

## ARTICLE 2 – INTERPRETATION AND DEFINITIONS

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#### 2.1. GREATER RESTRICTION GOVERNS

These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

#### 2.2. ROUNDING OF NUMBERS

All calculations that result in a part or fraction of a whole number shall be rounded to the nearest whole number.

#### 2.3. FIGURES AND TABLES

The figures and tables provided in this Ordinance are designed to provide a visual explanation to selected Sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

#### 2.4. COMPUTATION OF TIME

- 2.4.1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday,

or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.

- 2.4.2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice and the notice or paper is served by mail (Certified Mail/Return Receipt Requested), three days shall be added to the prescribed period.

## **2.5. RULES OF CONSTRUCTION**

For purposes of this Ordinance, the following rules of construction shall apply:

- 2.5.1. Word Interpretation: Words not defined in this Ordinance shall be given their ordinary and common meaning.
- 2.5.2. Tense: Words used in the present tense include the future tense.
- 2.5.3. Singular and Plural: Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- 2.5.4. Mandatory Meaning: The words ‘shall’, ‘will’, and ‘must’ are mandatory in nature implying an obligation or duty to comply with the particular provision.
- 2.5.5. Gender: As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- 2.5.6. References: Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified.
- 2.5.7. "Written" or "in writing" is deemed to include electronic documentation. (N.C.G.S. § 160D-110(b))
- 2.5.8. Delivery: Unless specified otherwise, in the absence of evidence to the contrary, delivery by first-class mail shall be deemed received on the third business day following deposit of the item for mailing with the United States Postal Service, and delivery by electronic mail shall be deemed received on the date sent. (N.C.G.S. § 160D-110(c))
- 2.5.9. Person: Includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- 2.5.10. May and Should: Are permissive; an officially adopted course or method of action intended to be followed.
- 2.5.11. Shall and Will: Are always mandatory and not merely directive; expresses determination to implement/take action.
- 2.5.12. Used for: Shall include the meaning “designed for.”
- 2.5.13. Used or Occupied: Shall mean “intended, designed, and arranged to be used or occupied.”

2.5.14. Lot: Shall include the words “plot,” “parcel,” “site,” and “premises.”

2.5.15. Building: Shall include the word “structure.”

2.5.16. Street: Includes the word “alley,” “road,” “cul-de-sac,” “highway,” or “thoroughfare,” whether designated as public or private.

2.5.17. Includes: Shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

2.5.18. Zoning Administrator: Shall mean the Zoning Administrator or his/her designee.

2.5.19. Planning Board: Shall mean the “Scotland County Planning Board.”

2.5.20. County: Shall mean “Scotland County,” a county of the State of North Carolina.

2.5.21. Map and Zoning Map: Shall mean the “Official Zoning Map for Scotland County, North Carolina.”

2.5.22. Board of Adjustment: Shall mean the “Scotland County Board of Adjustment.”

## 2.6. DEFINITIONS

2.6.1. Purpose. For the purposes of this Ordinance, certain words, concept, and ideas are defined herein. Except where specifically defined herein, all words used in this Ordinance shall have their customary dictionary definition.

2.6.2. Definitions.

**Abutting:** Having property or district lines in common; i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

**Access:** A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

**Access Easement.** An easement which grants the right to cross property.

**Accessory Building/Structure.** A detached subordinate building operated and maintained under the same ownership, the use of which is customarily incidental to that of the main building and which is located on the same lot as the main building. Accessory buildings include the following but are not limited to: detached garages, storage buildings, playhouses, and workshops, all of which are totally for personal use. Accessory buildings cannot be a manufactured home.

**Accessory Use.** A use incidental to and customarily associated with the Use by Right, and located on the same Zone Lot with the Use by Right, and operated and maintained under the same ownership with the operation of the Use by Right.

**Addition (to an existing building)** means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the

addition, renovation or reconstruction to any building, that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

**Address.** The official street number assigned by Scotland County 911 Addressing for a specific lot, building or portion thereof.

**Administrative Approval.** Approval that the Zoning Administrator or designee is authorized to grant after Administrative Review.

**Administrative Decision.** Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as “ministerial” decisions or “administrative determinations.” (*N.C.G.S. 160D-102*).

**Administrative Hearing.** A proceeding to gather facts needed to make an administrative decision. (*N.C.G.S. 160D-102*).

**Administrative Review.** Non-discretionary evaluation of an application by the Zoning Administrator or designee. This process is not subject to a public hearing.

**Adult Care Home.** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to people with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. Adult care homes and family care homes are subject to licensure by the Division of Health Service Regulation. (See N.C.G.S. 131-D-2.1)

**Adult Day Care Center.** The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled.

**Adult Establishment/Sexually-Oriented Business.** Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. 14-202.10. This includes, but is not limited to, adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult live entertainments, or massage businesses. (*N.C.G.S. 160D-902(f)*)

**Affected land (relating to mining).** The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and selling ponds.

**Agriculture.** The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards,

forestry, and animal and poultry husbandry. However, the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

**Agricultural Uses include uses in connection with a Bona Fide Farm.** Bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.

For purposes of determining whether a property is being used for bona fide farm purposes, 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 G.S. 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.

***Statutory Reference – NCGS 160D-903(a).***

**Agritourism.** Agritourism means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting. ***(N.C.G.S. 160D-903(a)).***

**Air Compressors.** A device that converts power (using an electric motor, diesel or gasoline engine, etc.) into potential energy stored in pressurized air (i.e., compressed air). By one of several methods, an air compressor forces more and more air into a storage tank, increasing the pressure.

**Airfield, Small Private:** The use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes when the owner of at least one (1) of the resident planes lives on the premises. This small private airfield is not regulated by this Ordinance.

**Airport:** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

**Airport** - All publicly used airports in Scotland County.

**Airport Elevation** - The highest point of an airport's usable landing area measured in feet from mean sea level.

**Airport Hazard** - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

**Approach Surface** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section (E). In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

**Approach, transitional, horizontal, and conical zones** - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined on the airport's Field Hazard Zoning Map.

**Alley:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

**Alter:** To make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

**Alternative Structure (regarding Wireless Telecommunication Facilities):** A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards, and electric transmission towers.

**Amateur Radio, Antennas.** Amateur **radio**, also known as **ham radio**, is the use of **radio** frequency spectrum for purposes of non-commercial exchange of messages, wireless experimentation, self-training, private recreation, radio sport, contesting, and emergency communication.

**Animal Feeder/Breeder Operations.** Establishments primarily engaged in the production, feeding, or fattening of cattle, hogs, chickens, or turkeys in a confined area for a period of at least 45 days on a contract or fee basis.

**Antenna:** Any exterior transmitting or receiving device that radiates or captures electromagnetic waves (excluding radar signals).

**Antenna Communications.** equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communication services.

**Antenna, Dual-Band/Multi-Band:** An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized mobile radio).

**Antenna Array.** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

**Attached Wireless Communication Facility.** An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated

connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

**Apartment:** A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

**Apartment Building:** A building containing three (3) or more dwelling units, except where permitted as an accessory use. See also Multifamily dwelling.

**Appeal.** A request for a review of the interpretation of any provision of this Ordinance.

**Applicable Codes.** The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical and health codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

**Application, Wireless Communication Facility.** A request that is submitted by an applicant to the County for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, County utility pole, or wireless support structure.

**Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

**Assembly:** A joining together of completely fabricated parts creating a finished product.

**Assisted Living Residence.** Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. There are three types of assisted living residences: adult care homes, adult care homes that serve only elderly persons, and multi-unit assisted housing with services. As used in this definition, “elderly person” means: (i) any person who has attained the age of 55 years or older and requires assistance with activities of daily living, housing, and services; or (ii) any adult who has a primary diagnosis of Alzheimer’s disease or other form of dementia who requires assistance with activities of daily living, housing, and services provided by a licensed Alzheimer’s and dementia care unit.

- (1) *Adult Care Home.* An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. Adult care homes include halfway houses and drug rehab facilities.

- (2) *Multi-Unit Assisted Housing with Services.* An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or other compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care.

**Attached Building.** A building that is joined to another building at one or more sides by a party wall or walls.

**Athletic Field.** Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football)

**Automated Teller Machine.** A mechanized consumer banking device operated by or associated with a financial institution for the convenience of its customers, whether outside, in an access controlled facility or a location remote from the controlling financial institution. ATM's located within a building or on site of the controlling financial institution shall be considered accessory to the principal use.

