
Article VIII Definitions

Section 8.1 General

For the purpose of interpreting this Ordinance, certain words or terms are herein defined. The following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Section 8.2 Interpretation of Commonly Used Terms and Words

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural.
- (c) Words used in the plural number the singular, unless the natural construction of the wording indicates otherwise.
- (d) Words used in the masculine include the feminine.
- (e) The word “person” includes a firm, association, corporation, trust, and company as well as an individual.
- (f) The word “used for” shall include the meaning “designed for.”
- (g) The word “lot” shall include the words “plat,” “parcel”, or “tract.”
- (h) The word “shall” is always mandatory and not merely directory.
- (i) The word “may” is permissive.
- (j) The word “structure” shall include the word “building”.
- (k) The words “town” or “Town” shall mean the Town of Stanley, North Carolina.

Section 8.3 Definitions of Specific Terms and Words

The following is an alphabetical listing of words and terms used within this Ordinance.

Abandoned: A use shall be considered abandoned when: (i) The use is discontinued for a continuous period of at least one hundred eighty (180) days, other than in association with the settlement of an estate or for any cause that is seasonal in nature; or, (ii) The premises are devoted to another use; or, (iii) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease for a period of at least two (2) years.

ABC Store: A retail establishment at which liquors are sold to the general public and which is run under the auspices of the local Alcohol and Beverage Control (ABC) Board.

Accessory Use or Accessory Building (non-residential): A subordinate use or building customarily incident to and located on the same lot with the main use building.

Accessory Use or Accessory Building (residential): A non-commercial use or building customarily incident and subordinate to but located on the same lot with the main residential use

or building such as a private garage or carport, family garden, swimming pool, personal storage building, or workshop, all of which are totally for personal use.

Active Construction: On-site activities not discontinued for a continuous period of at least one hundred-eighty (180) days, such as installation, erection, fabrication, alteration, demolition or removal of structures, facilities, or additions that contribute directly to the completion of improvements contemplated or shown on construction plans.

Adjacent Property(ies): One (1) or more lots or tracts that abut or touch and having a boundary, or portion thereof, which is contiguous to the lot in question. Such determination shall be made by extending the exterior lot lines of the lot in question to adjacent lots and/or adjacent roads, streams, easements or rights-of-way. The term “adjacent” or “adjacent property” shall also mean “contiguous” or “contiguous property”, “abutting” or “abutting property”, “adjacent or adjacent property.”

Adult Day Care Center: A day care facility in which day care is provided to seven (7) or more adolescents, or disabled, or older adults in a place other than their usual place or residence on less than a twenty-four (24) hour basis.

Adult Day Care Home: A day care facility in which day care is provided for up to six (6) adolescents, or disabled, or older adults on less than a twenty-four (24) hour basis.

Adult Establishment: Any establishment open only to the adult public, including, but not limited to; adult arcade, adult bookstores, adult cabaret, adult motel, adult motion picture theater, adult theater, adult video stores, escort agency, nude model studios, sexual encounter centers, or adult live entertainment businesses. See Section 8.4 on Definitions Relating to Adult Establishments.

Agricultural Use: The commercial production, keeping or maintenance, of plant and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as “agricultural uses” include: (i) zoos, (ii) kennels, and (iii) riding stables.

Alley: A travel way that affords only a secondary means of access to an abutting property and is not intended for general traffic circulation.

Alteration: The word “alteration” shall include the following:

- (a) Any addition to the height or depth of a building or structure;
- (b) Any change in the location of any of the exterior walls of a building or structure; or,
- (c) Any increase in the interior accommodations of a building or structure.

Amusement and Sporting Facility, Indoor: A facility providing entertainment or games of skill activities to the general public for a fee and that is wholly enclosed in a building. This shall include, but not be limited to: a bowling alley, skating rink and movie theater. This definition does not include game rooms.

Amusement Arcade: A place of entertainment primarily featuring coin-operated gaming machines.

Amusement Park: A commercially operated park that offers rides, games, and other forms of entertainment.

Animal Grooming Service for Household Pets (no overnight boarding): A facility where animals are groomed, shampooed, clipped, etc.

