a mound of earth that has a minimum height of 4 feet, a maximum slope of 2:1, and a minimum crown width of 2 feet. *(Amended 2/7/89)*

Family. See Household *(Amended 8/5/97)*

Family Care Homes. A family care home as defined in Chapter 168, Article 21(1) of the General Statutes means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities. *(Amended 7/07/07)*

Family Childcare Home. An accessory use of a dwelling unit for gainful employment where care is given to three or more children but no more than five preschool age children (including children of the home) and three school-age children. *(Amended 3/16/04)*

Flex Space. Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these

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services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. *(Amended 10/6/09)*

Floor Area Ratio (FAR). Floor area ratio (FAR) is the quotient obtained by dividing the gross floor area of all the structures on the lot by the area of the lot. *(Amended 3/4/97)*

Front. A building front shall either be the side of the building which runs parallel with the street right-of-way or the side of the building on which the primary entrance is located. No building may have more than one front. *(Amended 8/7/90)*

Frontage. All the property abutting on 1 side of a street between 2 intersecting streets, measured along the street line.

Garage, private. A building or space used as an accessory to or a part of a main building permitted in any residential district, and providing for the storage of 1 or more motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Garage, storage. Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

Gross Floor Area (GFA). The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. *(Amended 3/4/97)*

Group Home. A group home is a home where 7-15 special needs persons permanently or temporarily reside in a home setting and receive home care and support. The number of residents is reduced by the number of supervisors. *(Amended 7/17/07)*

Guest house, tourist home. Any dwelling occupied by owner or operator in which rooms are rented for guests and for lodging of transients and travelers for compensation.

Homeless shelter/mission. A facility providing temporary housing for one or more individuals who are otherwise homeless. *(Amended 7/20/93)*

Home occupation. An accessory use of a dwelling unit for gainful employment by providing or selling a profession/occupation offering the sale of services and/or goods created and/or assembled on the premises or repair of goods. A home occupation is incidental to the primary use of the building as a residence. *(Amended 8/1/89)*

Horses. Any riding animal other than livestock, as defined in the City Code, including horses and ponies. Any horse less than 12 months old may be excluded from the number of horses permitted.

(Amended 10/16/90)

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Hotel. A building or other structure kept, used, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants; and having or not having 1 or more public dining rooms, restaurants, or cafes. This definition does not include efficiency apartments or individual cooking facilities.

Household. One (1) or more persons living together as a single housekeeping unit.
(Amended 8/5/97)

Ice House. A manned or unmanned facility selling ice manufactured on or off-site to members of the public at retail or wholesale.
(Amended 3/8/11)

Impervious surfaces. Those surfaces which do not absorb water. They consist of all buildings, parking areas (including gravel), driveways (including gravel), roads, sidewalks, and any areas of, concrete or asphalt.
(Amended 12/8/98)

Impervious surface ratio (ISR). A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on the lot by the development impact area as defined (excluding wetlands and areas within flood plains).
(Amended 12/8/98)

Impervious Surface Intensity (ISI). A measure of the intensity of a proposed development based on its Impervious Surface Ratio.
(Amended 12/8/98)

Improved space. The properly graded, graveled, or paved portion of a site dedicated for parking.
(Amended 3/31/92)

Junk. Dilapidated furniture, appliance, machinery, equipment, building material, or other item which is not currently awaiting repairs and is either wholly or partially rusted, wrecked, junked, dismantled, or inoperable.
(Amended 9/7/93)

Landscaping. Includes the planting and maintenance of any combination of trees, shrubs, vines, ground cover, flowers, lawns, displays of rock, stone and wood and concrete features, including but not limited to, fountains, reflecting pools, art works, screens and benches.
(Amended 12/8/98)

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Section 102 Part K.
(Amended 12/8/98)

Lot. A parcel of land in single ownership occupied or intended for occupancy by a building together with its accessory buildings; including the open space required under this ordinance. For the purpose of this ordinance, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which 1 or more main structures for a single use are to be erected.

Lot, corner A lot, which has frontage on at least two (2) intersecting streets; provided, that the interior angle of such intersection is less than one hundred and thirty-five (135) degrees.
(Amended 3/4/97)

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Lot coverage. Lot coverage is the ground area of a lot which is encompassed by the exterior foundation limits, including any supports, of a building or other covered or enclosed structure. Parking areas, drives, exterior storage areas, storm water detention structures, and the like shall not be included under this definition. *(Amended 3/4/97)*

Lot, depth. The depth of a lot, for the purpose of this ordinance, is the distance measured in the main direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of lot.

