

**ARTICLE B
DEFINITIONS**

9-3011 Interpretation and Definition of Terms and Words

For the purpose of interpreting this Ordinance, certain words or terms are herein defined. Unless otherwise stated, the following words shall have the meaning herein defined.

- (a) Words used in the present tense include the future tense.
- (b) Words in the singular include the plural; words in the plural include the singular.
- (c) The word "person" includes a firm, association, organization, corporation, trust, and company as well as an individual.
- (d) The word "lot" includes the word "structure".
- (e) The word "building" includes the word "structure".
- (f) The word "shall" is mandatory, not directory.
- (g) The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- (h) The word Zoning Enforcement Officer includes the word Watershed Administrator.

9-3012 Definitions

Accessory Dwelling: See Dwelling, Accessory

Accessory Use, Accessory Structure: a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Establishment: Any structure or use of land which meets the definitions as outlined in North Carolina General Statute Sec. 14-202.10. Licensed masseurs (e.g. health massage/body work therapists) are excluded.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Alley: a publicly dedicated and maintained right-of-way twenty feet (20') or less in width that provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Apartment: A room or suite of one or more rooms in a multiple structure intended for use as a residence by a single family.

Automotive Repair: The repair, reconditioning, or rebuilding of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive Service Station (gas, filling station): A building used for the sale and dispensing

of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.

Automotive Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot of four or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute an automobile wrecking yard.

Bank: Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

Basement: That portion of a building that is partly or completely below grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement shall be termed a story if the vertical distance from the average adjoining grade to the ceiling is more than five feet (5').

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided for compensation. The operator of the inn shall live on the premises or on adjacent premises.

Best Management Practices (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Boardinghouse: A structure in which persons, either individually or as families, are lodged or housed for hire without eating, cooking and toilet facilities in each separate unit. Any boardinghouse occupied by a group of more than two (2) persons shall contain at least one bedroom for each two (2) persons residing in said boardinghouse. The owner of the boarding house shall reside on premises. A rooming house, guest house, or tourist home shall all be deemed a boarding house.

Bona Fide Farm: See Farm, Bona Fide

Buffer: A buffer shall consist of a planting strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten (10) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, and said strip shall be planted and maintained in a healthy, growing condition by the property owner. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot.

Buffer, Watershed: An area of natural or planted vegetation through which stormwater runoff

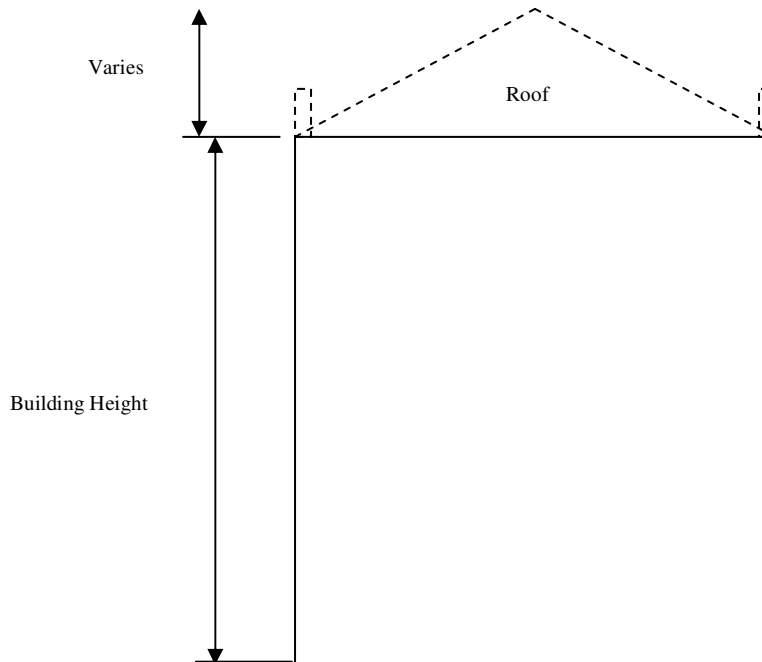
flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded waters and from the bank of each side of free-flowing streams, rivers, branches, etc.