**Auto Wrecking.** A person or establishment that provides open storage, disassembling, or salvaging for junked motor vehicles.

**Automobile Repair Services.** An establishment primarily engaged in one or more of the following activities: 1 ) general automotive repair or service, 2) automotive engine repair, 3) installation or repair of automotive transmissions, 4) installation or repair of automotive glass, 5) installation or repair of automotive exhaust systems, 6) repair of automotive tops, bodies and interiors, and 7) automotive painting and refinishing.

**Automobile Service Station (Gas Station):** Any building or land used for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within fifteen (15) feet of any property line or street right-of-way and incidental activities shall not include tire re-treading, major bodywork, major mechanical work, or upholstery work.

**A-Weighted Sound Level (dBA).** A number in decibels, which is read from a sound-level meter, when the meter is switched to its weighting scale labeled "A." The number approximately measures the relative noisiness or annoyance level of many common sounds, including aircraft.

**Bar, Lounge.** An establishment used primarily for sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as an accessory to the principal use.

**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** means, for floodplain management purposes, any area of the building having its floor sub grade (below ground level) on all sides.

**Base Station.** A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

**Basement.** A story of a building or structure having one-half or more of its clear height below grade.

**Bed and Breakfast:** A form of temporary housing for travelers with breakfast included, but no other meals available. Overnight guest facilities are limited in number, and maximum stay by guests is restricted to seven (7) consecutive days. There is no restaurant, but a dining room may be used by overnight guests only, which is open only during breakfast hours. The owner must be a resident.

**Bedroom.** A room designated as sleeping or bedroom on the plans.

**Berm:** Any elongated earthen mound designed or constructed to separate, screen, or buffer adjacent land uses.

**Billboard:** See "Off-Premises Sign", under "Signs".

**Bingo Hall.** A facility used primarily for the conduct of bingo games, open to the public and not in a subsidiary nature to another use.

**Block:** A tract of land or a lot or a group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the County or its towns or any combination of the above.

**Block Frontage:** That portion of a block that abuts a single street.

**Board of Adjustment:** A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

**Board of County Commissioners:** The governing body of Scotland County.

**Boarding House:** A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

**Bona Fide Farm Purposes.** - Agricultural activities as set forth in G.S. 160D-903.(*N.C.G.S. 160D-903*).

**Bona Fide Farm.** Any tract of land where the land is used for the production of and activities relating to, 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. In addition, this Ordinance does not impose nor exercise any controls over croplands, timberlands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

Land that receives or is eligible to receive an agricultural use exemption from the county tax office and is used for the production 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. The term does not include nonfarm activities conducted on farmland. For purposes of determining whether a property is being used for bona fide farm purposes, 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 G.S. 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. **(N.C.G.S. 160D-903(a)).**

**Buffer.** A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

**Buffer, Stormwater.** 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 buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

**Buildable Area (Building Envelope):** The space remaining on a zoning lot after the minimum open-space requirements (yards, setbacks) have been met.

**Buildable Lot.** One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient total dimensions; and sufficient access to permit construction thereon of a principal building together with its required parking and buffer yards. **Building:** Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable. Each portion of a building separated from other portions by a fire wall shall be considered a separate building.

**Building:** Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing billboards, and signs and similar structures whether stationary or movable.

**Building, Accessory:** See Accessory Structure.

**Building Footprint:** The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

**Building Height:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height. Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

**Building Line.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, gutters, and similar fixtures, and the right-of-way line of any street when measured perpendicular thereto.

**Building Lot Coverage:** The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

**Building Permit.** An official administrative authorization issued by the County prior to beginning construction consistent with the provisions of NCGS 153A-357.

**Building, Principal (Main):** A building in which is conducted the principal use of the plot on which it is situated.

**Building Separation.** The minimum required horizontal distance between buildings.

**Building Setbacks:** The minimum distance from the property line to closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

**Building Setback Line (Front Yard Setback):** The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the areas upon which a structure may be built or maintained. At the time of application, all yard setbacks are determined from the most recent Scotland County Official Tax Map.

*Front yard setback* - shall be measured from the roadway right-of-way as shown on tax maps.

*Side and Rear yard setbacks* - shall be measured from the property lines as shown on tax maps.

*Corner lot setbacks* - shall be measured from the roadway right-of-ways it is adjacent to as

*On a flag lot* the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part), which is closest to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width!)

**Built-Upon Area:** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooded slatted decks, golf courses, and the water area of a swimming pool are not considered built-upon area.)

**Buffer Yard/Buffer Strip.** A strip of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walks, or fences.

**Caliper Inches.** Quantity in inches of the diameter of trees measured at six inches above the ground for trees four inches or less in trunk diameter and twelve inches above the ground for trees over four inches in trunk diameter.

**Camper 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 to provide temporary living quarters for recreational, camping, or travel use.

**Campground:** Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

**Candlepower:** The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

**Canopy, Marquee, or Awning:** A roof-like cover extending over a sidewalk, walkway, driveway, or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature.

**Car Wash:** A building, or portion thereof, containing facilities for washing automobiles or other vehicles, using production line methods with a chain conveyor, blower, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

**Cemetery.** Land and facilities, including offices and chapels, used for or intended to be used for the burial of the dead, whether human or animal. Such a facility includes any burial ground, mausoleum, or columbarium.

**Certificate of Occupancy:** Official certification that a premises conforms to provisions of the Zoning Ordinance (and State Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

**Certificate of Zoning Compliance.** A statement, signed by the Zoning Administrator, setting forth that the building, structure or use complies with the Zoning Ordinance and that the same may be used for the purpose stated therein.

**Certify.** Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the County, the County may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the County may accept certification by telephone from some agency when the circumstances warrant it, or the County may require that the certification be in the form of a letter or other document.

**Certiorari, Nature of.** The review of the record of a case (minutes of a hearing) by a court for the issuance of a ruling to a board having some judicial power.

**Charter.** The entire body of local acts currently in force applicable to Scotland County, including articles of incorporation issued to a city by an administrative agency of the State, and any amendments thereto adopted.

**Child Care.** A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

**Child Care Facility.** Includes child care centers, family child care homes, and any other child care arrangement not excluded by NCGS 110-86 (2) that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

- (1) *Child care center.* An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
- (2) *Small child care center.* Small centers in a residence that are licensed for six to twelve children which may keep up to three additional school age children, depending upon the ages of other children in care. When the group has children of different ages, staff-child ratios and group size must be met for the youngest child in the group.
- (3) *Family child care home.* A child care arrangement located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive child care.

**Chimney.** A vertical shaft of reinforced concrete, masonry, or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**Churches/Places of Worship.** Facilities used primarily for nonprofit purposes by a recognized and legally established sect to provide assembly and meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, pastor's housing, and permanent group living facilities such as convents. Examples include churches, temples, synagogues, and mosques, but not associated schools, day care facilities, or other facilities not devoted to religious activity.

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

**City.** As defined in G.S. 160A-1(2). 'City' is interchangeable with the terms 'town' and 'village,' is used throughout this ordinance. (*N.C.G.S. 160D-102*).

**City/County Right-of-Way.** A right-of-way owned, leased, or operated by a County, including any public street or alley that is not a part of the State highway system.

**City/County Utility Pole.** A pole owned by a County in the County right-of-way that provides lighting, traffic control, or a similar function.

**Class A Motor Vehicle.** A combination of motor vehicles that meets either of the following descriptions:

- (a) Has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- (b) Has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.

**Statutory Reference** *NCGS 20-4.01(2a)*

**Class B Motor Vehicle.** Any of the following:

- (a) A single motor vehicle that has a GVWR of at least 26,001 pounds.

- (b) A combination of motor vehicles that includes as part of the combination a towing unit that has a GVWR of at least 26,001 pounds and a towed unit that has a GVWR of less than 10,001 pounds.

**Statutory Reference NCGS 20-4.01(2b)**

**Class C Motor Vehicle.** Any of the following:

- (a) A single motor vehicle not included in Class B.
- (b) A combination of motor vehicles not included in Class A or Class B.

**Statutory Reference NCGS 20-4.01(2c)**

**Club or Lodge (Private, Nonprofit, Civic, or Fraternal):** A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

**Code Official.** An employee of the County with responsibility for administration and enforcement of development ordinances.

**Collector Street.** A street whose principal function is to carry traffic between cul-de-sac, local, and sub-collector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

**Collocation/Site Sharing.** Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

**Combination Use.** A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Uses. Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. When two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.

