

ARTICLE 17. DEFINITIONS

17.1 Definitions

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The words "used for" shall include the meaning "designed for".

17.1.1 General Definitions

Accessory Solar Energy System: Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity.

Accessory Use or Accessory Building: Non-Residential (as regulated in Article VII, Section 'n'): A subordinate non-residential use or building customarily incidental to and located on the same lot with the main use or building such as a storage building, or, garage.

Accessory Use or Accessory Building: Residential (as regulated in Article VII, Section 'e'): A non-commercial use or building customarily incidental and subordinate to but located on the same lot with the main residential use or building such as a private garage or carport, swimming pool, personal storage building, or workshop, all of which are totally for personal use.

Addiction Treatment Facility, Residential: A licensed care facility that provides 24 hour medical and/or non- medical/therapeutic care of persons seeking rehabilitation and treatment of addiction. Such facilities may include medical detoxification.

Adult Care Center: A facility where an individual, agency, or organization provides supervision or care for more than six adults in a place other than their usual place of abode.

Adult Electronic Gaming Establishments: An establishment where patrons utilize electronic machines, including, but not limited to, computers, gaming tables, and gaming terminals to play games dependent on skill or dexterity in exchange, through redemption and/or other distribution, for cash, merchandise, or other items of value. This definition includes, but is not limited to, arcade, fish arcade, fish game(s), fish table(s), skill arcade, and skilled arcade. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or any electronic machines that test a patron's skill or dexterity but do not provide the patron an award of cash, merchandise, or other items of value based on their skill or dexterity.

Airport / Heliport: Facilities for the takeoff and landing of aircraft, including but not limited to runways, aircraft storage buildings, cargo storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, on airport parking products, and airport auxiliary facilities, including fueling, fences, lighting, and antennae systems, on-premise signs, driveways, and access roads. Airport includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility. Airport also includes facilities for the aid and comfort of the traveling public.

Amusement Facility – Indoor: A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, arcades, bowling alleys, skating centers, escape room/physical adventure game facilities, and pool halls. An indoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Indoor amusement facility does not include stadiums.

Amusement Facility – Outdoor: A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as amusement parks, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Outdoor amusement facility does not include stadiums.

Animal Shelter: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. Animal shelters do not include public facilities that shelter and train canine and/or equine units of public safety agencies.

Apartment: Any dwelling which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of 2 or more families living independently of each other in dwelling units.

Bar/Nightclub: An establishment primarily engaged in the retail sale or dispensing of alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premises alcoholic consumption only.

Barrier: A fence, wall, building wall, or combination thereof which completely surrounds a structure or object such as a swimming pool so as to obstruct access to said structure or object.

Bed and Breakfast Inn: A single-family detached dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators) and prepares meals for guests.

Bona Fide Farm: Bona Fide farm purposes include the production of and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Building: Any structure used or intended for sheltering any use or occupancy.

Building Height: The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building, Main: The principal structure in which the primary use of the property is undertaken.

Building Occupancy: See "Use".

Building Setback Line: See "Setback".

Campground: Land used for transient occupancy by camping in tents and recreational vehicles, such as camp trailers, travel trailers, motor homes, or similar movable temporary sleeping quarters.

Car Wash: An establishment for the washing, cleaning, and detailing of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configurations

Cemetery: Land and structures, such as columbaria, reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

Childcare Center: An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to between 13 and 79 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult

Childcare Center, Accessory to Employment: An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A childcare center, accessory to employment is a facility operated solely for the use of employees of a business or businesses, such as offices, industrial uses, or other employment uses, within the development.

Childcare Center, Large: An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to 80 or more children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Civic, Social, and Fraternal Organizations: A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business

Common Open Space: The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration of restrictive covenants and normally in common use.

Community Center: A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

Community Garden: Land used to grow and harvest food and non-food crops for personal or group use, consumption, or donation, that is managed and maintained by a group of individuals or a nonprofit.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all surrounding land on the property is generally owned by all the inhabitants of the building or property in common ownership.

Contractor Office with Outdoor Storage: Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. A contractor office with no outdoor storage is considered an Office.

Correctional Facility: A facility established for the temporary detention of persons while being processed for arrest or detention by law enforcement.

Crematorium: A facility for the cremation of the deceased.

Cultural Facility: A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, noncommercial galleries, historical societies, and libraries. A cultural facility may include additional uses as part of the principal use such as, but not limited to, retail sales of related items and restaurants.

Detached Accessory Structure: An accessory building built separate from the primary structure and not connected to the primary structure by any fully enclosed room or hallway.

Domestic Violence Shelter: A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

Drive-Through Service: That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle

Driving Range: A tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls

Dwelling, Single-Family (Conventional or Modular): A detached building containing a single dwelling unit constructed on-site or in industrialized modules in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family.

Drug Treatment Clinic: A licensed facility authorized by the state to administer drugs including, but not limited to, methadone and suboxone, in the treatment, maintenance, or detoxification of persons. Drug treatment clinic also includes needle exchange facilities where injecting drug users (IDUs) may obtain hypodermic needles and associated paraphernalia at little or no cost.

Dwelling- Live Work: A principal structure that combines a dwelling unit with a commercial use permitted in the zoning district that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Ordinance. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Dwelling- 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.

1. 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.

Dwelling- Multi-Family, Attached: A structure containing ~~three~~-five or more dwelling units on a single parcel. Attached unit design refers to multi-family residential structure designed with ~~primarily~~-side-by-side dwelling units, each with an individual entry

Dwelling- Multi-Family, Stacked: Stacked unit design refers to multi-family residential structure designed with multiple dwelling units on two or more floors accessed by one or more common entryways. Units may have individual entrances for ground floor units.