Animal Hospital Totally Enclosed: A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Antenna: Any system of wires, poles, rods, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Antenna, Amateur Radio: An antenna owned and utilized by a FCC-licensed amateur radio operator.

Apartment: A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence and is located in a building that contains two (2) or more such rooms or suites.

Apartment House: A building or portion thereof used or designed as a residence and consisting of three (3) or more dwelling units including apartment hotels, apartment houses, and group housing projects.

Appeal: A request to a higher authority as a result of a decision determined by the Administrator or governing body, elected or appointed.

Appraised Value: An estimate or opinion of the value of real or personal property or an interest or estate in that property as determined by a qualified appraiser.

Art Gallery: A commercial establishment where individual pieces of art are sold to the general public on a retail basis. Works of art may also occasionally be sold on an auction basis at such an establishment.

Articulation: A building's detailing and ornamentation, which includes windows, balconies, porches, entries, etc. It divides large buildings into smaller identifiable pieces.

Assisted Living Center: An institution licensed by the state as an "assisted living residence" and which provides, at a minimum, one meal a day, housekeeping service and personal care services to seven (7) or more aged or disabled residents.

ATM (incidental to bank) (stand-alone): An automated device that performs banking or financial functions at a location outside of or remote from the controlling financial institution.

Auction House: A public or private sale in which property or items of merchandise are sold to the highest bidder.

Auditorium/Assembly Hall/Amphitheatre: A structure or facility designed, intended, or used primarily for outside and/or inside performing art events or other spectator events and contains seating for spectators of those events. The sale of beverages, snack foods, and sundries geared to on-premise consumption or usage by spectators shall be permitted.

Automobile Body Shop: Any building, premises and land in which or upon which a business is conducted that primarily involves the painting or external repairing of damaged vehicles. This use is not to be construed as a junkyard and salvage yard. The storage of wrecked or damaged vehicles that no work is being performed on is prohibited.

Automobile Repair and Service Shop: A commercial establishment whose primary purpose involves the maintenance and servicing of vehicles. "Auto body work" (i.e., work normally associated with an "automobile body shop,") may not be performed on premises unless the zoning district in which the use is located allows an "automobile body shop." The sale of automotive fuels and accessory automobile parts to the public may be provided on an accessory basis. Notwithstanding, an "automobile repair shop" is differentiated from an "auto parts store" in that the sale of automotive parts is not the primary service being offered.

Automobile Towing & Storage Service: An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations or the sale of salvaged vehicular parts. This use is not to be construed as a junkyard and salvage yard. An "Automobile Towing and Wrecker Service" may be part of an "Automobile Body Shop" in zoning districts where an "Automobile Body Shop" is allowed.

Basement: That portion of any structure located partly or entirely below the average adjoining lot grade.

Bed and Breakfast Inn: A use that (i) takes place within a building that prior to such establishment, was designed and used as a dwelling (ii) that consists of renting one (1) or more dwelling rooms on a daily basis to tourists, vacationers and similar transients (iii) the use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility (iv) the inn shall be operated by a resident manager (v) the use of such facility by any one person shall be limited to no more than fifteen (15) days per sixty (60) day period.

Best Management Practice: A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs or receiving waters in order to achieve water quality protections goals.

Billboard: See “Sign, Off-premise Advertising”

Billiard Parlor: A building or portion of a building having within its premises three (3) or more pool or billiard tables, regardless of size, and whether activated manually or by the insertion of a coin, token or other mechanical device.

Board of Adjustment: The Zoning Board of Adjustment of the Town of Stanley, North Carolina.

Bona Fide Farm: Agricultural, horticultural and forest land defined by G.S. 105.277 (1,2,3) and G.S. 105.277.3.

Brewery: A place where beer is made commercially.

Brew-pub: A commercial establishment which meets the definitions of a restaurant under the requirements of this Ordinance and North Carolina ABC laws, which establishes a minimum percentage of sales of food; and which brews beer and malt beverages primarily for the purposes of on-premises consumption.

Buffer: A horizontal distance from the property line which may only be occupied by screening, utilities, access ways and landscaping materials.

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

Building: Any structure either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

Building Elevation: The view of any building or other structure from any one (1) of four (4) sides showing features such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

Building Face: The dominant structural feature of the elevation of any side of a building.