**Common Area(s).** All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

**Common Open Space:** A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

**Communications Facility.** The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

**Communications Service.** Cable service as defined in 47U.S.C. § 522(6), information service as defined in 47U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services. Communications Service Provider A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

**Competent Evidence.** NC General Statutes require that the rules of evidence as applied in the trial division of the General Court of Justice ordinarily be followed but adds the important exception that “when evidence is not reasonably available under such rules to show relevant facts, they may be shown by the most reliable and substantial evidence available.” The Board just limit itself to the type of evidence that ought to be admissible before local administrative agencies generally. The term “competent” is essentially a synonym for “admissible before a local board.”

**Comprehensive Plan.** The Comprehensive Plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board. **(N.C.G.S. 160D-102).**

**Conditional Zoning.** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. **(N.C.G.S. 160D-102).**

**Condominium:** A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

**Condominium Development.** A development of one or more structures containing two or more units intended for owner occupancy, where the land beneath each unit and all common areas (as defined in the North Carolina Unit Ownership Act) are owned proportionately by each unit owner in the development. Units and the land on which they are built do not meet conventional lot requirements for street frontage and yard sizes, and walls between units are constructed in accordance with North Carolina State Building Code requirements. All such projects shall conform to the density requirements as outlined in this Ordinance and shall be approved in accordance with the provisions of this Ordinance.

**Conical Surface:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**Contractor:** One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this Ordinance, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

**Controlled-Access Highway:** A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads

only, with no direct access from private roads or driveways and with no crossing at grade, including any interstate, State, or U.S. Route.

**Convalescent Home (Nursing Home):** An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

**Convenience Store:** A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

**Conversion:** Changing the original purpose of the building to the different use.

**Corner Lot.** A lot abutting two or more streets at their intersection.

**County.** Any one of the counties listed in G.S. 153A-10. **(N.C.G.S. 160D-102).**

**County Board.** Refers to the Scotland County Board of County Commissioners.

**Covenant:** A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

**Critical Root Zone.** The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

**Cul-de-Sac Street.** A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

**Curb Line.** On the basis of orientation of the existing structure the line located at the back of the street curb perpendicular to the structure. Such line shall be fixed by the Zoning Administrator subject to review by the Board of Adjustment.

**Customary Home Occupations.** Any use conducted for gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display; provided further, no person not a resident on the premises shall be employed specifically in connection with the activity; no mechanical equipment shall be installed or used except such as is normally used for domestic or professional purposes; and not over 25% of the total floor space or 400 square feet of any structure, whichever is less, shall be used for home occupations.

**Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutoff-Type Luminary:** A luminary with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is ninety (90) degrees or less.

**Day.** Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law.

**Day-Night Average Sound Level (Ldn).** A measure of noise which considers the 24-hour average sound level, 365 days a year, in “A” weighted decibels. Those events occurring between 10:00 pm and 7:00 am, incur a 10 decibel penalty. This is the accepted parameter for determining the impacts of noise on people.

**Day Care Facility (Adults and Children):** A place other than an occupied dwelling, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All State registration requirements and inspections shall be met.

If children are the primary clients of the day care home the following shall apply: Any child care arrangement where three (3) or more children under thirteen (13) years of age receive care away from their own home by persons other than relatives, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include seasonal recreational programs operated for less than four (4) consecutive months. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible.

**Day Care Home (Adults and Children):** A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and are not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations. All State registration requirements and inspections shall be met.

If children are the primary clients of the day care home the following shall apply: Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), which provides day care on a regular basis at least once a week for more than four (4) hours, but less than twenty-four (24) hours, per day for more than five (5) children under the age of thirteen (13) years, not including the operator's own school-aged children. It does not matter where it is located, whether the same or different children attend, and whether or not operated for profit. The following are not included: public schools; nonpublic schools, as described in G.S. 110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and Bible schools normally conducted during vacation periods.

**Decibel (dB).** Sound is measured in decibels. The zero on the decibel scale is based on the lowest sound level that is the healthy, unimpaired human ear can detect. Decibels are not linear units, but representative points

on a sharply rising (exponential) curve. Thus, an increase of 10 decibels represent an approximate doubling of acoustic energy.

**Decision-Making Board.** - A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this ordinance. **(N.C.G.S. 160D-102).**

**Deck.** An open and roofless platform that adjoins a house and is supported by a means other than the principal structure.

**Dedication:** The transfer of property from private to public ownership with no compensation involved.

**Density:** The average number of families, persons, housing units, or buildings per unit of land.

**Density, Gross:** The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, *taking into account* the entire area of the tract or parcel.

**Density, Net:** The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, *not taking into account* the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special floor hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers.

**Detached Building.** A building having no party or common wall with another building except an accessory building.

**Determination.** A written, final and binding order, requirement, or determination regarding an administrative decision. Determinations can include stop work order and notices of violation to force development to halt. **(N.C.G.S. 160D-102).**

**Developer.** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property. **(N.C.G.S. 160D-102).**

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

- (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- (b) excavation, grading, filling, clearing, or alteration of land;
- (c) the subdivision of land as defined in G.S. 160D-802; or
- (d) the initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by the Articles of NCGS Chapter 160D.

**Statutory Reference – NCGS 160D-102.**

**Development Approval.** An administrative or quasi-judicial approval made pursuant to N.C.G.S. Chapter 160D that is written and that is required prior to commencing development or undertaking a specific activity, project

or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to NCGS Chapter 160D attach to and run with the land. **(N.C.G.S. Chapter 160D-104).**

**Development Regulation.** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to NCGS Chapter 160D, or a local act or charter that regulates land use or development. **(N.C.G.S. 160D-102).**

**Direct Light.** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a lighting system.

**Distillery.** A distillery as permitted by NCGS is an enterprise which engages in one or more of the following:

- (a) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor;
- (b) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations;
- (c) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

**District.** Any section of the County in which zoning regulations are uniform.

**Dock or Pier.** A platform extending from a shore over water and supported by piles or pillars, used to secure, protect, and provide access to boats, also a wharf or platform for the loading and/or unloading of materials and passengers.

**Drainage Easement.** An easement which grants the right of water drainage to pass in open channels or enclosed structures.

**Drainageway.** Any natural or man-made channel that carries surface runoff from precipitation.

**Drawings.** Construction drawings utilized during construction prepared by an architect, landscape architect, engineer, or surveyor licensed to practice in North Carolina. Drawings, as-built Engineering plans prepared after the completion of construction, by the engineer by an architect, landscape architect, engineer, or surveyor licensed to practice in North Carolina, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all structures, parking facilities, detention/retention areas, curbs, gutters, and sidewalks.

**Drip Line:** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**Driveway:** A private roadway located on a parcel or lot used for vehicle access.

**Driveway Approach.** An area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide for vehicles from the roadway to the adjacent property.

**Duplex.** (See Dwelling Two-Family).

**Dwelling.** - ~~Any building, or portion thereof, which is designed for living and/or sleeping purposes.~~ 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, except that for purposes of NCGS Chapter 160D, Article 12 – Minimum Housing Codes, it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. (**N.C.G.S. 160D-102**).

**Dwelling, Attached:** A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

**Dwelling, Detached:** A dwelling that is entirely surrounded by open space on the same lot.

**Dwelling, Multifamily:** A building containing three (3) or more dwelling units, except where permitted as an accessory use.

**Dwelling, Single Family:** A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household.

**Dwelling, Two-Family.** A building arranged or designed to be occupied by two families living independently of each other (the structure having only two dwelling units).

**Dwelling Unit:** One or more rooms, which are arranged, designed, or used as living quarters for one family only.

**Easement:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

**Eave.** An overhanging roof extension not exceeding three feet.

**Effective Date of this Ordinance.** The date established by the Scotland County Board of Commissioners that this Ordinance and any amendments thereto are effective and enforceable.

**Electric Vehicle.** Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for energy purpose. Electric vehicle includes: (1) a battery powered electric vehicle; and (2) a plug-in hybrid electric vehicle.

**Electric Vehicle/Battery Charging Station.** A public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. An electric vehicle charging station is permitted as an accessory use to any principal use.

**Electric Vehicle Parking Space.** Any marked parking space that identifies the use to be exclusively for an electric vehicle.

**Elevated building** means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

**Eligible Facilities Request.** A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

**Equipment Compound.** An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

**Equipment Facility.** Any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**Erect.** Build, construct, erect, re-build, re-construct, or re-erect as the same is commonly defined.