Dwelling- Single Family, Attached: A structure consisting of multiple dwelling units, the interior of which is configured in a manner such that the dwelling units are attached horizontally, separated by a party wall, and each dwelling unit is located on a separate subplot.

Dwelling- Single Family, Detached: A structure containing only one dwelling unit.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.

Educational Facility - Pre-School: An educational establishment that offers early childhood education prior to the start of required education at the primary school level.

Educational Facility - Primary or Secondary: A facility that offers instruction at the elementary, middle, junior, and/or high school levels, including associated indoor or outdoor recreational facilities.

Educational Facility - University or College: A facility for post-secondary higher learning that grants associate, bachelor, master, and/or doctoral degrees. Such facilities may include additional uses as part of the principal use such as such as research facilities, dormitories, cafeterias, restaurants, retail sales, childcare facilities, indoor or outdoor recreational facilities, stadiums, and similar uses.

Educational Facility – Vocational: A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a full educational curriculum.

Employment/Labor Service Agency: A business that provides employment services for temporary or transient employment of semi-skilled and unskilled workers, and operates as a labor pool where workers gather on-site for job placement.

Event Venue: An establishment, with or without permanent structures, for the purpose of housing private social events not open to the general public, including, but not limited to, weddings, parties, and similar events, with or without live entertainment, where food and drink may be consumed on site, but which provides no overnight accommodations.

Family: Any number of persons related by blood, adoption, or marriage or no more than 4 persons not related by blood, adoption, or marriage, living together as a single housekeeping unit

sharing the same domestic facilities. It does not include congregate residential care facilities; family care and group care facilities; foster homes for children; homes for the aged and infirmed; family-care homes for the aged and infirmed; day care facilities; day care centers; and family day care homes; shelter homes for children and/or families including foster shelter homes and group shelter homes; adult day care centers; day nurseries; preschool centers; hospitals; nursing homes; sanitariums; and dormitories, fraternal organizations, or other organized social or institutional residential situations.

Family Care Home: A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for six or fewer adults who are not related by blood or marriage to the supervising adult but require assistance due to age or disability. Family care homes shall be licensed by the North Carolina Department of Health and Human Services.

Family Childcare Home: A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for eight or fewer children who are not related by blood or marriage to, and are not the legal wards or foster children of, the supervising adult. Family childcare homes shall be licensed by the North Carolina Department of Health and Human Services.

Family Members, Direct: Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother); and brothers, sisters, nieces, and nephews.

Financial Institution: A bank, savings and loan, credit union, or mortgage office. Financial Institutions also include alternative financial service (AFS) that are provided outside a traditional banking institution, including check cashing establishments and currency exchanges.

Frontage: The property abutting on one side of a street measured along the street right-of-way line.

Funeral Home: An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station: An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include retail uses and an accessory car wash bay

Golf Course: A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as additional uses as part of the golf course. A driving range may be included as part of a golf course. A private recreation club may include a golf course as part of the principal use of a private recreation club.

Government Office/Facility: Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices/facilities do not include public safety or public works facilities.

Greenhouses and Nurseries – Retail: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Greenhouses and Nurseries, Excluding Retail Sales: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are for personal use or propagated and sold in bulk to retailers, other professional business users, and/or other wholesalers.

Greenway: A shared use off-street path for pedestrians and bicyclists.

Gross Floor Area: The total area of any buildings in the project, including the basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops.

Group Home: A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment.

Gyms and Fitness Studios: An establishment where an activity is taught, studied, or practiced such as boxing, dance, martial arts, gymnastics, Pilates, or yoga. A fitness studio also includes private exercise studios for private sessions with trainers and/or private classes

Halfway House: A residential facility for persons who have been institutionalized for criminal conduct and require a group setting to facilitate the transition to society.

Handicapped Person: 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 does not include mentally ill persons who are dangerous to others as defined in Section 122-58.2(1)b of the General Statutes of North Carolina, or any amendment thereto.

Helistop: Land or part of a structure used for the landing of helicopters.

Home Occupation: An occupation conducted incidental to the use of property as a dwelling unit, which does not adversely impact or change the residential character of the neighborhood. The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages by mail, record or bookkeeping, filing, address listing for applicable privilege license or

tax identification, and other similar activities which do not involve the on-site sale, delivery, distribution, reception, storage, or manufacture of goods, products, or services shall not constitute a home occupation for the purpose of regulation under this Ordinance.

Hospital / Medical Campus: The grounds and buildings of a healthcare institution, providing primary health services and medical or surgical care to people, including in-patient overnight care, as well as research and development facilities, medical/dental educational facilities, and medical/dental offices. A medical campus may include dormitories and other housing through the medical institution, dining rooms, cafeterias, gift shops, and pharmacies for the use of staff, patients, and visitors. Supportive commercial uses for the primary use of medical campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Industrial, Craft: Artisan-related crafts and industrial processes that are more intensive uses, such as metalworking, glassblowing, woodworking, furniture making, and food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol is regulated separately from craft industrial.

Industrial, General: The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof, in such a manner as to change the form, character, and/or appearance. General industrial may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users.

Industrial, Light: Within a wholly enclosed building, the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance. A light industrial use may also include a showroom, sales of products related to the items manufactured or stored on-site, and/or outdoor storage.