Lot, double frontage A lot which fronts on two (2) parallel streets, or which fronts upon two (2) streets that do not intersect at the corners of the lot. *(Amended 3/4/97)*

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

Lot lines. The lines bounding a lot.

Lot of record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of the county, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of the county.

Lot, through. An interior lot having frontage on 2 streets.

Manufactured home. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

Manufactured home park. A parcel of land under single ownership on which two or more manufactured or mobile homes are located.

Marina. Any dock or basin and associated structures commercially providing permanent or temporary harboring or storing of two (2) or more boats (pleasure and/or commercial), and providing marine services, included but not limited to retail sales for fuel, repair, convenient food stuffs, boats, engines, and accessory equipment. *(Amended 6/5/07)*

Mobile home. A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular home. Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

Nonconforming lot of record. A lot of record that met all legal requirements when it was platted, but does not comply with the current minimum lot area or minimum lot width requirements of this ordinance, or a subsequent amendment of this ordinance.

(Amended 8/4/10)

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Nonconforming structure. A structure, the size, dimensions, or location that does not comply with all the current size, dimensional, or location standards and requirements of this ordinance, or a subsequent amendment of this ordinance.

(Amended 8/4/10)

Nonconforming use. An actual and active use of any land, building, sign, or structure not otherwise abandoned, that does not comply with all the use standards and requirements of this ordinance, or a subsequent amendment of this ordinance. If the property or structure is vacant or unused on the effective date of this ordinance or subsequent amendment, it shall be conclusively presumed that the property or structure is subject to the provisions of this ordinance or the amendment.

(Amended 8/4/10)

Nonconformity. A nonconforming use, structure, lot of record, site feature, or sign.

(Amended 8/4/10)

Nonconforming sign. A sign that does not comply with all the current sign standards and requirements of this ordinance, or a subsequent amendment of this ordinance.

(Amended 8/4/10)

Nonconforming site feature. Any off-street parking, landscaping, perimeter buffer, or screening that does not comply with all the current off-street parking, landscaping, perimeter buffer, or screening standards and requirements of this ordinance, or a subsequent amendment of this ordinance.

(Amended 8/4/10)

Outdoor Storage. The keeping of any goods, junk, material, merchandise, or vehicles in the same place (yard) for a period of more than 24 hours in an unroofed area or any type of shed which does not have four sides.

(Amended 9/7/93)

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

(Amended 12/8/98)

Parking lot. An area or plot of land used for the storage or parking of vehicles.

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

(Amended 12/8/98)

Parking space, off-street. An area consisting of 200 square feet - 10 feet in width and 20 feet in length for the parking of 1 vehicle.

Pasture area. The pasture area shall be the fenced grazing area (only this area will be calculated as pasture area).

(Amended 10/16/90)

Persons with Disabilities. A person with disabilities as defined in Chapter 168, Article 21(2) of the General Statutes means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b. "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

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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.
(Amended 7/17/07)

Planned shopping center. A grouping of business and service uses with common parking facilities.
(Amended 8/7/90)

Planting Season. Means that season of the year when plants may be planted successfully.
(Amended 12/8/98)

Planting strip or area. A ground surface free of concrete, asphalt, stone, gravel, brick or other paving material, including sidewalks, which is required or used for vegetative landscaping purposes.
(Amended 12/8/98)

Public street. A dedicated public right-of-way for vehicular traffic.
(Amended 3/31/92)

Recreational vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home, as defined below:

Camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite.

Motor home. A vehicular unit built on a self-propelled motor vehicle chassis.

Travel trailer. A vehicular portable unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

Truck camper. A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck. Truck campers are of 2 basic types, as defined below:

Slide-in camper. A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.

Chassis-mount camper. A portable unit designed to be affixed to a truck chassis.