**Evidentiary Hearing.** - A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under NCGS Chapter 160D. **(N.C.G.S. 160D-102).**

**Existing construction.** For the purposes of determining rates, structures for which the start of construction" commenced before the effective date of the Flood Insurance Rate Map (FIRM) or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures". (Amended 1/2001)

**Existing Development.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- (a) 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
- (b) having an outstanding valid building permit, or
- (c) the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-1-8 or under common law. **(NCGS 160D-102)**

**Existing Lot (Lot of Record).** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Scotland County Register of Deeds prior to the original adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the original adoption of this Ordinance.

**Existing manufactured home park or manufactured home subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 19, 1988. (Amended 1/2001)

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs). (Amended 1/2001)

**Erect:** Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

**Equipment Facility:** An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility, which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**Ex parte.** A Latin legal term meaning "from (by or for) [the/a] party". An ex parte decision is one decided by a judge without requiring all of the parties to the controversy to be present.

**Fabrication:** Manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal, ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

**Fall Zone.** The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

**Family:** One or more persons occupying a single dwelling or residence and living as a single housekeeping unit and, for the purpose of this ordinance, "family" shall include foster children and adult supervisors occupying a dwelling or residence that has been licensed by the State of North Carolina to provide foster care for the children.

**Family Care Home/also Group Home:** 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. Person with disabilities is 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. **(NCGS 160D-907)**

**Family Foster Home.** The private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship, or adoption.

**Farmers' Market, Open-Air/ Farm Stand.** A market where the seasonal selling or offering for sale at retail of locally and self-grown vegetables or produce is conducted. This may include items made directly from vegetables or produce, fresh flowers and plants, and/or self-made crafts and sold directly to the consumer at an open-air-market in a pre-designated area, where the vendor is generally the individual who raised the vegetables or produce or created the craft.

**Federal Aviation Administration:** FAA

**Federal Communications Commission:** FCC The Federal Communications Commission regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia and U.S. territories. An independent U.S. government agency overseen by Congress, the Commission is the federal agency responsible for implementing and enforcing America’s communications law and regulations.

**Federal Telecommunications Act of 1996:** FTA. The Telecommunications Act of 1996 was the first significant overhaul of telecommunications law in more than sixty years, amending the Communications Act of 1934.

**Fence, Security:** A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation. Security fences are often equipped with a self-closing and positive self-latching mechanism.

**Fifth-Wheel Trailer.** A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

**Fine Arts and Crafts.** Individual art pieces, not mass produced consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and/or craftwork, leather, wood, metal, or glass.

**Flag Lot.** A lot that is composed of a narrow ‘flagpole’ strip extending from the street and much wider ‘flag’ section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

**Flea Market.** Buildings or open areas in which sales areas or stalls are set aside or rented, and which are intended for use by one or more individuals or by educational, religious, or charitable organizations to sell a variety of articles such as those which are either homemade, homegrown, handcrafted, old, obsolete or antique.

**Floating Home.** A house built on a floating platform without a means of propulsion. (N.C.G.S. 146-12)

**Floor Area (for determining off-street parking and loading requirements):** The gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

However, "floor area", for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and,
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study** is the engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood Boundary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBM), and/or Flood Insurance Rate Map (FIRMs). (Amended 1/2001)

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor Area, Gross:** The total floor area enclosed within a building.

**Food Truck.** A large motorized vehicle, such as a van or trailer, which can be moved from place to place, and which is equipped to cook, prepare, serve, and/or sell food.

**Foot-candle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**Forestland.** Land that is devoted to growing trees for the production of timber, wood, and other forest products. Forestry The professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

**Forestry Activity.** Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.

**Forestry Operations.** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities. Not included in this definition are logging establishments, sawmills, and planing mills.

**Frontage:** All of the real property abutting a street line measured along the street right-of-way.

**Functionally dependent facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and

unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Game Room.** A use providing video games or other games for playing for amusement and recreation. Any table games such as air hockey, football, pinball, or the like shall be included under this definition. More than three such games shall constitute a primary use and shall be allowed only in those zoning districts permitting game rooms as a listed permitted use. Three or fewer such games shall constitute an accessory use and may be permitted in any licensed retail business.

**Garage, Commercial:** Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

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

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

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

**Golf Cart.** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. **Statutory Reference NCGS 20-4.01**

**Governing Board.** The city council or board of county commissioners. The term is interchangeable with the terms “board of aldermen” and “boards of commissioners” and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage. **(N.C.G.S. 160D-102).**

**Glare:** The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

**Grade, Finished.** The final elevation of the ground surface after development.

**Grade, Natural.** The elevation of the ground surface in its natural state before man-made alterations.

**Granny Pod/Temporary Health Care Structure.** A temporary structure that will house a single mentally or physically impaired person in accordance with **NCGS 160D-915**. The statute defines these to be North Carolina residents who require assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation, transferring, toileting, and eating). The impairment must be certified in writing by a physician licensed in North Carolina.

**Grocery Store.** A retail establishment, not a convenience store, for the display and sale of meat, fruits, fresh and packaged foods, cleaning supplies, paper goods, pet supplies, health and beauty products, bakery products, dairy products, wine, beer, and similar items for human consumption and may include a bakery, delicatessen or prescription pharmacy.

**Groundcover:** Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

**Gross Floor Area:** Floor area calculated irrespective of interior walls or closets.

**Habitable Floor.** Any floor useable for living purposes which includes working, sleeping, eating, cooking or recreation or a combination thereof.

**Habitable Room.** A room or heated floor space used or intended to be used for living or sleeping, excluding bathrooms, kitchens, places for cooking or eating purposes, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage spaces.

**Hazardous Material.** Any material defined as a hazardous substance under 29 Code of Federal Regulations §1910.120(a)(3).

**Hazard to Air Navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Health Spa.** A profit-making business or a private club as opposed to YMCA. Spa would include such activities as weight lifting, exercising, steam room, whirlpool, sauna, and possibly other gymnastics.

**Height (Towers).** When referring to a Wireless Communication Facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the Wireless Communication Facility, including the antenna array and other attachments.

**Height:** For the purpose of determining the height limits in all zones set forth in this Section, the datum shall be mean sea level elevation unless otherwise specified.

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

**Historic Structure** means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. (Amended 1/2001)

**Home Care Unit:** A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, and is located on a lot of at least one (1) acre in size.

**Home for the Aged, or Rest Home:** A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons

who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated.

A major factor that distinguishes those homes is that the residents may be given congregate services as distinguished from the individualization of medical care required in "patient" care. A person may be accepted for sheltered or custodial care because of a disability, which does not require continuing, planned medical care, but which does make him unable to maintain himself in individual living arrangements. For the purposes of this Ordinance, a "home for the aged" shall also be considered a "rest home".

**Home Occupation:** An occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof, providing the following:

- (a) That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
- (b) That no more than twenty-five percent (25%) of the total floor area of the dwelling is used for such purposes;
- (c) That there is no outside or window display;
- (d) That no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment; and,
- (e) That not more than one person not a resident of the dwelling is employed in connection with the home occupation.

**Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan, coincides with the perimeter of the horizontal zone.

**Horse Farm:** A bona fide farm that, as a primary activity, conducts business by engaging in any one or more of the activities of breeding, training, buying, selling, showing, racing, and boarding of horses, including associated accessory activities.

**Hotel:** A building or other structure kept, 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. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

**Impervious Surface Area:** That portion of the land area that allows little or no infiltration of precipitation into the soil. Impervious areas include, but are not limited to, that portion of a development project that is covered by buildings, areas paved with concrete, asphalt, or brick, gravel roads, patios, driveways, streets, and recreation facilities such as tennis courts. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

**Incompatible Use:** A use or service that is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

**Inoperable Vehicle:** Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle that is registered with the North Carolina Division of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

**Institutionalized Persons.** Persons who are committed through some legal process (jail, hospital ward for the dangerously mentally ill), or persons committed to an institution, such as a halfway house, on a time-of-day basis.

**Internet Sweepstakes Café/Electronic Gaming Operations:** Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where 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. This term includes but is not limited to internet sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This definition does not include any lottery approved by the State of North Carolina.

**Itinerant Merchant, Transient Merchant, Itinerant Vendor or Food Truck Vendor.** Any person, firm or corporation whether as owner, agent, consignee, or employee, whether a resident of the County or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said County, and who, in furtherance of such purpose, hires, leases, uses, or occupies any building or land, structure, motor vehicle, tent, trailer, railroad box car, truck or boat, public room in hotel, motel, lodging houses, apartments, shops, or any street, alley, or other place within the County for the exhibition and sale of such goods, wares, and merchandise, either privately, or at public auction provided that such definition shall not be construed to include:

- (a) Any person selling at a yard sale who has received the appropriate permits and licenses from the County.
- (b) Internet sales.
- (c) Any vendor lawfully participating in sales at a Farmers Market.
- (d) Non-profits, civic and religious organizations.