Kennel / Animal Boarding: An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than 3 domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one litter of domesticated animals at any one time, or the selling of any 3 individual domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of this Ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this Ordinance, shall be defined as the progeny resulting from the breeding of 2 domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

1. The ownership of domesticated animals as household pets,
2. The ownership of domesticated animals for hunting or tracking purposes,

3. The ownership of domesticated animals for the purpose of exhibiting at shows, obedience, or field trials, and
4. The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

Landfill, Land Clearing & Inert Debris (LCID): A facility for the land disposal of inert debris, land clearing debris, yard waste, and untreated and unpainted wood.

Landfill, Municipal Solid Waste: Facilities for the recovery, disposal, depositing, processing, or storage of solid waste, including waste that requires special handling, such as hazardous waste and medical waste. Waste management facilities include sanitary landfills, construction and demolition landfills, solid waste collection sites, and solid waste transfer stations.

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

Light Assembly: The assembly of previously manufactured parts within a fully enclosed structure that does not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building.

Live Performance Venue – Indoor: An indoor facility for the presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue may include classroom and/or rehearsal space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. This does not include any adult use or stadium.

Live Performance Venue – Outdoor: An outdoor facility for the presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue may include parks and common space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance.

Lodging Establishment: A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses may include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A lodging

establishment has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Lot: A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax maps) and which is recognized as a separate tract for purposes of transfer of title or lease of greater than 3 years.

Lot, Corner: A lot adjacent to or abutting on 2 streets at their intersection.

Lot, Double Frontage: An interior lot having frontage on 2 streets where the minimum yard requirements pertain to both primary and accessory structures. Also called a through lot.

Lot Front: On a corner lot, the front is the frontage with the least dimension at the street. Where the dimensions are equal the front shall be designated by the owner.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The line forming the perimeter or boundary of the lot.

Lot of Record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

Lot Width: The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line. For lots with a radial side line(s), lot width may be measured at a front yard setback greater than the minimum required front yard setback. In such case the point where the minimum lot width is measured shall become the front yard setback for that lot.

Manufactured Home Park: A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

Manufacturing: The processing of raw products and materials into items for sale.

Medical/Dental Office: A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physical therapists, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Micro-Production of Alcohol (less than 10,000 sf): A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. A tasting room is an area within the premises of the brewery's production facilities where guests may sample the brewery's products. When the production facilities exceed the maximum square footage allowed by any prescribed conditions, the facility is not considered micro-production of alcohol, but rather an industrial use.

Mobile Car Wash: A temporary service, and its associated equipment, for the washing, cleaning, and detailing of motor vehicles by hand. A mobile car wash operates from a fixed location to offer services to multiple cars on that site for a limited period of time.

Mobile Food Vendor: A motor vehicle or food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

Net Residential Area (net land): That portion of a development or project site designated for residential lots and related common open space areas excluding dedicated public rights-of-way.

Mobile Retail Vendor: A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers. It does not include wholesale distributors. The vendor physically reports to and operates from an off-site facility for servicing, restocking, and maintenance.

Motorsports Tracks and Facilities: A facility built for racing of vehicles that may include grandstands and/or concourses for viewing. A motorsport facility may also include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales

Non-Conforming Use: Any use which legally existed on the effective date of this Ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any non-conforming use legally recognized under a prior zoning ordinance.

Open Space: Any land area not occupied by buildings, structures, storage areas, open or enclosed balconies, patios, porches, or decks, excluding, however, any land encroaching or located within a right-of-way or easement. Open area in any required setback or land used for sidewalks, landscaping, and grassing shall be considered open space.

Outdoor Adventure Recreation: A range of leisure, recreation, or sport activities undertaken in natural, rural, and/or urban open space. These types of outdoor recreation activities require large parcels of land and/or open space, but for safety and sustainability purposes, may require built facilities such as buildings, camping areas, or other infrastructure needed for a specific type of outdoor recreation activity.

Outdoor Entertainment: A predominately spectator use conducted in an outdoor setting such as an amphitheater, drive-in-theater, stadium, or similar structure. Outdoor Entertainment facilities host performances such as outdoor concerts, outdoor parties, outdoor celebrations, special events, carnivals, dances, theatrical presentations, and movies. These types of uses generate noise and music that can be produced by any person, group, instrument or instrumental recording, or audio-visual device used for the performance of entertainment for an audience.

Outdoor Sales and Display: Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Storage Yard, Principal Use: The storage of materials, supplies, equipment, vehicles, and similar items outdoors as the principal use of land. Salvage and/or junk yard is a separate use from outdoor storage yard.

Parking Lot (Principal Use): A lot, which excludes any public or private street, used for the parking of operable vehicles, whether for compensation or at no charge. A parking lot (principal use) is not accessory to or associated with any other use on the same or any other lot.

Parking Structure (Principal Use): A structure or portion of a structure used for the parking of operable vehicles, whether for compensation or at no charge. A parking structure (principal use) is not accessory to or associated with any other use on the same or any other lot.

Personal Service Establishment: An establishment that provides services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Private Recreation Club: An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which may include recreation facilities, both indoor and outdoor, restaurants and bars, meeting rooms, and/or similar uses

Private Stables: The keeping of equines for private use and not for remuneration, hire, or sale.

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

Professional Offices: An establishment that engages in the processing, manipulation, or application of business information or professional expertise. An office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair or sale of products for immediate purchase and removal from the premise by the purchaser.

Public Park: A publicly-owned facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include noncommercial indoor or outdoor facilities, including zoos, recreational centers, and amphitheatres, additional uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances. Greenways are not considered a public park.

Public Safety Facility: A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles, and training exercises. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies

Public Sewage Disposal System: An approved sewage disposal system serving 10 or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by the County Sanitarian in consultation with the NC Division of Health Services.