Building Footprint: The outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

Building Height: The vertical distance measured at the front of the building, from the lowest ground level finished floor elevation, excluding basements, to the highest point of the building not exempted by the applicable height regulations of this Ordinance.

Building Line: A line fixed parallel to a lot line beyond which a building cannot extend under the terms of this Ordinance. Included are front, side and rear building lines.

Built-Up Area: Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including building, pavement, gravel roads, gravel parking lots, gravel paths, recreation facilities (e.g., tennis courts), etc. (Note: Wooded decks and the water area of a swimming pool are considered pervious.)

Building, Principal: The principal structure in which the primary activity of the property is undertaken.

Building, Story: The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above, then the space between such floor and ceiling next above it; provided that a cellar will not be considered a story.

Building Materials and Lumber Sales: An establishment where lumber and building materials goods are the primary products sold.

Bus Station: Any premises for the transient housing or parking of inter-city motor-driven buses (e.g., Greyhound, Trailways) and the loading and unloading of passengers going on such bus trips. Refer to “transit station” for facilities designed to accommodate intra-city transit services.

Business Services & Photocopying: The provision of services required for the day-to-day operation of a business such as, but not limited to, consulting service, photocopy or office supply. Such stores may have extended operating hours.

Cemetery: Property used for the interment of the deceased, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. This definition shall be construed to include bona fide pet cemeteries.

Cessation of Use: When a use is inactive but the ability to restart it remains present.

Certificate of Zoning Compliance: A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building structure, or use of land complies with the Zoning Ordinance.

Child Care Center: A day care facility in which day care is provided for thirteen (13) or more children when any child is preschool-age or sixteen (16) or more children when all children are school-age.

Child Day Care A: Any child care arrangement wherein five (5) or fewer children less than thirteen (13) years of age receive care away from their primary residence by persons other than

their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.

Child Day Care B: Any child care arrangement wherein not less than six (6) nor more than twelve (12) children less than thirteen (13) years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.

Church/Place of Worship: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the deceased. Certain customary accessory uses shall be allowed to take place on church premises. These include bookshops, recreation centers, outdoor playing fields, youth facilities, parsonage, cemetery, food pantry, and certain types of day care centers and schools. The overnight lodging of transient persons shall not be considered as a customary accessory use. Such accessory uses shall be subject to any applicable supplemental regulations located elsewhere in this Ordinance.

Clear Vision Area: The triangular area formed by joining points, using straight lines, of the center lines of intersecting or intercepting streets sixty (60) feet from their intersection/interception. This area shall provide an unobstructed view between a height of three (3) feet and seven and one-half (7 ½) feet.

Club or Lodge, Private: An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a non-profit basis for the benefit of its members.

Cluster Development: A grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including stormwater runoff impacts. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments. Planned unit developments and mixed-use developments are considered as cluster developments.

Cluster Mailbox: A business and residential mail delivery service from a convenient central location as required by the United States Postal Service. Centralized mail delivery equipment can be in the form of any "clustered" type mailbox – including free-standing, pedestal-mounted cluster box unit (CBU), or other cluster mailboxes mounted in a wall, kiosk, or shelter.

College/University: A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university shall not be considered a "vocational school" or a "school for the arts."

Commercial Message: Any sign, wording, logo or other representation, that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Common Open Space: An area of land and/or water within a site designed and reserved for the use and enjoyment of the residents. This does not include streets or off-street parking areas. Common open space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and which are appropriate for the benefit of residents of the development.

Communication Tower: Any tower used for communication purposes, with the exception of those used by ham radio operators, two-way local radio facilities for business or governmental purposes, and those erected by a public authority for public safety or emergency services communication purposes.

Conditional Use Permit: A permit issued by the Board of Adjustment for a use or development that would not be generally appropriate within the zoning district without added restriction to safeguard the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.

Condominium: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, and undivided basis. A condominium is considered multi-family.

Construction Trailer: A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at a construction site on a temporary basis for office and/or storage purposes.

Contractor's Office: Any establishment from which services are contracted for building construction, building repair or building equipment installation or repair, such as, but not limited to flooring, HVAC, plumbing, etc. Employee vehicles are not to exceed one (1) ton in weight.