**Interior Setback.** A setback from any property line not alongside a street.

**Junk/Salvage Yard:** Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto-wrecking yard, but does not

include uses established entirely within enclosed buildings. A "junk yard" for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.

**Junked Motor Vehicle.** A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five years old and appears to be worth less than one hundred dollars; provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed.

**Kennel.** A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), (ii) engages in the breeding of animals for sale, or (iii) engages in the training or breeding of animals.

**Land Clearing and Inert Debris Landfill (LCID).** A landfill facility for waste generated from land clearing, concrete, brick, concrete block, uncontaminated soil, gravel and rock, unpainted wood, and yard trash. "Yard trash" is solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative materials.

**Landowner or Owner.** The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner.<sup>31</sup> The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals. **(N.C.G.S. 160D-102).**

**Landfill, Sanitary:** A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

**Landscape Architect:** A professional landscape architect registered by the State of North Carolina.

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

**Large Retail.** A retail structure or group of structures having a total in excess of 25,000 square feet of gross floor area.

**Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven or jet powered aircraft of greater than 12,500 pounds maximum gross weight.

**Legislative Decision.** The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of NCGS Chapter 160D – Development Agreements. **(N.C.G.S. 160D-102).**

**Legislative Hearing.** A hearing to solicit public comment on a proposed legislative decision. **(N.C.G.S. 160D-102).**

**Life Care Center:** A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

**Light, Cutoff:** An artificial outdoor lighting fixture, or luminaire, designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

**Light, Non-Cutoff:** An artificial outdoor lighting fixture, or luminaire, that is designed to allow light to be directly emitted above a horizontal line parallel to the ground.

**Loading Area or Space, Off-Street:** An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

**Local Government:** A city or county. *(N.C.G.S. 160D-102).*

**Lot:** A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds. For the purpose of this Ordinance, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

**Lot, Corner:** A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

**Lot, Depth:** The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

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

**Lot Lines:** The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

**Lot Line, Rear.**

- (a) If the lot has one front line, the boundary opposite that front line shall be the rear line.
- (b) If the lot has two front lines the boundary opposite the shorter of the two front lines shall be the rear line, provided that if both front lines are of equal length, the rear line shall be fixed by the Building Inspector, subject to review by the Board of Adjustment, on the basis of orientation of existing structures.
- (c) If the lot has three or more front lines, there shall be no rear line. 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 Scotland County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

**Lot, Through:** An interior lot having frontage on two streets.

**Lot, Width:** The straight line distance between the points where the building setback line intersects the two side lot lines.

**Lot of Record:** A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Scotland County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds by the owner or predecessor in title thereto.

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

**Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Major Repair.** Any activity that could result in deposition of materials or pollution into the shoreline area waters.

**Major Thoroughfare Street.** Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

**Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. **(N.C.G.S. 160D-102 and N.C.G.S. 143-145(7))**

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis. (HUD.GOV)

**Manufactured Home, Class A.** A manufactured home that meet or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- (b) The manufactured home has a minimum of 1200 feet of enclosed and heated living area.
- (c) The pitch of the roof of the manufactured home has a minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet by 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction.
- (d) The roof eaves and gable overhangs shall be 12-inch minimum (rain gutters may be included in the minimum dimensions).
- (e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap 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.
- (f) The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Administration) requirements relative to tie downs.
- (g) The electrical meters servicing the manufactured home shall be mounted (attached) directly to the manufactured home.
- (h) A multi-sectional manufactured home is required. A singular sectional manufactured home is prohibited.
- (i) All manufactured homes shall otherwise meet all applicable zoning regulations for the zoning district in which the home is located.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an onsite conventionally built, single family dwelling to include landscaping in harmony with surrounding dwellings. (Adopted 3 February 1994)

**Manufactured Home, Class B.** (Commonly referred to as a single section manufactured home.) A manufactured home 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 additional criteria:

- 1. The manufactured home has a minimum length of fifty-two (52) feet measured along the longest axis and a minimum width of fourteen (14) feet measured at the narrowest part of the other axis;
- 2. The manufactured home has a minimum of seven hundred and twenty-eight (728) square feet of enclosed living area;

3. The pitch of the roof of the manufactured home has a minimum vertical rise of three feet for each twelve feet of horizontal run;
4. The exterior siding consists predominantly of vinyl or aluminum horizontal lap 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;
5. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and rests upon a continuous uniform foundation enclosure, unpierced except for required ventilation and access. The foundation skirting shall be of a non-combustible material or material that will not support combustion. Any wood framing for foundation skirting shall be constructed with treated lumber;
6. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina State Building Code; and
7. The moving hitch, wheels and axles, and transporting lights have been removed.

**Manufactured Home, Class C.** (Commonly referred to as a house trailer or a mobile home.) Any manufactured home that does not meet the definitional criteria of a Class A or a Class B manufactured home. Class C Manufactured homes are only allowed within Scotland County if they are located within Scotland County by the adoption of this ordinance. Once a Class C manufactured home is disconnected from utilities at its current location it cannot be moved and reconnected to a new location within Scotland County. The disconnected manufactured home cannot be used for dwelling or storage and must be disposed of.

**Manufactured Home Park:** A Manufactured Home Park is a parcel or tract of land developed with facilities for locating four (4) or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied mobile homes are parked.

**Manufactured Home Space:** A plot of land within a manufactured home park designed for the accommodation of one mobile home.

**Manufactured Home Stand:** That portion of the manufactured home space intended for occupancy by the mobile home proper, consisting of a rectangular plat of ground of least 12 by 60 feet.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Mean Sea Level** means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.

**Microbrewery.** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise. Tasting rooms are an accessory use to a microbrewery or distillery.

**Micro Wireless Facility.** A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

**Minor Thoroughfare Street.** Minor thoroughfares collect traffic from collector, sub-collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

**Mining:**

1. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
2. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
3. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

1. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
2. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
3. Mining operations where the affected land does not exceed one (1) acre in area.
4. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
5. Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

**Mini-Warehouse/Storage Facilities:** A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

**Mobile Office:** A structure identical to a manufactured home except that it has been converted to, or originally designed and constructed for, commercial or office use.

**Modular Home.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a

modular home may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code applicable to site built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

To qualify for a label or seal under subsection (a) of this section, a single-family modular home must meet or exceed the following construction and design standards:

- (1) Roof pitch. - For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
- (2) Eave projection. - The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
- (3) Exterior wall. - The minimum height of the exterior wall shall be at least seven feet six inches for the first story.
- (4) Siding and roofing materials. - The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
- (5) Foundations. - The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports. (1971, c. 1099; 1989, c. 653, s. 2; 2003-400, s. 17.)

**Statutory Reference – NCGS 160D-910 and NCGS 143-139.1**

**Modular Structure:** A manufactured structure designed for year-round residential or commercial use, with major components or modules preassembled and transported to a site for final assembly and utility connection, but which is not designed to be transported on its own chassis. Such structures must meet all requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

**Moratorium.** The temporary prohibition of any activity.

**Motel:** A building or other structure kept, 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 where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

**Motor Home.** A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125-volt electrical power supply, or an LP gas supply. (As defined in G.S. 20-4.01(27) k)

**Nightclub.** An establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing, or entertainment is conducted. The hours of operation generally limit to weeknights and weekends. The sale of meals for on-site consumption may also be a component of the operation.

**Noise Abative Construction.** Includes insulation, storm windows and/or air conditioning designed to reduce interior noise due to aircraft activity. Landscaping may reduce ground noise, but has little impact on noise reduction from airborne produced noise.

**Nonconforming Lot:** A lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.

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

**Nonconforming Situation.** A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use of any existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the Ordinance, or because land or buildings are used for purposes made unlawful by the Ordinance.

**Nonconforming Use:** The use of a building, mobile home, or land which does not conform to the use regulation of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated.

**Nonconformity, Dimensional:** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure, or the relationship between an existing building or buildings and other buildings or lot lines (i.e. setbacks), does not conform to the regulations applicable to the district in which the property is located.