Public Transit Facility: Facilities operated as part of the public transit system, which shall include park-and-ride lots, park-n-ride garage, station platforms, bus transfer stations, rideshare mobility hubs, and other transit appurtenances required for the operations and use of public transit service. For the purposes of this Ordinance, bus shelters and rapid transit shelters that are not fully enclosed are not considered buildings.

Public Water Supply System: An approved water supply system serving 10 or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the County Sanitarian in consultation with the NC Division of Health Services.

Public Works / Utility Facility: A facility operated by and for the use of the municipal public works departments or other governmental agency to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles and training exercises.

Quarries and Mines: An open pit or subsurface mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, slate, or other mineral is excavated from the ground.

Rail Freight Terminal: A heavy rail facility for freight pick-up or distribution that may include intermodal distribution facilities for truck or shipping transport.

Real Estate Development Sales Office: A real estate development sales office is a residential unit, commercial space, or standalone structure within a development that is temporarily used as a sales or leasing office.

Recreation or Travel Trailer: A vehicular, portable, structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified as a travel trailer by the manufacturer of the unit. Includes motor home, recreational vehicle, etc.

Recycling Collection Center: An area containing one or more recycling containers operated by a unit of local government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials, such as paper, plastics, glass, and cardboard. A recycling collection center may also collect household chemicals and computer equipment, including, but not limited to, household cleaners, oil-based paints, solvents, cell phones, compact fluorescent light bulbs, and computers.

Religious Institution: A facility where fewer than 250 persons regularly assemble (based on maximum occupancy of the largest assembly room) for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Religious Institutions may include additional uses as part of the principal use such as childcare facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

Religious Institution, Large: A facility where greater than 250 persons regularly assemble (based on maximum occupancy of the largest assembly room) for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Religious

Institutions may include additional uses as part of the principal use such as childcare facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

Research and Development (R&D): A facility where research and development are conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, information technology, electronics and instrumentation, and computer hardware and software.

Residential Care Facility: A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

Restaurant: An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and non-alcoholic beverages shall be not less than 30% of the total gross receipts from food, non-alcoholic beverages, and alcoholic beverages.

Retail Sales Establishment, Small: An establishment containing less than 10,000 square feet of gross floor area that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

Retail Sales Establishment, Large: An establishment containing 10,000 square feet or more gross floor area that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

Salvage and/or Junk Yard : A facility used for the abandonment, sale, storage, collection, or baling of scrap metal, other scrap or discarded materials, waste tire processing or collection area, and/or abandoned vehicles or machinery, or parts thereof.

Screen. A devise such as a fence or planting area used to visually separate property.

Self-Storage Facility: Indoor: A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is typically climate controlled. Sales of related items, such as moving supplies, and facility management offices may also be included.

Self-Storage Facility: Outdoor: A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage.

Sales of related items, such as moving supplies, and facility management offices may also be included.

Setback: The horizontal distance from the property line or street right-of-way line to the nearest part of the applicable building, structure, sign, or use, measured perpendicularly to the line.

Sexually Oriented Business: Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified below and as may be further specified in North Carolina General Statute 14-202.10.

- 1. Adult Bookstore. A bookstore:**
 - a.** Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or
 - b.** Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.
- 2. Adult Live Entertainment.** Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.
- 3. Adult Live Entertainment Business.** Any establishment or business wherein adult live entertainment is shown for observation by patrons.
- 4. Adult Motion Picture Theatre.** An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theatre does not include any adult mini motion picture theatre, as defined in this section.

5. **Adult Mini Motion Picture Theatre.** An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.
6. **Sex Club.** An establishment that allows members to engage in specified sexual activities with other patrons, or the exposure of specified anatomical areas. Sex clubs may include, but are not limited to, rooms for the use of members, provision of sexually oriented devices, and organization of sex-related activities.
7. **Sexually-Oriented Devices.** Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.
8. **Specified Anatomical Areas.** a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; or 3) female breast below a point immediately above the top of the areola; or b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. **Specified Sexual Activities.**
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

Shooting Range, Indoor: A facility designed or used for shooting at targets with firearms, and which is completely enclosed within a building or structure. Police facilities for the training and practice of officers is not considered an indoor shooting range but rather a public safety facility.

Shooting Range, Outdoor: An outdoor space designed or used for shooting at targets with firearms.

Showroom: An establishment where products are displayed for sale, such as furniture, appliances, carpet, tile, or furnishings. Products are available for purchase but are typically not available for immediate removal from the premises

Site-Specific Vesting Plan: A plan which has been submitted to the City by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Solar Energy Production Facility, Commercial (C): A ground-mounted solar array operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Special Events, Outdoor: An outdoor entertainment event space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/ circuses, worship services, and others

Special Use: A use of land permitted upon approval of a Special Use Permit in accordance with the quasi-judicial procedures established in this Ordinance .

Sports Instruction Schools: An indoor or outdoor facility for training and instruction on sports. This may include hosting sporting events.

Sports Parks, Private / Commercial: A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes.

Stacking Space: A space to store an automobile off-street while waiting in line for a drive-thru service such as an automatic teller service, drive-thru restaurant, etc.

Street, Private: A vehicular travel way not dedicated as a public street or a dedicated but unaccepted vehicular travel way.

Street, Public: A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the City of Archdale or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use.

Structure: Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

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

Swimming Pool: Any structure intended for swimming or recreational bathing that is intended to contain water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Tattoo Studios: An establishment that provides body modification services (e.g., tattoos, piercing, etc.)

Temporary Contractor's Office and Contractor's Yard: A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the

construction of a new development. This may include a temporary contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary Healthcare Structure: Non-hospital buildings which are temporarily used for patient care or quarantine sites.