Building: An independent enclosed structure, anchored to a permanent foundation and having exterior or party walls and a roof designed for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building, Accessory: A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building, and located on the same lot therewith.

Building, Coverage: see Lot Coverage.

Building, Height: The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof; to the average height of the gables in the case of a pitched roof; and to the deck line in the case of a mansard roof.



Building, Principal: A building or structure in which the primary use of the lot on which the building is located is conducted. A structure, or where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Building, Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost five feet (5') of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or right-of-way line, whichever is closest to the building.

Built-Upon Area: That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel, recreation facilities, etc., excluding wooden slatted decks and the water area of a swimming pool.

Business, Convenience: Commercial establishments designed to attract and to be dependent upon large volumes of stop-and-go traffic, including but not limited to all types of convenience stores and fast food restaurants, with or without drive-in windows.

Business, General: Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores, and appliance stores.

Business, Office-type: Quasi-commercial uses that generally accommodate occupations such as administrative, executive, legal, accounting, writing, clerical, stenographic, and drafting occupations, and including offices of a charitable, philanthropic, religious, or educational nature.

Business, Neighborhood: Small scale unified or independent commercial establishments with a per-unit floor area no more than three thousand (3000) square feet that generally serve the day-to-day commercial needs of a residential neighborhood, including but not limited to: small drugstores, tobacco shops, newsstands, bakeries, confectioneries, delicatessens, food markets, beauty salons, and child daycare facilities.

Business, Services: Any profit-making business services that are rendered primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

Business, Wholesale: Commercial establishments that generally sell commodities in large quantities or by the price to retailers, jobbers, other wholesale establishments, or manufacturing establishments, basically for use in the fabrication of a product or for use by a business service.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Car Wash, Detail Shop: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles; a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

Cellar: see Basement.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Occupancy: Permit that is issued by the Town after the erection or structural alteration of a building, or part of a building; the permit allows the owner, tenant, or occupant thereof to occupy the structure and shows that the structure has been completed in conformity with the provisions of this Ordinance.

Child Care Home: A home for not more than nine (9) orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

Child Care Institution: An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.

Church: A structure in which persons regularly assemble for religious worship and which is maintained by a religious body organized to sustain public worship.

Clinic: An organization of professional specialists such as physicians or dentists, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

Club: An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit development and mixed use development are considered as cluster development.

Community Center: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed

to accommodate and serve the community at large.

Comprehensive Plan: A plan, or any portion thereof, adopted by the Valdese Planning Board and Town Council, establishing goals, objectives, and policies designed to manage the quantity, type, cost, location, timing, and quality of development and redevelopment in the Valdese community.

Conditional Use Permit: A permit, granted by the Town Council after the Council holds a public hearing, which authorizes a use which would not generally be appropriate throughout a particular zoning district, but which, if controlled as to number, size, location, or relation to the neighborhood, would promote the public health, safety, and general welfare.

Condominium: The ownership of single units in a complex containing two (2) or more units in one or more buildings with common areas and facilities.

Construction Vehicle: Any vehicle (other than a passenger vehicle, or pick-up panel truck) whose primary purposes are use in land development and construction, including, but not limited to, earth moving equipment and dump trucks.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as the area one-half mile upstream and draining to a water supply reservoir or water intake located in a stream or river; or to the ridge line of the watershed, whichever comes first.

Day Care Facility, Class Small: A private residence where care, protection, and supervision are provided on a regular schedule, to no more than five (5) children at one time, including children of the adult provider.

Day Care Facility, Class Medium: A building or structure where care, protection, and supervision are provided on a regular schedule, to at least six (6) and no more than twelve (12) children, including children of the adult provider.

Day Care Facility, Class Large: A building or structure where care, protection, and supervision are provided on a regular schedule, to more than twelve (12) children, including the children of the adult provider.

Development: The use or occupancy of any land or structure, or the construction, erection, alteration, or moving of any structure; any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Domestic Pets: Animals that are customarily kept for company, pleasure, or enjoyment within the home or yard such as domestic dogs, domestic cats, domestic tropical birds,

domestic rodents, domestic rabbits, and domestic fish. Horses may be kept only in the R-12 district provided that there is a minimum of three acres of property available for each animal's use and the property shall be completely enclosed by fence.