**Non-Precision Instrument Runway:** A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**Nuisance:** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**Nursing Home.** An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

**Office.** Quarters maintained by individuals or corporation for the purpose of offering services in which no goods or merchandise are sold or displayed over the counter.

**Official Maps and Plans.** Any maps or plans officially adopted by the County as a guide for the future development and growth of the County and the area immediately adjacent to it. Such maps or plans may consist of maps, charts, and text.

**Open space.** An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state. Open Storage Unroofed storage areas, whether fenced or not.

**Ordinance:** This, the Zoning Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to, the reference includes the effective date of any amendment to it.

**Outdoor Advertising, Off-Premises.** The use of land consisting of a sign erected and maintained for the purpose of (i) displaying, advertising, identifying, or directing attention to business products, operations, or services sold or offered at a site other than the site where the sign is erected or (ii) promoting an attraction, activity, idea, opinion, or other noncommercial messaging that is unrelated to the site where the sign is erected. A sign meeting this definition is commonly known as a billboard, where space is commonly made available or rented to advertisers to display their messages to the traveling public.

**Outdoor Display:** The placement of merchandise normally associated with the commercial or industrial use outside for public display.

**Outdoor Storage:** The placement or storage of goods, equipment, or material, such as junk vehicles, junk appliances and other such items, trash, and other debris outside of an enclosed building for a period of more than forty-eight (48) consecutive hours shall be considered outdoor storage. Outdoor storage does not refer to licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use including; lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

**Overlay District:** A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.

**Owner.** A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

**Parking Lot or Area:** An area or plot of land used for, or designated for, the parking or storage of vehicles, either as a principal use or as an accessory use.

**Parking Space:** A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.

**Parking Space, Off-Street:** A parking space located outside of a dedicated street right-of-way.

**Pedestrian Way.** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

**Permitted Use.** Also known as ‘Use by Right’. Any use permitted as a right in a zoning district and subject to the limitations of the regulations of the zoning district.

**Person.** An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity. **(N.C.G.S. 160D-102).**

**Person with Disabilities.** Person with disabilities 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. **(N.C.G.S. 160D-907(b).)**

**Planned Unit Development (PUD):** A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

**Planning and Development Regulation Jurisdiction.** The geographic area defined in Part 2 of NCGS Chapter 160D within which a city or county may undertake planning and apply the development regulations authorized by NCGS Chapter 160D. **(N.C.G.S. 160D-102)**

*Planning Board.* - Any board or commission established pursuant to NCGS 160D-3-1. **(N.C.G.S. 160D-102.)**

**Planning and Zoning Administrator (Zoning Administrator):** The official person charged with the enforcement of the Zoning Ordinance.

**Planning Jurisdiction.** The area within the County limits within which the County is authorized to plan for and regulate development.

**Plat:** A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this and other ordinances.

**Plug-in Electric Vehicle.** A four-wheeled motor vehicle that does not have the ability to be propelled by a gasoline engine and that meets each of the following requirements:

- (a) Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration standards included in 49 C.F.R. § 571.
- (b) Has not been modified from original manufacturer specifications with regard to power train or any manner of powering the vehicle.
- (c) Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
- (d) Has a maximum speed capability of at least 65 miles per hour.
- (e) Draws electricity from a battery that has all of the following characteristics:
  - (1) A capacity of not less than four kilowatt hours.
  - (2) Capable of being recharged from an external source of electricity.

**Pollution.** The presence in the waters of the County any one or more substances or contaminants which are harmful or injurious to human health or welfare, marine, animal or plant life, or property.

**Pre-School.** A facility for the care and/or education of children of pre-school age, including kindergartens and day care centers.

**Precision Instrument Runway:** A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR) providing horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Premises:** A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

**Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 1,000 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Principal Building.** A building in which is conducted the principal use of the buildable lot on which it is located or, in a group housing development, of the building site on which it is located.

**Principal Dwelling.** Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

**Principal Structure.** A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

**Private Drive, Road or Street:** Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

**Private Sewer.** A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

**Private Street.** A vehicular travel way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

**Private Water.** A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

**Processing.** Any operation changing the nature of material or materials, such as chemical composition or physical qualities. Does not include operations described as fabrication.

**Property.** All real property subject to land-use regulation by a local government and includes any improvements or structures customarily regarded as a part of real property. **(NC.G.S. 160D-102)**

**Property Owner’s Association.** An incorporated organization operating under land agreements through which: (a) Each lot owner is automatically a member; (b) Each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

**Public.** Belonging or open to, enjoyed and used by and/or maintained for the public generally, but not limited to a facility the control of which is wholly or partially exercised by some governmental agency.

**Public Sewer.** A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

**Public Street.** A dedicated public right-of-way for vehicular traffic which 1) has been accepted by Scotland County or the NCDOT for maintenance; or 2) is not yet accepted but in which the roadway design and construction have been approved under public standards for vehicular traffic.

**Public Water.** A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

**Quasi-Judicial Decision.** - A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness,<sup>42</sup> and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings-to be made by the decision-making board. *(N.C.G.S. 160D-102)*

**Rear Setback.** A setback from an interior property line lying on the opposite side of the lot from the front street setback.

**Reasonable Accommodations.** Accommodations held to be reasonable include conversion of a motel to a shelter and a variance from setback requirements. A total exclusion of all nursing home facilities and assisted living residences from a residential district has been held to be a failure to make reasonable accommodations.

**Recreational Vehicle.** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. Examples of recreational vehicles include mapper trailers, fifth-wheel trailers, motor homes, travel trailers and truck campers. (NCGS Chapter 20. Motor Vehicles, Article 1. Division of Motor Vehicles Section 20-4.01. Definitions) This term shall not include a manufactured home as defined in G.S. 143-143.9(6).

A recreational vehicle is: (a) Built on a single chassis; (b) Four hundred square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a passenger motor vehicle or a light-duty truck or designed to be carried on a pickup truck; and (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Park.** Any site or tract of land, of contiguous ownership, upon which four or more recreational vehicles, motor homes, travel trailers and tents, but not manufactured homes, together with

supporting facilities and required open spaces are provided in accordance with this Ordinance. This definition shall not include migrant labor camps, manufactured home parks or recreational vehicle sales lots.

**Recreational Vehicle Space.** A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

**Reservation.** An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication nor a conveyance.

**Residential Child-Care Facility.** A staffed premise with paid or volunteer staff where children receive continuing full-time foster care. Residential child-care facility includes child-caring institutions, group homes, and children’s camps which provide foster care, but not family care homes.

**Restaurant.** An establishment where food service is a primary activity. The facility may be designed to cater or accommodate the consumption of food either on or off the premises. The serving of alcoholic beverages in a restaurant shall be in compliance with the ABC laws.

**Retail Trade.** Businesses which sell goods (that are not for resale) to the public and which are open on a regular basis for consumer shopping. At least 40% of the floor space of a retail business must be open to the public and devoted to the sale and display of goods on the premises.

**Retaining Wall.** A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

**Reverse Frontage Lot.** A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

**Right-of-Way:** An area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

**Roof Line.** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Search Ring.** The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structures.

**Satellite Dish Antenna (Earth Station):** A dish antenna, or earth station, is defined as an accessory structure and shall mean a combination of:

- (a) Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- (b) A low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
- (c) A coaxial cable whose purpose is to carry the signals into the interior of the building.

**Seating Capacity.** The actual seating capacity of an area based upon the number of seats, or one seat per eighteen inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

**Self-Service Gasoline Pump:** A gasoline or diesel fuel dispensing pump, which is, operated by the customer who pays the charge to an attendant or cashier.

**Setback:** The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right of way in the front and property lines on the remaining portions of the property).

**Setback (Towers):** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

**Sexually Oriented Business.** Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in N.C.G.S. 14-202.10.

**Shopping Center:** A commercial area with one or more buildings or lots and designed as a unit to house two (2) or more businesses offering products and/or services to the public.

**Shrub, Intermediate.** Deciduous or evergreen plants installed at a minimum height of 36 inches, a minimum of 5 canes, and a minimum spread of roots or root ball diameter of 14 inches.

**Shrub, Large.** Deciduous and/or evergreen plants, as required in the applicable sections, installed at a minimum height of 5-feet, a minimum of 6 canes, and a minimum spread of roots or root ball diameter of 24-inches. Large shrubs shall be maintained at a height of 6 to 10 feet, and shall be of a vegetation family which normally does not grow taller than 10 feet. Site plan A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and, depending on requirements, the location of proposed utility lines.

**Sidewalk.** All that area legally open to public use as a pedestrian public way between the curb line and the public right-of-way boundary along the abutting property.