Temporary Outdoor Entertainment: A temporary entertainment event within an outdoor space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/ circuses, worship services, and others

Temporary Outdoor Sales: Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, plant sales, farmers markets, flea markets, rummage sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container: Temporary self-storage containers that are delivered to a residence or business owner for the purpose of storing belongings, and then may be picked up and returned to a warehouse until called for again.

Truck Stop: A facility that provides services to the trucking industry including, but not limited to, dispensing of fuel, repair, truck washes, restaurants, shower facilities, and/or overnight parking, all as part of the facility.

Truck Terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Use: The primary purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Utility Transmission and Distribution Lines: Any facility, infrastructure, and/or equipment used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, waste management facilities, recycling collection facilities, or radio, television, or microwave transmission or relay towers. Utility also includes utility operation facilities where all activity occurs indoors.

Vehicle and Equipment Auction Facilities: A facility where vehicles or other equipment are offered for sale to persons who bid on the vehicles in competition with each other. A vehicle or equipment auction facility includes outdoor storage of the items to be sold.

Vehicle Operations Facility: A facility for the dispatch, storage, and maintenance of vehicle fleets including, but not limited to, emergency medical care vehicles, taxicabs and similar vehicles for

hire, school buses, utility vehicles, delivery vehicles, and public transit vehicle operations and maintenance facilities. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Repair Facility: Major: A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (e.g., upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include services considered minor vehicle repair.

Vehicle Repair Facility: Minor: A business that provides services in minor repairs to motor vehicles and motorcycles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacement, wheel servicing, alignment, and balancing, realignment, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, and wheel bearings, and similar minor repairs.

Vehicle Sales and Rental, Passenger: An establishment that sells, leases, or rents automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles typically with incidental parking, servicing, storage or display of such vehicles on-site either enclosed or outdoor. A vehicle sales and rental facility may maintain an additional inventory of the vehicles for sale or lease off-site. Vehicle sales facilities do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail establishments.

Vested Right or Zoning Vested Right: The right to undertake and complete the development and use of the property under the terms and conditions of an approved site-specific vesting plan.

Veterinary Services: A location where veterinary services are provided for the care and treatment of domestic animals, where animals may be boarded during their treatment.

Warehouse and Distribution Center: An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Wholesale Goods Establishment: A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy Production Facility, Commercial: An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Wireless Telecommunications Facility: Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure within the general definition for wireless telecommunications. A structure used to house and protect the equipment necessary for

processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.

Yard: An open space located on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided herein. A yard is the area created by a setback.

Yard, Front: A yard extending across the full width of the lot and extending from the closest front wall of the building to the property line or established edge of a right-of-way, whichever is closer.

Yard, Rear: A yard extending across the full width of the lot and extending from the closest rear wall of the main building to the rear of the property.

Yard, Side: A yard which extends from the closest side wall of a building to the nearest side property line or the established edge of the street right-of-way, whichever is closer, if the lot is a corner lot.

Yard Sale: A sale from a residence or residential property of personal property which has been owned or used by a person residing on or owning the premises where the sale is conducted. In addition, yard sales may be held on property owned by religious institutions and other civic or non-profit organizations. The term "yard sale" shall include all sales entitled "garage sale", "lawn sale", "attic sale", "moving sale", "rummage sale," etc.

Zoning Administrator: An employee or agent of the City who is assigned primary responsibility for the administration and enforcement of the Zoning Ordinance.

Zoning Permit: A permit issued by the City conferring the right to undertake and complete the development of and use of property.

17.1.2 Definitions Related to Wireless Telecommunications Facilities

Accessory Facility or Structure: means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities or Complexes, including but not limited to utility or transmission equipment storage sheds or cabinets.

Amend, Amendment and Amended: mean and shall relate to any change, addition, correction, deletion, replacement or substitution, other than typographical changes of no effect.

Applicant: means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

Application: means all Necessary and required documentation that an Applicant submits in order to receive a Special Use Permit or a Building Permit for Wireless Telecommunications Facilities.

Antenna: means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Certificate of Completion or COC: means a required document issued by the City that confirms that all work represented in the application i) was properly permitted; ii) was done in compliance with and fulfilled all conditions of all permits, including any final completion deadline; iii) was fully constructed as approved and permitted; and iv) a final inspection was requested, conducted and the Facility or Complex passed the final inspection.

Co-location: means the use of an approved telecommunications structure to support Antenna for the provision of wireless services.

Commercial Impracticability or Commercially Impracticable: means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impracticable.

Completed Application: means an Application that contains all necessary and required information and/or data as set forth in this Ordinance and that is necessary to enable an informed decision to be made with respect to an Application and action on the Application.

Complex: means the entire site or Facility, including all structures and equipment located at the site.

DAS or Distributive Access System: means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

Eligible Facility: means an existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial modification. An Eligible Facility Application shall be acted upon administratively and shall not require a Special Use Permit, but shall require Staff Administrative Approval.

FAA: means the Federal Aviation Administration, or its duly designated and authorized successor agency.

Facility: means a set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

FCC: means the Federal Communications Commission, or its duly designated and authorized successor agency.

Height: means, the distance measured from the pre-existing grade level to the highest point on the Tower or support structure, even if said highest point is an Antenna or lightening protection device. As regards increasing the height of an existing structure, Height means the height above the top of the structure prior to any work related to a wireless Facility.

In-Kind Replacement: means replacing a component(s) that is malfunctioning with a properly functioning component of the same weight and dimensions and that does not enable an increase in revenue for the service provider or increase the compensation paid to the owner or manager of the support structure.