Recycling Centers. A facility that is not a salvage yard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled to be taken to another site for processing.
(Amended 7/21/92)

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Recycling Collection Points. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable materials. No permanent storage or processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches or schools. *(Amended 7/21/92)*

Recycling Plants. A facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production. *(Amended 7/21/92)*

Reservoir land capacity. That portion of the vehicle accommodation area set aside for stacking of automobiles, such as a drop-off and pick-up lane, drive through lane, and similar activities. *(Amended 12/8/98)*

Residence, Duplex. A two (2)-family residential use in which the dwelling units share a common wall (including the wall of an attached garage or porch) and in which each dwelling unit has separate living spaces and entrances. *(Amended 8/5/97)*

Residence, Multi-Family. A residential use consisting of a building containing three (3) or more dwelling units. A building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). *(Amended 8/5/97)*

Residence, Single-Family Detached, More than one dwelling unit per lot. A residential use consisting of two or more single-family detached dwelling units per lot. *(Amended 8/5/97)*

Residence, Single-Family Detached, One dwelling unit per lot. A residential use consisting of a single detached building containing one (1) dwelling unit and located on an individual lot exclusive to such unit and its accessory use. *(Amended 8/5/97)*

Restaurants. Any business established as a public eating place which sells or serves food and beverages in indoor or outdoor dining areas, or drive through facilities, wherein forty (40) percent or more of the total gross receipts during any month are through the sales of prepared and/or packaged foods. *(Amended 3/17/98)*

Retail Establishments, Adult or Book Stores, Adult. An establishment having as a substantial or significant portion (over twenty five (25) percent of total retail space) of its stock in trade, and offers for rent or sale, for any consideration, one or more of the following: 1) books, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, CD-ROM, computer software, slides, other visual representations, or related merchandise that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities (as defined) or specified anatomical areas (as defined); or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities or specified anatomical areas (as defined). *(Amended 3/17/98)*

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Sadomasochism Center. Any for profit establishment wherein the practice of flagellation, torture, fettering or any form of physical restraint is used or administered to an individual either by an employee of the establishment or a patron of an establishment. *(Amended 3/17/98)*

Salvage/Automotive/Junk Yards. A parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. (Materials shall include but are not limited to scrap iron and other ferrous metals; paper; rags; rubber tires; bottles; discarded goods; machinery; or two or more inoperable motor vehicles.) *(Amended 7/21/92)*

School, public. An organization operated by the Onslow County Board of Education that provides educational and academic instruction to children and includes elementary, middle, and high schools. *(Amended 2/3/98)*

School, private. An organization, except the Onslow County Board of Education, that provides educational and academic instruction to children, including elementary, middle, and high schools for any form of consideration. *(Amended 2/3/98)*

Screening. The required built and/or plant material located in the bufferyard for the purpose of visually separating different land uses. *(Amended 2/7/89)*

Service station. A building or lot where gasoline, oil, greases, and accessories are supplied and dispensed to the motor vehicle trade, also where battery, tire, and other similar services are rendered.

Setback, front/right-of-way: The front and/or right-of-way setback requirement is the minimum distance required between the exterior finished wall of all structures and any adjacent public or private street right-of-way line. Where property is developed adjacent to an existing or future thoroughfare, as identified on the City of Jacksonville Thoroughfare Plan or other officially adopted plan, the front and/or right-of-way setback shall be measured from the future thoroughfare right-of-way as determined by such plan or policy of the City of Jacksonville. *(Amended 7/7/98)*

Setback, side or rear: The minimum distance required between the exterior finished wall of all structures and the adjacent side or rear property line. *(Amended 7/17/98)*

Shopping centers/malls. A grouping of retail business and service uses with common parking facilities. Parking requirements for shopping centers/malls shall be determined using the shopping center/mall requirement and not each individual use within the shopping center/mall. *(Amended 3/31/92)*

Shopping Center Outparcel. A separate parcel or tract of real property within or part of a shopping center, which has a property boundary abutting a public right-of-way, as depicted at the time of, or created by subdivision, any time after a development proposal for the shopping center is approved. *(Amended 7/8/08)*

Shrub, large. Woody vegetation with several stems that is a minimum of six (6) feet and grows to a maximum of ten (10) to fifteen (15) feet in height. *(Amended 12/8/98)*

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Shrub, small. Woody vegetation with several stems that is a maximum of six (6) feet in height.
(Amended 12/8/98)

Signs. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.
(Adopted 3/17/98)