Convenience Store: An establishment which is open for extended hours which sells packaged and/or prepared foods and other conveniences (which may include gasoline) primarily for consumption and use off premises. Sales of items are highly dependent upon convenience of location, store hours, speed of service and highway accessibility and are less dependent on comparison shopping.

Correctional Facility: A facility operated by a governmental entity (or a private contractor thereof) used primarily for the incarceration or housing of persons serving criminal sentences. State prisons, prison camps, and penitentiaries are examples of such a facility.

Customary Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with

which there is no display, nor commodity sold upon the premises except as may be produced by the occupants; provided, that not more than twenty-five (25) percent of the total floor area of the dwelling, including basement, may be devoted to such occupation and that no person, other than a resident of the premises, shall be employed in connection with the home occupation.

Dance Hall: An adult establishment that has a primary function of providing music for the purpose of dancing.

Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover of a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Distillery: A commercial establishment which meet the definition by the State for production of "spirituous liquor" or "liquor" means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.

District: Any section of the Town of Stanley and its zoning jurisdiction within which regulations are uniform.

Drive-through Facility: A business or facility which is designed or intended to enable a customer to transact business without exiting a motor vehicle parked on or moving through the premises.

Dwelling Unit: A habitable house, apartment, manufactured home, group of rooms or a single room that is occupied as a separate living quarters and has direct access from outside the building or through a common hall.

Duplex: A building arranged or designed to contain two (2) dwelling units.

Mixed Use: A structure that contains both a principal residential and nonresidential (i.e., office or retail) use.

Multi-family dwelling: A building or portion thereof, designed to contain three (3) or more dwelling units (see Apartment House, and Condominium).

Single-family dwelling: A detached building designed to contain one (1) dwelling unit.

Town Home: A form of single-family attached dwelling where three (3) or more dwelling units located on separate lots are joined by a common building wall.

Easement: A grant by a property owner to the public, a corporation, or other person or persons of the right to use an identifiable piece of land for specified purposes, such as for access or utilities, and which has been recorded in the Gaston County Register of Deeds Office.

Electric Heating, Plumbing, HVAC Sales & Service: The supply and sales of heating, air conditioning, ventilating, plumbing equipment and accessories.

Encroachment: The projection or intrusion of a building, structure, or other land-disturbing activity into an area where such projections are typically prohibited.

Existing Development: Those projects, not requiring a state permit, that are built or those projects that at a minimum have met one of the following criteria under North Carolina zoning as of the effective date of this Ordinance based on:

- (a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project (vests for a two-year period), or
- (b) Having an outstanding valid building permit as authorized by the G.S. 160A-385.1, or
- (c) Having an approved site specific or phased development plan as authorized by G.S. 160A-385.1.

For projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, existing development shall be defined as those projects that are built or those projects for which a state permit was issued prior to August 3, 1995.

Exterminator's Office: A business designed to apply measures to either control or eliminate indoor or outdoor pests.

Extraterritorial Jurisdiction: The area adjacent to and beyond the municipal limits over which the municipality has been granted an exercise of municipal governmental powers, including but not limited to the power to regulate development, in accordance with North Carolina General Statutes, Section 160A360.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons who are not in such building.

Family: Any number of persons related by blood, adoption or marriage or no more than four (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 infirm; family-care homes for the aged and infirm; 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 Unit: A group of not more than six (6) residents, exclusive of supervisory personnel, who need not be related by blood, marriage, or adoption, living together in a residential home as a single housekeeping unit. The residential home may be provided by an agency, organization or individual for persons who need sheltered living conditions for rehabilitation or extended care purposes.

Family Care Home: A home with support and supervisory personnel which provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons.

Family Subdivision: A division of a tract of land (i) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (ii) to divide from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Farm Machinery Sales & Service: An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Farmer's Produce Market: An outdoor market comprised exclusively of vendors who make, bake or grow the products they sell.

Farmers or Produce Market: A market at which fruits and vegetables are regularly sold to the general public on a retail basis. Other food items, handmade crafts, and baked goods not native to this region may also be sold at such establishments, provided these items may not constitute a majority of total sales.

Fence: An exterior structure serving as an enclosure, barrier, or boundary constructed of materials commonly considered to be fence materials.