Driveway: A vehicular way, other than a street or alley that provides vehicular access from a street to or through off-street parking and/or loading areas.

Duplex: see Dwelling, Two-Family.

Dwelling, Accessory: A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single home.

Dwelling, Multiple or Multi-Family: A building or portion thereof, containing three (3) or more dwelling units, designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, Two-Family or Duplex: A building containing two (2) dwelling units designed exclusively for occupancy by two (2) families independent of each other, such as a duplex building unit.

Dwelling Unit: A room or group of rooms within a dwelling forming a single, independently habitable unit containing independent kitchen, sanitary, and sleeping facilities, and provided such dwelling unit complies with Valdese's Minimum Housing Code.

Easement: A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways and roadways.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

- Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities

(up to 200 square feet);

Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants and sewage treatment plants.

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:

- (1) having expended substantial resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Family: An individual or two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit; or a group of not more than six (6) persons, one (1) or more of whom is not related by blood, marriage, or adoption to the others.

Family Care Home: A dwelling 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 disabled persons. Disabled person 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 but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

Farm, Bona Fide: Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries.

Financial Institution: A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flag Lot: Lots or parcels that are approved by the Town of Valdese which have an access corridor providing a minimum of thirty-five (35') of frontage on an approved public street, with the bulk of the lot or parcel being otherwise landlocked by other property. Such access shall have a minimum width of 35 feet. The area of the access corridor shall be excluded in computing the lot area and width, and the length of said strip shall not exceed three hundred (300) feet.

Flea Market: An occasional or periodic sales activity held within a structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Floodplain: That area within the one-in-one hundred (100 year) regional flood contour elevation subject to periodic flooding as designated by the Zoning Enforcement Officer based upon United States Department of Housing and Urban Development FIA Flood Hazard Boundary Maps.

Floor Area, Gross: The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of exterior walls, including halls, lobbies, arcade, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access and storage. Not countable as floor area are open terraces, open patios, open atriums, open balconies, open carport garages, and breezeways.

Floor Area Ratio: Determined by dividing the gross floor area off all buildings on a lot by the area of that lot.

Garage, Public: A building designed and used for the storage of automobiles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Government Building: A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Hazardous Material: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hillside Subdivision: Land proposed to be subdivided which has a slope of sixteen per cent (16%) or greater. That is, an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one hundred (100) feet. The average shall be obtained from at least fifteen (15) measurements, each twenty (20) feet from the next.

Home Occupation: A home occupation is defined as an accessory use of a dwelling unit for gainful employment that is clearly a customary, incidental and secondary use of a dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product.

Junked Vehicle: Any wrecked or non-operable automobile, truck, or other vehicle which does not bear a current license plate and current State inspection sticker.

Junk Yard: The use of more than four hundred (400) square feet of any lot for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of junked motor vehicles and dismantling of such vehicles or machinery.

Kennel: Any premises wherein any person(s) engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling domestic Pets. Open kennels adjacent to residential property shall be permitted only after a finding by the Board of Adjustment that the proposed kennel will not constitute a nuisance to the surrounding neighborhood.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Loading, Off-Street: Space located outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Lot: A parcel of land occupied or capable of being occupied by a main building or group of buildings and accessory buildings, together with such yards, open spaces, and lot areas as

are required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

Lot, Corner: A lot abutting on and at the intersection of two or more streets. See Article D.

Lot Coverage: The percentage of a lot which may be covered with buildings or structures (excluding walks, drives, and other similar uses) and recreational facilities which are accessory to a permitted use (such as swimming pools). Properties within the critical or protected areas as defined by the Water Supply Watershed Protection Act shall include walks, drives, and all other impervious and graveled surfaces in the total lot coverage.

Lot, Double Frontage or Through Lot: A lot having its front and rear yards each abutting on a street. See Article D.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot, Landlocked: A lot which does not abut a public street, or which otherwise does not meet the minimum street frontage requirements of the zoning district in which is located.

Lot, Frontage: The linear distance by which a lot abuts an approved public street. See Article D.