- (1) *Sign.* Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. (8/6/03)
- (2) *Above-roof Sign.* A sign attached to a building that is displayed above the peak or parapet of the building.
- (3) *Banner Sign.* A sign that is printed upon fabric, paper, vinyl, or other lightweight material, and meets the definition of "temporary sign," as provided in this section.
- (4) *Billboard.* A type of freestanding sign that has greater than 300 square feet of sign area as determined by this Chapter. Billboards constitute a separate and distinct land use due to their size and prominence upon the landscape, and are therefore subject to the special regulatory provisions that are outlined in this Chapter.
- (5) *Development.* That which is to be done pursuant to a zoning permit, special-use permit or sign permit.
- (6) *Effective Date of this Article.* The effective date of this article as originally adopted, or the effective date of an amendment to it if the amendment makes a sign nonconforming.
- (7) *Flashing Sign.* Any sign which contains a light source and maintains the same appearance or copy display for twenty-nine (29) seconds or less. Electronic message boards whose copy display or message does not change more frequently than every thirty (30) seconds shall not be considered flashing. (Amended 7/16/02)
- (8) *Freestanding Sign.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign. If the

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message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

- (9) *Internally Illuminated Signs.* Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.
- (10) *Monument Sign:* A two-sided freestanding sign with an overall height of eight (8) feet or less, which stands directly on the ground and where supporting poles or structures, if any, are enclosed by decorative covers. (8/26/03)
- (11) *Peak* - The highest point on a roof or the highest point on another architectural element that blocks the rear view of a sign.
- (12) *Painted-on-building Sign.* A sign that is painted directly upon the wall, roof, or other portion of a building. This definition shall include stick-on lettering and other similar type applications that are not composed within an independent unitary sign structure affixed to the wall of a building.
- (13) *Portable Sign.* A sign made of wood, metal, heavy plastics or similar substantial materials, illuminated or non-illuminated, that is not permanently attached to the ground or a building or that is designed not to be attached to the ground or a building (e.g. such as a mobile sign on wheels).
- (14) *Roof Sign.* A sign which is displayed above the eaves and under the peak.
- (15) *Temporary Sign.* A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
- (16) *Works of Art.* Aesthetic objects that do not advertise merchandise, a product or a service or draw attention to a particular merchandise, product or service. (8/6/03)

Site specific development plan. A plan of land development submitted to the City for purposes of obtaining one of the following zoning or land use permits or approvals:

General Plan (as defined in the Subdivision Ordinance);

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Site Plan and Conditional Use Permit.

Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan. *(Amended 12/4/91)*

Special/Conditional Use. Special use, conditional use, special exceptions and special exception use are use interchangeably anywhere they are used in the ordinance. Special/conditional uses are uses that are not permitted by right in any zoning district in the City of Jacksonville, but may only be granted after due consideration by City Council. The consideration of special and conditional use permits is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. *(Amended 2/3/98)*

Special Needs Persons. Special needs persons are defined as battered individuals, abused children, foster children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse, and all other persons who possess a disability which is protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, the Fair Housing Act as amended, 42 USC 3601 et seq. or G.S. Chapter 168, Article 3, as they may be amended, but does not include any persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs or persons with or without disabilities who present a direct threat to the health, safety or property of others. *(Amended 7/17/07)*

"Specified Sexual Activities" are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttock(s) or female breast(s). *(Amended 3/17/98)*

"Specified Anatomical Areas" are defined as:

1. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered. *(Amended 3/17/98)*

Stable, private. An accessory building, structure, and/or premise incidental to an existing residential principal use, in which no more than four horses, one of which must be owned by an occupant living on the lot, are kept for private use. *(Amended 10/16/90)*

Stable, public. Any building, structure and/or premise where horses are kept for boarding, rent, hire, riding, training, show or sale. *(Amended 10/16/90)*

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the

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ceiling next above it. In computing the height of a building, the height of basement or cellar if 50 per cent below grade shall not be included.

Street. A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Street line. The line between the street right-of-way and abutting property.

Street yard. The area between the right-of-way/property line and the principal structure. *(Amended 3/31/92)*

Street Yard Lawn. The area of a parcel parallel immediately adjacent to a street right-of-way or the required sidewalk that is reserved for planting only. *(Amended 12/8/98)*

Structure. Anything constructed or erected, the use of which requires location on the land, or attachment to something having a permanent location on the land.