**Sight Distance Area, Horizontal.** The area formed by extending lines from the point of intersection of intersecting streets along the centerline of such streets for a distance of forty feet and connecting the ends of such lines by a straight line to form the base for a triangle. Each of the two sides of the triangle will be forty feet in length.

**Sight Distance Area, Vertical.** The area between three feet and ten feet above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting streets.

**Sight Distance Easement.** An easement which grants to the County the right to maintain unobstructed view across property located at a street intersection.

**Sign.** Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention. This definition includes signs painted on building exterior walls.

**Sign, Accessory.** Means an advertising device used to disseminate information concerning the particular use of the lot upon which it is located.

**Sign, A-Frame.** Means any sign constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top; each angular face held at an approximate distance by a supporting member. Also referred to as sandwich boards.

**Sign, Animation.** The movement, or optical illusion of movement of any part of the sign. Also included in this definition are signs having chasing action which is the action of a row of lights commonly used to create the appearance of motion. Automatic changeable copy boards are permitted provided that there is no running action to copy and provided that the copy does not change more than once every one minute. No flashing, revolving, or intermittent illuminating shall be employed.

**Sign, Area.** The surface area of a sign which shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. However, in computing sign area only one (1) side of a double-faced sign structure shall be considered. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.

**Sign, Banner.** A temporary sign composed of cloth, canvas, plastic, fabric, or similar light-weight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**Sign, Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source. Also, any light with one or more beams that rotate or move.

**Sign, Business.** Identification means any sign which advertises an establishment, a service, commodity, or activity conducted upon the premises where such sign is located.

**Sign, Canopy or Awning.** Any sign constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building. that is a part of or attached to an awning, canopy, or other structural protective covering above a door, entrance, window, or walkway.

**Sign, Column/Pole.** A freestanding sign supported by one or more columns or poles or other similar support.

**Sign, Construction.** A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier or others involved in the development of the project.

**Sign, Copy.** Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface.

**Sign, Electronic Message Center.** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

**Sign, Face.** The entire display surface area of a sign upon, against, or through which copy is placed.

**Sign, Feather/Flutter Flag.** A freestanding temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

**Sign, Flag.** A device generally made of flexible material, usually cloth, paper or plastic, typically used as a symbol of a government, school, or religion. The term “Flag” does not include feather flag signs.

**Sign, Flashing:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a "flashing sign". Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

**Sign, Freestanding:** Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five (5) feet from the side of the building to which it is attached.

**Sign, Gross Area:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display. **Sign, Height:** The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within the regulations. In the case of a sign not adjoining a street or highway, the "height of a sign" is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

**Sign, Identification (Directory):** A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers. A directory sign is an identification sign with multiple names.

**Sign, Incidental.** Those signs that are allowed without need for a sign permit.

**Sign, Informational:** Any on-premises sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction, and prices.

**Sign, Kinetic.** A wall-mounted computer-programmable lighting system that displays changing and moving colors.

**Sign, Marquee.** Any sign that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

**Sign, Message Board.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. This definition does not include menu and sandwich board signs.

**Sign, Monument.** Any sign permanently attached to the ground and not attached to any building advertising multiple tenants, multiple uses, multiple buildings or multiple parcels. The design of the monument sign is to advertise multiple offerings in the building, group of buildings, or development area. Individual business within multi-tenant facilities are not permitted freestanding signs and shall have their signage located on a monument sign.

**Sign, Non-Conforming.** A sign which was legally erected prior to the effective date of this Ordinance, but which does not conform to these regulations.

**Sign, Off-Premises (Outdoor Advertising - Billboard):** A sign which directs attention to a business, commodity, service, entertainment, or other message not conducted, sold, or offered on the premises where such sign is located.

**Sign Permit.** A zoning permit issued by the Zoning Inspector that authorizes the location of a sign.

**Sign Plan:** See "Unified Sign Plan".

**Sign, Pole:** A type of freestanding sign supported by one or two poles or masts.

**Sign, Political.** A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

**Sign, Portable:** Any sign which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place. Such sign may or may not have changeable copy, may or may not be wired for lighting, and may or may not have wheels. "Sandwich boards" are included as portable signs.

**Sign, Projecting:** A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

**Sign, Public Information:** A sign, usually erected on public property or right-of-way and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.

**Sign Regulations.** Regulations governing the size, material, lighting, placement, and other requirements for locating signs within the County's planning jurisdiction.

**Sign, Roof:** A sign which is displayed above the eaves of a building. These signs are not allowed by this Ordinance.

**Sign, Snipe.** A sign that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or to other objects.

**Sign, Stacking.** The placing of one sign above another in the same location.

**Sign, Structure.** Any structure that is built to support, supports, or has supported a sign.

**Sign, Subdivision.** A sign identifying a recognized residential subdivision, condominium complex, or residential development.

**Sign, Surface Area:** The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that area encompassing the individual letters themselves, including the background behind the letters and any trim or border.

**Sign, Temporary.** A sign that 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 is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) calendar days prior to and/or following the associated circumstance, situation, or event.

**Sign, Wall:** A sign attached to or painted on a wall, not projecting away from the wall more than twelve (12) inches, with the exposed display surface in a plane parallel to the plane of the wall, and including signs attached to or otherwise displayed on or through a facade window. The following are not wall signs: wall identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

**Sign, Window.** Any sign appearing in, on or through a window of a structure and visible from outside. The term window sign shall not be used to define a window display.

**Site Plan.** - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision. **(N.C.G.S. 160D-102)**

**Site Plan, Major.** All site plans not meeting the requirements for a minor site plan.

**Site Plan, Minor.** Includes the following:

- (a) Buildings or additions with an aggregate enclosed square footage of less than 7,000 square feet;
- (b) Buildings or additions involving land disturbance of less than one (1) acre;
- (c) Multi-family development involving fewer than ten (10) dwelling units;
- (d) Parking lot expansions which comply with this Ordinance with no increase in enclosed floor area;
- (e) Revision to landscaping, signage, or lighting which comply with the requirements of this Ordinance;
- (f) Accessory uses which comply with the requirements of this Ordinance;

- (g) Site plans which do not require a variance or modification of the requirements of this Ordinance, and otherwise comply with this Ordinance; and
- (h) Site plans which do not require easement dedication or street construction.

**Small Wireless Facility.** A wireless facility that meets both of the following qualifications:

- (a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.
- (b) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

**Solar Farm:** A solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers. Solar shall consist of a minimum of three (3) individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity.

**Sound Transmission Class (STC).** A single-number rating which provides an estimate of sound transmissions loss performance of a wall or floor as related to airborne sound generated by a limited class of household sound sources. The higher the number, the better the performance.

**Special Event.** -Temporary street fairs, festivals, farmers' markets, or other types of special events that:

- (a) Run for longer than one day but not longer than two weeks;
- (b) Are intended to or likely to attract substantial crowds; and
- (c) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Special Promotion.** An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

**Special Use.** A use that may be allowed, through a special use permit, in specific zoning districts provided it meets certain conditions set out in the ordinance given special consideration to the location, design, and methods of operation. Those conditions are generally related to avoiding adverse impacts on the neighboring area.

**Special Use Permit.** A permit issued to authorize development or land uses in a particular zoning district for a use of property that is an exception. Special Use Permit means a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions. *(N.C.G.S. 160D-102)*

**Stabilizing Vegetation.** Any vegetation that protects the soil against erosion.

**Standing.** The following persons shall have standing to file a petition or appeal under this Ordinance:

- (a) Any person meeting any of the following criteria:
  - (1) Has an ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
  - (2) Has an option or contract to purchase the property that is the subject of the decision being appealed.
  - (3) Was an applicant before the decision-making board whose decision is being appealed.
- (b) Any other person who will suffer special damages as the result of the decision being appealed.
- (c) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
- (d) A County whose decision-making board has made a decision that the Council believes improperly grants a variance or is otherwise inconsistent with the proper interpretation of an ordinance adopted by the County Board of Commissioners.

**Start of construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**State Lake.** The term state lake or state lakes, unless specifically limited shall be deemed to include all property up to the mean high water mark, whether covered by water or not, in Scotland County, Singletary Lake, Bay Tree Lake, Jones Lake, Salters Lake, Lake Waccamaw, and Lake Phelps.