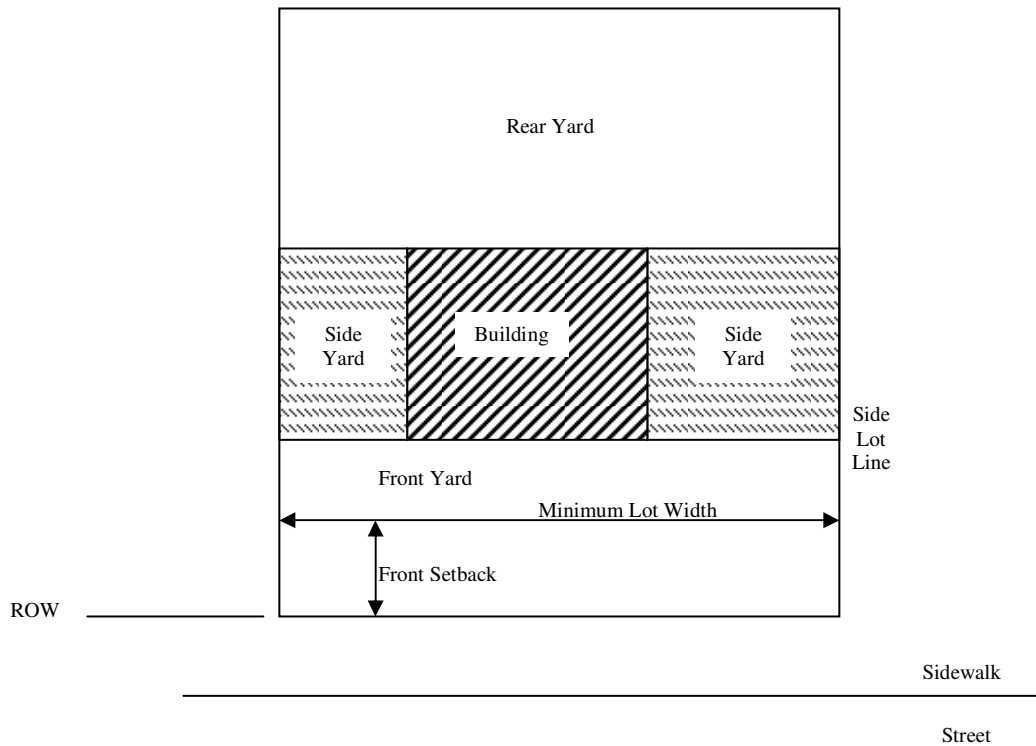
Lot, Interior: A lot in which only one of its sides abuts a street. See Article D.

Lot Line: A property line dividing one lot from another or from a street or other right-of-way. See Article D.

Lot of Record: A lot which is described by reference to a recorded plat, or described by metes and bounds or similar method, the description of which has been so recorded by the Burke County Register of Deeds, and which has been given a separate tax identification number by the Burke County Tax mapping Department.

Lot, Substandard: A lot that has less than the required minimum area or size as established by the zone in which it is located, and provided that such lot was of record as a legally created lot on the effective date of this Ordinance.

Lot Width: The straight linear distance between the side lot lines, measured at the two points where the minimum building line, or setback line, intersects the side lot lines.



Major Watershed Variance: A variance from the minimum statewide water supply watershed protection criteria that results in any one or more of the following:

- (1) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater system;
- (2) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- (3) the relaxation, by a factor greater than five (5) percent, of any buffer or built-upon area requirement under the high density option.

Manufactured Home: A structure designed for living or sleeping purposes, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

Class A Manufactured Home (multi-section/double-wide). A manufactured home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and is a multi section unit.

Class B Manufactured Home (single-wide). Class B single-wide manufactured

home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and is a single-wide unit.

Manufactured Home Park: Any existing lot or parcel on which two (2) or more manufactured homes are used, leased or rented or intended to be used, leased or rented for occupancy. This definition shall not include manufactured home sales lots on which unoccupied manufactured home are located for the purpose of inspection and sale. New manufactured home parks are not allowed in the Town of Valdese, and this definition therefore only applies to existing manufactured home parks that comply with Article 9-3081.