Maintenance: means plumbing, electrical, carpentry or mechanical work that may or may not require a building permit, but that does not constitute a Modification of the WTF.

Modification or Modify: means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to an existing support structure or Tower as a co-location is a Modification, unless the height, profile or size of the compound is increased, in which case it is not a Modification.

Necessary or Necessity or Need: means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in the effect of prohibiting the provision of service as intended and described in the narrative of the Application. Necessary, Necessity or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards.

NIER: means Non-Ionizing Electromagnetic Radiation.

Person: means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Personal Wireless Facility: See definition for 'Wireless Telecommunications Facilities'.

Personal Wireless Services or PWS or Personal Telecommunications Service or PTS: shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Repairs and Maintenance: means the replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted. Any work that changes the services provided to or from the Facility, or the equipment, is not Repairs or Maintenance.

Stealth or Stealth Siting Technique: means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technique includes such techniques as i) DAS or its functional equivalent; or ii) camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

Structural Capability or Structural Capacity or Structural Integrity means, notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.

Substantial Modification: means a change or Modification that

1. increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or
2. 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 that protrudes horizontally from the edge of the 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; or
3. increases the square footage of the existing equipment compound by more than 2,500 square feet.

Telecommunications: means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Site: See definition for Wireless Telecommunications Facilities.

Telecommunications Structure means a structure used primarily to support equipment used to provide wireless communications or was originally constructed primarily for such purpose.

Temporary: means not permanent in relation to all aspects and components of this Section and that will exist for fewer than ninety (90) calendar days.

Tower: means any structure designed primarily to support an antenna and/or other equipment for receiving and/or transmitting a wireless signal and is the lesser of i) more than ten feet (10') taller than the adjacent buildings or trees; or ii) taller than forty feet (40').

Wireless Telecommunications Facility or Facilities (WTF or WTFs), Facility, Site, Complex, Telecommunications Site and Personal Wireless Facility Site: all mean a specific location at which a structure that is designed or intended to be used to house, support or accommodate Antennas or other transmitting or receiving equipment is located. This includes without limit, Towers and support structures of all types and kinds, including but not limited to buildings, church steeples, silos, water Towers, signs or other any other structure that is used or is proposed to be used as a support structure for Antennas or the functional equivalent of such. It expressly includes all related facilities and equipment such as cabling, radios and other electronic equipment, equipment shelters and enclosures, cabinets and other structures associated with the Complex used to provide, though not limited to, radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services, Internet access service and any commercial wireless telecommunication service whether or not licensed by the FCC.

17.1.3 Definitions Related to Signs

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Canopy: A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Changeable Copy: Copy that is or can be changed manually in the field or through mechanical or electronic means, e.g. reader boards with changeable letters.

Erect: To assemble, build, construct, raise, install, attach, hang, place, suspend, affix, post, create, paint, draw, apply, or in any other way bring into being or establish.

Facing or Surface: The surface of a sign upon, against, or through which the message is displayed or illuminated on the sign.

Frontage, Lot: The length of that part of a lot that fronts a public street.

Grade: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a freestanding sign.

Interstate Highway System: That portion of the national system of interstate and defense highways located within the State as officially designated or as may hereafter be so designated by the Board of Transportation or other appropriate authorities and are also so designated by interstate numbers.

Logo: A business trademark or symbol.

Lot: A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat and which is recognized as a separate tract for purposes of transfer of title.

Marquee: A permanent roof-like structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk, or walkway.

Parapet: The portion of a building wall or false front that extends above the roof.

Person: Any natural person, firm, partnership, corporation, company, organization, association, trust, or individual or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee, or other similar representative thereof.

Premises: A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise, activity, or use exists or is conducted, manufactured, sold, offered, maintained, or takes place.

Setback: The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of a sign or its supporting member.

Sign: Any object, placard, device, display or structure, or part thereof, made of any material, except live vegetation, including any surface, fabric, or other background material which is designed, constructed, and/or used for the purpose of relaying information from a fixed or mobile position to visually inform, advertise, identify, display, promote, direct, or attract the attention of general or privileged persons to an object, person, institution, organization, corporation, business, profession, commodity, product, service, event, or location by any means including, but not limited to, words, letters, phrases, sentences, emblems, trademarks, tradenames, insignias, numerals, figures, devices, designs, symbols, pictures, logos, fixtures, colors, illumination, or projected images or any other attention directing device, displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, poles, trees, buildings, or other structures or supports. The term sign shall include the terms advertisement, announcement, insignia, billboard, bill, billet, badge, display, brand, emblem, flyer, label, message board, poster, shingle, symbol, title, and trademark. The term sign shall not include the terms television, telegraph, radio, signal, or transmission. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Awning: A sign placed directly on the surface of an awning. For purposes of this Ordinance an awning sign for measuring purposes will be considered a wall sign.

Sign, Billboard: A permanent, usually free-standing, off-premise sign that is affixed to the ground or to a building, owned by a person, corporation, or other entity that engages in the business of selling or leasing the advertising space on that sign and which advertises an establishment, service, commodity, goods, or entertainment sold or offered on premises other than that on which such sign is located. Such signs commonly referred to as "outdoor advertising signs" are generally designed so that the copy or posters on the sign can be changed frequently.

Sign, Business: A permanent, on-premise sign that is affixed to the ground or to a building which directs attention to a service, commodity, goods, or entertainment sold or offered on the premises on which such sign is located.

Sign, Campaign or Election: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy: A sign, attached to or painted onto, or that forms a part of a canopy. For the purposes of this Ordinance a canopy sign for measuring purposes will be considered a wall sign.