**Storm Drainage Facilities.** The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

**Stormwater Runoff.** The direct runoff of water resulting from precipitation in any form. Stormwater runoff is generated from rain and snowmelt events that flow over land or impervious surfaces, such as paved streets, parking lots, and building rooftops, and does not soak into the ground. The runoff picks up pollutants like trash, chemicals, oils, and dirt/sediment that can harm our rivers, streams, lakes, and coastal waters.

**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 is no floor above it, then the space between such floor and the ceiling above it.

**Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which not more than two-thirds (2/3) of the floor area is finished off for use.

**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 (i.e. right-of-way line).

**Street Right-of-Way.** A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

**Street Setback.** Any setback from a street, road, or lane.

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

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

**Sub-collector Street.** A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

**Subdivision:** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, with certain modifications. The division of land for the purpose of sale or development as specified in NCGS 160D-8-2. (**N.C.G.S. 160D-102**)

**Subdivision Regulation.** A set of regulations adopted by the County which governs the proposed division of land into separate lots for resale against pre-determined standards. In addition to final plat approval, the regulation may include provisions for review and approval of sketch plans and preliminary plats. The regulation may provide for different review procedures for different classes of subdivisions. Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance. **(N.C.G.S. 160D-801)**

**Subdivider.** Any person who subdivides land.

**Structure:** means, for floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

**Substantial damage:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". (Amended 1/2001)

**Substantial improvement:** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Substantial Modification.** The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- (a) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- (b) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- (c) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

**Support Structure:** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device), which is used to attach an Attached Wireless

Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

**Swimming Pool.** A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches designed, used, and maintained for swimming and bathing.

**Temporary:** Anything temporary is to exist less than six (6) months.

**Temporary Building.** Any building of an impermanent nature, or one which is designed for use for a limited time, including any tent or canopy.

**Temporary Emergency, Construction or Repair Residence.** A subordinate residence (which may be a Class B manufactured home, travel trailer) that is: located on the same lot as a single-family dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or(ii)located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

**Temporary Event.** An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events and other similar activities.

**Temporary Storage Facility (portable storage units).** Any container intended for storing or keeping household goods, other personal property or business related goods intended to be filled, refilled, or emptied while located outdoors and later removed from the property for storage or disposal off-site. Temporary Storage Facilities are sometimes also known as portable storage units or portable storage containers.

**Temporary Structure.** Any structure of an impermanent nature or one which is designed for use for a limited time, including any tent or canopy.

**Temporary Wireless Communication Facility:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

**Tenant.** Any person who alone, or jointly, or severally with others occupies a building under a lease or holds a legal tenancy

**Therapeutic Foster Home.** A family foster home where, in addition to the provision of foster care, foster parents who receive appropriate training provide a child with behavioral health treatment services under the supervision of a county department of social services, an area mental health program, or a licensed private agency and in compliance with applicable licensing rules.

**Thoroughfare Plan.** A plan adopted by the Board of Commissioners for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

**Through Lot.** A lot abutting two streets that do not intersect at the corner of the lot.

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**Tiny House.** A single-family detached home that is 200 square feet to 699 square feet in size (not including loft space) and complies with the North Carolina State Building Code, includes container homes. A tiny house on wheels for permanent occupancy (longer than 30 days) is considered a recreational vehicle.

**Tower and Antenna Use Application (TAA).** A form provided to the applicant by the County for the applicant to specify the location, construction, use and compliance with the development standards of a proposed Wireless Communications Facility.

**Townhouse Dwelling.** A building consisting of single-family residences attached to one another in which each unit is located on an individually-owned parcel, generally within a development containing drives, walks and open space in common area.

**Townhouse Development.** A development of one or more structures containing a total of two (2) or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina State Building Code requirements.

**Townhouse Lot.** A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in a nonresidential group development.

**Tract.** All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

**Transitional Surfaces:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**Transmission Line, High Voltage Electric Power:** A line transmitting, or designed to transmit, electricity of 66,000 or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

**Travel Trailer.** A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

**Travel Way.** That portion of a right-of-way that is improved for use by self-propelled vehicles or bicycles, including paved or gravel areas and any other area intended for vehicle movement.

**Truck Camper.** A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

**Unattended Gasoline Pump:** A gasoline or diesel fuel dispensing pump, which dispenses fuel automatically according to the amount of money inserted into the pump. Such pumps are usually located without an attendant or other personnel on hand.

**Under story:** The small trees, shrubs, and other vegetation growing beneath the canopy of forest trees.

**Unified Sign Plan:** An overall plan for the placement and design of multiple signs for a building, group of buildings, or use on a single lot.

**Use.** The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**Use, Accessory.** See Accessory Use.

**Use, Mixed.** Occupancy of building or land by more than one use.

**Use(s), Principal.** The primary purpose or function that a lot or structure serves or is proposed to serve.

**Use by Right.** A use which is listed as a Use by Right in any given zone district in this Ordinance.

**Use, Special.** See Special Use.

**Utility Easement.** An easement which grants to the County or other utility provider the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

**Utility Pole.** A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

**Variance.** A request to deviate from current zoning requirements. If granted, it permits the owner to use his land in a way that is ordinarily not permitted by the zoning ordinance. It is not a change in the zoning law, but a waiver from the requirements of the zoning ordinance. Variances run with the land and are not a personal right of any individual applicant, therefore the personal circumstances of an applicant are irrelevant. If, however, the applicant is a person with disabilities, the Federal Fair Housing Act requires that the County make reasonable accommodation for that person. **(N.C.G.S. 160D-102, Note 381)**

**Vehicle Charging Station.** See Electrical Vehicle Charging Station.

**Vehicle Stacking Lane.** The space specifically designated as awaiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility, or entrance used by patrons and in lanes leading up to and away from the business establishment.

**Vested Right.** - The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-1-8 or under common law. **(NCGS 160D-102)**

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

**Waiver.** Official permission from a designated permit-issuing authority, other than the Board of Adjustment, to depart from specified requirements of this Ordinance.

**Warehouse.** A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

**Warehousing.** The depositing or securing of goods, wares, and/or merchandise in a warehouse.

**Water Tower.** A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

**Wetlands:** Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time. Generally, wetlands are 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.** Sale for resale, not for direct consumption.

**Winery.** An agricultural processing facility producing wine from fruit or fruit juice through fermentation or the re-fermenting of still wine. A winery includes crushing, fermenting and re-fermenting, bottling, blending, bulk product and bottle storage, aging, shipping, receiving, laboratory equipment and product analysis, maintenance facilities, and administrative office functions.

**Wireless Communications:** Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

**Wireless Communication Facility.** Any unstaffed facility for the transmission and/or reception of wireless telecommunication services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation. Wireless Facility Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- (a) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- (b) Wireline backhaul facilities.
- (c) Coaxial or fiber-optic cable that is between wireless structures or utility poles or County utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**Wireless Infrastructure Provider.** Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

**Wireless Provider.** A wireless infrastructure provider or a wireless services provider.

**Wireless Services.** Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

**Wireless Services Provider.** A person who provides wireless services.

**Wireless Support Structure.** A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a County utility pole is not a wireless support structure.

**Wireless Telecommunication Tower:** Any tower or structure erected for the purpose of supporting, including, but not limited to, one or more antennas designed to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. Alternative structures, as defined by this Ordinance, are considered towers by this definition. The following shall not be included in this definition:

- (a) Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- (b) Residential antennas for receiving television or AM/FM radio broadcasts;
- (c) Residential satellite dishes; or,
- (d) Commercial or industrial satellite dishes that are less than 20 feet in height.

**Woodlands:** Land that is undeveloped except for roads and utilities and contains stands of native trees.

**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 (Highway Yard):** A yard across the full width of the lot extending from the front line of the building.

**Yard, Side:** An open 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 of the lot.

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

**Zero Lot Line:** A concept commonly used in Planned Unit Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

**Zoning:** A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts - a text and a map.

**Zoning Administrator:** The official as designated by the County Board of Commissioners who is charged with the enforcement of the Zoning Ordinance.

**Zoning District:** An area established by this Ordinance and delineated on the Official Zoning Map where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

**Zoning Map.** Zoning district boundaries adopted pursuant to this ordinance shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps that are so adopted shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government.

**Zoning Map Amendment or Rezoning.** An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by a local government or the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district. **(N.C.G.S. 160D-102)**

**Zoning Permit.** A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

**Zoning Regulation.** A zoning regulation authorized by Article 7 of NCGS Chapter 160D. **(N.C.G.S. 160D-102)**

**Zoning Vested Right.** See Vested Right.

**Zoological Garden.** A public park or large enclosure where live animals are kept for display to the public.