Marina: A facility for the storing, servicing, fueling, berthing, and launching and securing of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Massage Therapy: The systematic and scientific manipulation and treatment of the soft tissues of the body for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting circulation and promoting health and physical well-being. The term includes, but is not limited to, the manipulation of muscular structure of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and nonspecific stretching. Massage Therapy does not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Mini-warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Minor Watershed Variance: A variance that does not qualify as a major variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor up to five (5) percent of any buffer, density, or built-upon requirements under the high density option; or that results in a relaxation, by a factor up to ten (10) percent, of any management requirement under the low density option.

Modular Unit: Any building or structure designed for living or sleeping purposes, which is pre-manufactured or prefabricated, all or in part, at some point other than the building site for assembly or installation later on a permanent building foundation. Further defined, such building may be assembled from pre-manufactured or prefabricated rooms, wall panels, frame units, or other factory manufactured parts, which may be fabricated of wood, concrete, metal or other materials, and anchored on a foundation at the building site. This definition does not include vehicles that are designed to be mounted on wheels to be moved to a lot such as a manufactured home.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Multi-family Building: See Dwelling, Multiple or Multi-family

Neighborhood Recreation: Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Nonconforming Building: Any building that does not meet the limitations on building size and/or location on a lot for the district in which such building is located, and for the use to which such building is being put.

Nonconforming Lot of Record: A lot described by a plat or deed that was recorded prior to and lawfully existed prior to the adoption of this Ordinance, but which does not meet the limitations on size, depth, width, street frontage, or other development requirements of the statewide watershed protection rules for the district in which such lot is located.

Nonconforming Use: A lawful use of land that does not comply with the use regulation for its zoning district as defined by this Ordinance.

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

Nursing Home: A health care facility licensed by the state to provide long-term medical services according to the directives of a patient's physician and standards of quality set by the state and the facility. Nursing homes in North Carolina are staffed by professional personnel under the direction of a licensed nursing home administrator; they deliver a variety of medical and social services to their patients.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional, or clerical operations.

Open Air Market: Any permanent or temporary display of goods in an open or partially open setting. Open air markets include outdoor craft shows, fruit and vegetable stands, and itinerant merchant displays.

Open Space: Any front, side, or rear yards, courts, or usable open space provided around a building in order to meet the requirements of this Ordinance.

Open Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot: Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, for a fee or as a service.

Parking Space: A storage space of not less than nine feet by eighteen feet (9' x 18') for one automobile, plus the necessary access space. It shall always be located outside the designated street right-of-way.

Pet: see Domestic Pets.

Planned Unit Development (PUD): A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common space, density increase, and a mix of building types and uses. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site plan must include two or more principal buildings. Such development shall be based on a plan, which allows for flexibility of design most available under normal district requirements.

Planning Jurisdiction: The area within which the Town of Valdese is authorized to plan for and regulate development pursuant to the authority granted in Article 19, Chapter 160A, of the North Carolina General Statutes.

Private Club: When operated in a residential zone, the term "private club" shall include associations and organizations of a fraternal or social character or which are maintained in connection with a golf course or country club, and shall not include nightclubs, cocktail lounges, discos, or other such institutions operated as a business. Such organizations and associations must be organized under the laws of the State of North Carolina as a non-profit corporation. When operated in a commercial or industrial zone, the term "private club" may apply to a fraternal or social organization which restricts memberships, is operated as a business, and may or may not offer for sale alcoholic beverages.

Protected Area (PA): Area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles upstream of and draining to a water supply reservoir, or to the ridge line of the watershed, whichever comes first; or within ten miles of and draining to a water intake in a stream or river, or to the ridge line of the watershed, whichever comes first.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational

vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Collection Point: A drop-off point for temporary storage of recoverable resources. No processing of such items at the recycling collection point is allowed. Such facilities should generally be located in a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

Recycling Plant: A facility that is not a junk yard and in which recoverable resources, such as paper, glass, and metal products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for consumption.

Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

Residential Care Facility: A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care, but where medical care is not a major service, such as adult daycare facilities, homes for the aged, rest homes and other like uses.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc.