Structure alterations. Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Tavern/Bar. Any business established primarily for the sale or service of beverages (alcoholic and non-alcoholic) for consumption on the premises; where entertainment may or may not be provided in the form of singers and/or dancers. *(Amended 3/17/98)*

Tavern/Bar, Adult. Any business established primarily for the sale or service of beverages (alcoholic and/or non-alcoholic) for consumption on the premises; where entertainment may or may not be provided; and where singers, dancers, staff, or any other persons display specified anatomical areas (as defined) before any other person(s) or perform specified sexual activities (as defined). *(Amended 3/17/98)*

Telecommunications Antenna, Collocation on Existing Tower. Collocation is a situation in which two or more different wireless communication service providers place wireless communication antenna(s) and/or other wireless communications equipment on a common antenna-supporting structure (building, tower, or other stationary device). *(Amended 10/6/09)*

Telecommunications Antenna, Placement on Existing Building. The placement of a wireless telecommunications antenna on an existing building or structure. *(Amended 10/6/09)*

Telecommunications Tower, Freestanding. A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. *(Amended 10/6/09)*

Telecommunications Tower, Stealth. Telecommunications towers and associated equipment design and configured to minimize the appearance of the telecommunications equipment.

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(Amended 10/6/09)

Temporary Refreshment Stand. A transportable building, structure or stand used for providing food and refreshments on a non-permanent basis. Such operations shall comply with all City and Health Department regulations. *(Amended 12/8/98)*

Temporary Real Estate/Construction Office. A temporarily established structure or use of structure intended specifically as an on-site office during the construction of either residential or non-residential development. *(Amended 12/8/98)*

Theater, Adult. A theater, concert hall, auditorium, or a similar establishment for the primary purpose of featuring live performers exposing specified anatomical areas (as defined) or performing specified sexual activities (as defined) for a substantial portion of the total presentation time [twenty five (25) percent or more]. *(Amended 3/17/98)*

Theater, Adult Motion Picture. Any establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion [twenty five (25) percent] of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities (as defined) or specified anatomical areas (as defined) for observation by patrons therein. *(Amended 3/17/98)*

Theater, Live Performance. Any establishment located in an outdoor structure or a building to show live dramatic performances or a place of enactment of significant events or action for any form of consideration and may feature live performers exposing specified anatomical areas (as defined) or performing specified sexual activities (as defined) for less than twenty five (25) percent of the total presentation time. *(Amended 3/17/98)*

Theater, Motion Picture. Any establishment located in a building or area where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown and in which less than twenty five (25) percent of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities (as defined) or specified anatomical areas (as defined) for observation by patrons therein. *(Amended 3/17/98)*

Tourist court, motel. Land used or intended to be occupied by a group of 2 or more detached, semi-detached, or multiple unit buildings, except mobile homes, containing guest rooms, with automobile parking space and incidental utility structure which are provided in connection therewith. This definition does not include efficiency units for permanent living quarters.

Tree, large canopy. Is one that has or will have when fully mature, a trunk of at least twelve (12) inches in diameter. Each large tree at the time of planting shall be a minimum of two (2) inches in caliper and eight (8) feet in height. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of twenty-five (25) feet. *(Amended 12/8/98)*

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Tree, understory. Is one that is a minimum of four (4) feet high and one (1) inch in caliper when planted and between fifteen (15) and forty (40) feet high when mature. *(Amended 12/8/98)*

Utility, Minor. Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, water wells, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities. *(Amended 4/20/10)*

Used car junk yard. A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts.

Vehicle Accommodation Areas (VAA). That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles). *(Amended 12/8/98)*

Vehicular surface area. The paved or non-paved area of a site intended for vehicular circulation or parking for business patrons. Square footage calculations shall include the total of all vehicular surface areas. *(Amended 3/31/92)*

Warehouses, personal storage. A compartmentalized warehouse facility or complex designed for rental of separate storage areas usually with individual external access, for storage of personal property. *(Amended 9/22/81)*

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front. A yard across the full width of the lots, extending from the front line of the building to the front line of the lot, excluding steps and open covered porches projecting not more than 6 feet from the main building line.

Yard, rear. A yard extending across the full width of the lot and measured between the rear line of the lots and the rear line of the main building.

Yard, side. An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lots, where no rear yard is required.

Zero-lot line housing A housing unit that is located on one of the side lot lines that the unit is located upon. Unless otherwise specified, the following criteria for zero-lot line housing shall apply:

- i) the final subdivision plat shall designate placement of the dwelling unit;
- ii) no two detached dwelling units shall utilize the zero lot line provision on a common lot line;

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iii) the remaining side setback shall not be less than the sum of the two side setbacks normally required; and

iv) the dwelling unit wall abutting the zero-lot line side shall be a solid structural wall with no windows, doors, or other openings. *(Amended 3/4/97)*

Zoning Administrator. Planning Director or his/her designee.

Zoning vested right. A right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific site plan. *(Amended 12/4/91)*

Sections 11-12. Reserved