Sign, Changeable Copy: A sign message center or readerboard that is designed so that its informational content or copy can be changed or altered by manual, electrical, electro-mechanical, or electronic means. A changeable copy sign shall be counted as a sign face.

Sign Clearance: The smallest vertical distance between the grade of the adjacent street, and the lowest point of any sign, including framework and embellishment, extending over that grade.

Sign, Conforming: A sign, which is in compliance with all the provisions of this Ordinance.

Sign, Construction: A sign placed at a construction site giving the name or names of building owners or developers, architects, engineers, and/or lending institutions and principal contractors, subcontractors, and material suppliers participating in construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign Copy: Alphabetic, pictorial, numerical, and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area for advertising and/or informational purposes.

Sign Copy Area: Area measured by the smallest circle, square, or rectangle which will encompass all elements of informational or representational matter including all cut outs or extensions together with any materials or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The term sign copy area shall also include the terms display area, surface area, and the word area as it relates to signage. The term sign copy area shall not be construed to include architectural trim, frames, and structural supports that do not bear any sign copy. In computing area, only one side of a double-faced sign shall be considered. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the maximum angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

Sign, Discontinued: Any conforming or legal non-conforming sign, other than a billboard sign, which no longer identifies or advertises a bona fide business, service, product, or activity, and/or for which no legal owner can be found which has been discontinued for a period of 120 days or more regardless of reason or intent, or a temporary sign for which the permit has expired. This is not intended to apply to seasonal type businesses which annually operate "in season." However, failure to operate any such seasonal business for a minimum of 180 consecutive days in a calendar year will deem these signs to have been discontinued.

Sign, Double-faced: A sign designed to be seen from 2 opposite directions shall be considered as one sign, provided that the 2 sign faces shall be supported on the same pole(s) or other structure, are at the same elevation and form an angle of 45 degrees or less on an interior lot or 90 degrees or less on a corner lot.

Sign Face: The part of a sign that is or can be used to identify, advertise, or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, or internal illumination used that differentiates that sign from the building, structure, backdrop, surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Sign, Flashing: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted

intermittent light source. Automatic changing signs such as public service time, temperature, and date signs or electronically controlled message centers are classified as changeable copy signs, not flashing signs.

Sign, Freestanding: A sign which is permanently affixed to and supported by structures or supports such as poles, masts, or frames which are placed upon or anchored in the ground and which structures or supports are independent from any building or other structure. For the purposes of this Ordinance a freestanding sign shall be only those signs meeting the definition given above and which are located on the same premises for which its' message is carried. Pole, ground, and billboard signs are examples of freestanding signs.

Sign, Government: Any temporary or permanent sign, symbol, or device erected and maintained for any federal, state, county, or municipal governmental purposes including, but not limited to, legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Sign, Ground: A freestanding sign with a base which either appears to rest on the ground or which has a support(s) which places the base and portion of the sign copy area thereof less than 10 feet from the ground. A monument sign is a ground sign.

Sign Height: The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign, Identification: Means either or both of the following:

1. 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; the name of the building on which the sign is displayed, and/or
2. a permanent sign announcing the name of a subdivision, tourist home, group housing project, church, school, college, park or other public or quasi-public structure, facility or development and the name of the owners or developer, but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illegal: A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.

Sign, Illuminated: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Incidental: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Indirectly or Externally Illuminated: A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. The term Sign, Indirectly or Externally Illuminated, includes backlit.

Sign, Informational or Instructional: An on-premises sign designed to guide vehicular and or pedestrian traffic and give other instruction or direction to the public but not including any advertising message. The name or logo of the business or use about which the sign is giving direction may also be included on the sign, provided such name or logo does not comprise more than 10% of the copy area. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, parking, handicapped access, freight entrances, and traffic direction.

Sign, Internally or Directly Illuminated: A sign where the source of the illumination is inside the sign and light emanates through the message of the sign through transparent or translucent materials rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (1) are filled with neon or some other gas that glows when an electric current passes through it and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally or directly illuminated signs.

Sign Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Sign, Marquee: A sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, manufactured, or assembled, and/or service or entertainment offered on the premises where such a sign is displayed. For purposes of this Ordinance a marquee sign for measuring purposes will be considered a wall sign.

Sign, Memorial: A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

Sign, Motion: A sign or device designed to attract attention, all or any part of which uses movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and is set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means.

Sign, Non-Commercial: Any sign, display, or device that does not direct attention to a business operated for profit, or to a commodity, product, or service for sale, which displays a substantive message, statement, or expression that is protected by the First Amendment to the United States Constitution.

Sign, Non-Conforming: Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this Ordinance, and any amendments to, and which fails to conform to all applicable standards and restrictions of this Ordinance. An illegal sign is not a non-conforming sign.

Sign, Object or Product: A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-thru window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper boxes.

Sign, Off-Premise: A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained, or provided at a location other than on the premises where the sign is located. Several types of off-premise signs may exist or otherwise be subject to the requirements of this Ordinance. Billboards are examples of off-premise signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county, or municipal government or their public agencies.

Sign, On-Premise: A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained, or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premise signs may exist or otherwise be subject to the requirements of this Ordinance regarding said signs. Ground signs and directional signs are examples of on-premise signs.

Sign, Outdoor Advertising: See Sign, Billboard.

Sign, Pole: A freestanding sign with the base and all of the sign copy area at least 10 feet above the ground and which is supported from the ground by one or more poles or similar support structures of narrow width (maximum of 10% of the width of the sign face) and not attached to any building (not a ground sign).