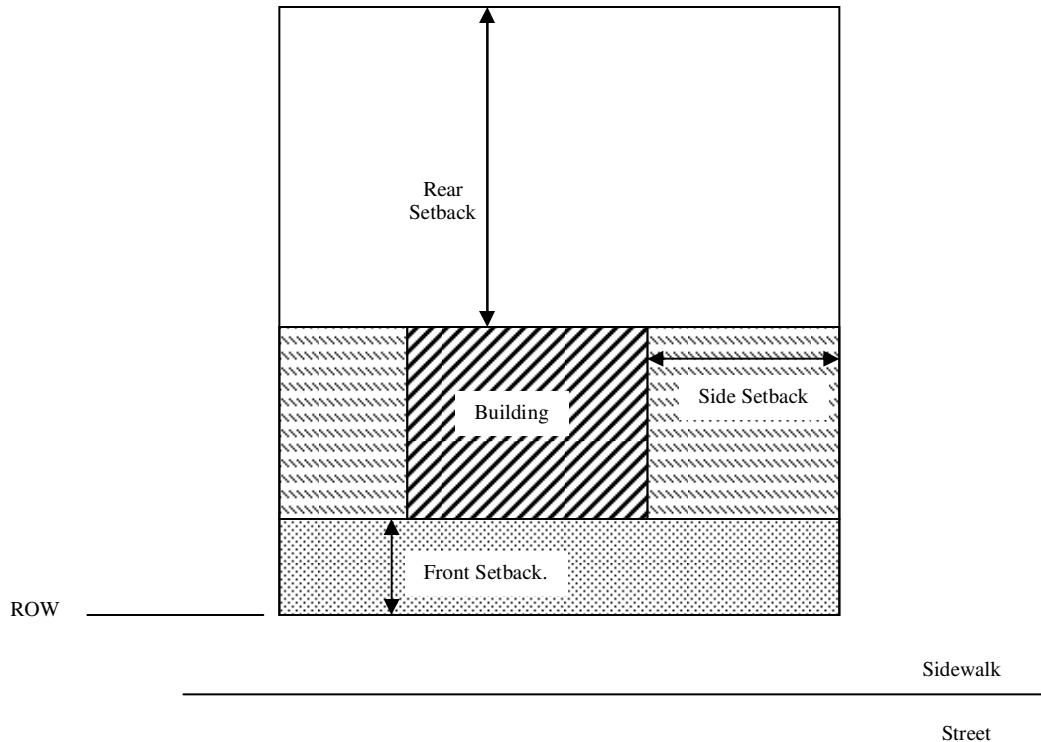
Restaurant: An establishment in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and including establishments commonly referred to as cafes, grilles, taverns, clubs, private clubs, drive-ins, and fast food establishments.

Satellite Dish Antenna: An antenna, three feet (3') or more in diameter, designed to receive television, radio, and other communication signals primarily from orbiting satellites.

Schools: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle high schools, and high schools.

Setback: A line establishing the minimum allowable distance between the nearest portion of any or building, excluding the outermost five feet (5') of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or

right-of-way line, whichever is closest to the building. Sign setbacks shall apply to the entire sign including any overhang or projection.



Sign: Any object, devise, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious, or civic organizations; works of art which in no way identify an object, person, institution, organization, business, product, service, event or location by any means; or scoreboards located on athletic fields.

Single-family Home: See Dwelling, Single-family.

Single Family Residential: Any development where: 1) no building contains more than one dwelling unit; 2) every dwelling unit is on a separate lot; and 3) where no lot contains more than one dwelling unit.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features for a specific parcel of land.

Story: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above. In computing the height of a building, the height of a basement or cellar shall not be included where more than one-half of the height of such basement or cellar is below the average adjoining grade.

Street (Public Road, Lane, Way, Terrace, Drive): A dedicated and accepted public right-of-way used, or intended to be used, for passage or travel by motor vehicles which affords the principal means of access to abutting properties.

Street, Private: Any right-of-way or area set aside to provide vehicular access which has not been accepted for maintenance or intended to be accepted for maintenance by the Town of Valdese or the State of North Carolina, and which is not maintained by the Town of Valdese or the State of North Carolina.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings, sheds, carports, swimming pools, shelters, decks, patios, fences, business signs, and billboards and similar structures.

Structural Alterations: Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams, or girders.

Temporary Portable Building: A building intended for non-residential use for a limited time period, consisting of one or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

Temporary Portable Building, Construction-Related: A temporary portable building directly related to the development of a lot and limited in duration to a time period extending from issuance of the initial Zoning Permit for such development to issuance of the final Certificate of Occupancy for the development.

Two-family Dwelling: See Dwelling, Two-family.

Truck Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Variance, Zoning: A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this Ordinance, he could not otherwise legally do. Subject to other provisions of this Ordinance and North Carolina General Statutes, the Board of Adjustment may permit a variance from certain provisions of this Ordinance upon making the findings set forth in Article XI, of this Ordinance.

Veterinary Hospital or Clinic: An establishment used for the care, grooming, boarding, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those animals in need of medical or surgical attention. Open kennels adjacent to residential property shall be permitted only after a finding by the Board of Adjustment that the proposed kennel will be compatible with the surrounding neighborhood.

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

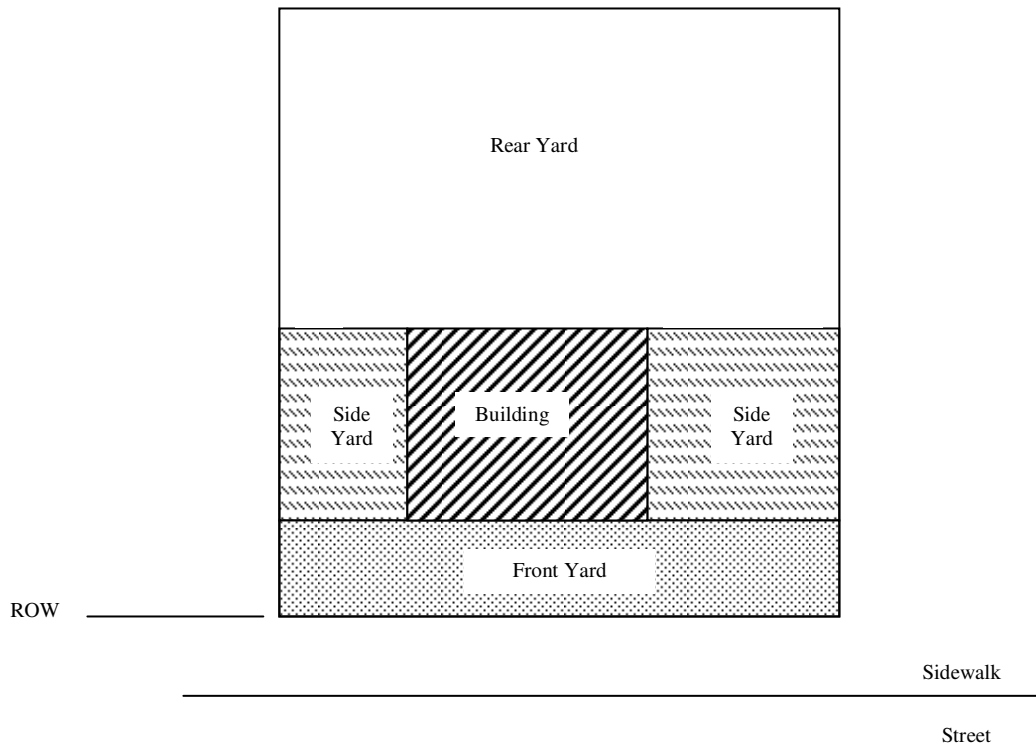
Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Watershed Administrator: An official designated by the Town of Valdese responsible for administration and enforcement of this Article. This term shall also include the term "Zoning Enforcement Officer".

Watershed Variance: A permission to develop or use property granted by the Board of Adjustment or Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by building or structure from ground to sky except where encroachment and accessory buildings are expressly permitted.

Yard, Front: An open space on the same lot with a principal building, between the setback line of the building and the front street right-of-way line and extending the full width of the lot.



Yard, Rear: An open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

Yard, Side: An open, unoccupied space on the same lot with a principal building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

Zoning Enforcement Officer: The Town of Valdese official charged with the responsibility of enforcing this Ordinance. This term shall also include the term "Watershed Administrator".

Zoning Permit: Permit issued by the Zoning Administrator indicating proposed use is in compliance with the requirements of this Ordinance. This term shall also include the term "Watershed Protection Permit".

Sections 9-3013 through 9-3020 reserved