Sign, Political: A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable: A sign designed or intended to be readily relocated from one location to another whether on the same premises or a different premises, is not permanently attached to the ground, building, or other permanent structure and is differentiated from a Movable Sign in that it may be equipped for transportation by motor vehicle or other mechanical means. The term Portable Sign shall include signs on wheels, trailers, truck beds, or any other device, which is capable of or intended to be moved from one location to another. Signs defined as temporary signs are not included in this definition.

Sign, Projecting: A sign, which projects from and is supported by a building or other structure only when said projection is greater than 12 inches. The term Projecting Sign does not include the terms wall, awning, canopy, or marquee sign, which are otherwise defined herein.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Sign, Roof: A sign erected or maintained in whole or in part on, upon, or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

Sign, Sidewalk: A sign that is reusable and not permanently affixed in the ground, a structure, or building, and can easily be moved from place-to-place manually. Sidewalk signs are meant to remain in close proximity to the place of business in which they advertise and must remain within 8 feet of the entrance. The sign location may not interfere with pedestrian or vehicular circulation sightlines. A sidewalk sign is permitted during business hours only and must be kept inside when the business is not in operation. This definition includes easel signs and A-frame signs.

Sign, Snipe: A temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, or streetlight or any tree, rock, or other natural object.

Sign Structure: Any structure which supports, has supported, or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign, Temporary: Any sign, designed in structure, materials, and/or copy message, which is temporary in nature to be 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, whether attached to a structure, fence, or freestanding, and whether or not it contains a frame. The term "Temporary Sign" includes the terms Banner, Pennant, Valance, Flyer, and "yard sign." Temporary Sign materials consist of cloth, vinyl, canvas, light fabric, cardboard, paper, wall board, metal, or other light material. This definition shall not include a permanent sign display area with changeable copy, or to movable or portable signs.

Sign, Vehicle: A sign on a parked vehicle visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

Sign, Wall: A sign which is placed on and/or attached to and supported throughout its entire length by the façade or exterior side of a building (or fence) wall by means of adhesive, paint, manufacturing process, structural, and/or mechanical attachment, which said sign is not more than 12 inches from the façade or exterior wall line and when its exposed face is parallel or

approximately parallel to the plane of the building or structure on which the sign is affixed. Such sign may not extend above the roofline.

Sign, Window: A sign that is placed on and/or attached to the interior side of a window or door glass of a building by means of adhesive, paint, and/or manufacturing process intended for viewing from the exterior of such building; or a sign within a building, placed no more than 12 inches behind the window which is visible through the window.

Structural (Architectural) Trim: The molding, battens, capping, nailing strips, latticing, and platforms which are attached to a sign structure.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

17.1.4 Definitions Related to Tree Preservation, Protection, and Reforestation

Basal Area: The cross-sectional area of a tree trunk at diameter breast height (dbh) expressed herein in terms of “units” per acre.

Caliper: A forestry standard of tree trunk measurement for understory or replacement trees. Caliper of the trunk shall be taken at 6 inches above the ground for trees up to and including 4 inch caliper size, and 12 inches above the ground for trees larger than 4 inch caliper.

Canopy (Overstory) Trees: A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.

Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree’s trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter. *EXAMPLE*: The CRZ radius of a 20 inch diameter tree is 30 feet.

DBH (Diameter breast height): The standard measure of tree size for those trees existing on a site that are at least 4 inch caliper at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, then the trunk is measured at its most narrow point beneath the split.

Density Factor: A unit of measure used to prescribe the calculated tree coverage on a site. Site density factor for areas within the corporate limits of the City of Archdale is 20 units per acre.

Development Activity: Any alteration of the natural environment which requires the approval of a site plan or the issuance of a Zoning Permit. Development Activity shall also include the “thinning” or removal of trees from any undeveloped land and the removal of trees incidental to the development of land or to the marketing of land for development.

Drip Line: An imaginary perpendicular surface of a tree's branch tips down to the ground. The circular area of land surrounding the tree from the trunk to the outermost branches. This area is not to be confused with Critical Root Zone (CRZ).

Hardwood Tree: Any leaf bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on the colloquialism and does not reflect any true qualities of the tree.

Inspector: The Planning Director or his/her designee responsible for administering the provisions of this Ordinance.

Monumental Tree or Stand: Any tree or collective group of trees which qualifies for special consideration for preservation due to size, type, and condition. See Section 4 for general criteria regarding monumental trees or stands.

Revegetation: The replacement of trees and landscape materials into the minimum required landscape areas, as determined by the Zoning Ordinance, conditions of zoning approval, or the provisions of this Ordinance.

Shrub: A low, usually several-stemmed woody plant. A shrub must be a minimum of 18 inches at planting and reach a minimum height of 36 inches within 3 years of planting.

Softwood Trees: Any coniferous (cone bearing) tree, such as pine, fir, cedar, etc. This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

Tree: Any self-supporting, woody, perennial plant usually having a single trunk diameter of 3 inches or more which normally attains a mature height of a minimum of 15 feet.

Tree Area: An area designated for the purpose of meeting tree density requirements, saving natural trees, preserving the root system of natural trees, and/or preserving normal buffers.

Tree Protection Zone: All lands that fall outside the buildable area of a parcel required to remain in open space, or all areas required as landscaping strips or buffers according to the Archdale Zoning Ordinance, conditions of zoning approval, or provisions of this Ordinance.

Tree Removal Permit: A formal letter or permit issued by the Inspector allowing for the removal of said tree(s) on a property.

Understory Tree: Those trees that grow beneath the overstory. A species of tree that normally grows to a mature height of 15 to 35 feet.