Financial or Banking Institution: A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina. Manned drive-through services are provided on site. Outdoor automatic teller machines (ATMs) may or may not be provided.

Flag: A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flea Market: A market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities, booths, or temporary structures.

Floating Zone: A zone that is nonexistent until a petition to rezone to such is presented and approved by the Town Council; such a designation does not appear on the zoning map until such time.

Floor Area Ratio (FAR): The gross floor area of a building or buildings divided by the area of the lot or parcel of land on which the building or buildings are located.

Food Catering Facility: A facility at which a prearranged amount and type of food is prepared for consumption off-premises or in a meeting room on premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

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

Funeral Home: A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith. Such facility may also sell caskets and other items associated with a funeral service.

Furniture Store: A retail establishment that is primarily engaged in the sale of home or office furniture and related goods.

Game room: Any place of business that operates four (4) or more mechanical games or pay devices (excluding vending machines and photo laminating machines) from which change is made, either directly or indirectly.

Garage, Private: A building or premises used for the storage of motor vehicles as an accessory to or part of the main building permitted in any residential district, but in which no business, occupation or service for profit is conducted.

Garage, Public: Any building or premises, except a private garage or storage garage, used for the repair or care of motor vehicles for a charge or fee or for resale.

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

Garden Center or Retail Nurseries: A retail sales and service establishment with retail sales of nursery stock and accessory supplies, fresh produce, landscaping supplies, lawn furniture, playground equipment, topsoil, mulching materials, garden tractors, utility vehicles, and lawn mowers and similar powered lawn and garden equipment and other similar supplies and equipment used for lawn and garden purposes and retail repair and service for such equipment.

Greenway: Linear open space that is generally established along a corridor that can be used for connectivity (trails) or water quality protection.

Gross Floor Area: The total floor area enclosed within a building, including interior balconies and mezzanines, exclusive, however, of stairways and elevator shafts, as measured from the exterior faces of exterior walls. For multifamily units, the total floor area contained within an

individual unit as measured from the inside of the exterior walls of the units, excluding, however, that area within a stairway. For the purposes of computing floor area ratio, the total floor area designed for residential use enclosed within a building as measured from the exterior faces of exterior walls, and includes such spaces as halls, stairs, elevators and management offices, but excludes floor area devoted to the parking of automobiles.

Group Home: A transitional housing facility for fifteen (15) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provided room and board, personal care and rehabilitative services to persons receiving therapy or counseling, to assist them to adjust 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.

Hardware Store: A hardware store sells items such as but not limited to fasteners, keys, locks, hinges, wire, chains, plumbing supplies, tools, utensils, cutlery and machine parts, etc.

Hazardous Substance: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (Oil and Hazardous Substances).

Health and Behavioral Care Facility: A facility designed to offer two (2) or more health and behavioral services to clients. Such services may include limited medical care and health education, parenting program, adoption agency, and counseling center.

Health Club, Spa, Gymnasium (principal use): A place of business with equipment and facilities for exercising and improving physical fitness.

Home Occupation: A professional occupation conducted within a portion of a main dwelling unit, which does not adversely impact or change the residential character of the neighborhood and which is carried on continuously and regularly.

Hospital: An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities, emergency services, and staff offices. A hospital shall provide facilities for the overnight and extended stay of persons in need of medical treatment and may have accessory uses such as a prayer chapel, gift shop, cafeteria, etc. that serves the needs of staff, patients and visitors.

Hotel (Motel): A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or

permanent guests or tenants, where rooms are furnished for the accommodation of such guest and which may have dining facilities in the same building.

Hydroelectric Power, Dams & Related Facilities: The production of electricity by the conversion of energy from running water, which is typically associated with a dam, a barrier of concrete, earth, or similar materials, built across a stream or river to create a body of water for hydroelectric power station and/or domestic water supply, or related facilities in conjunction with the production of hydropower.

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

Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use of disposition.

Junk Yard: The use of more than six-hundred (600) square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals, or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery of parts thereof.

Kennel: Any activity involving the permanent or temporary keeping of animals as a commercial activity.

Laboratories- Dental, Medical: Dental Laboratories are considered light manufacturing for products of dental restoration based on the order of a dentist; whereas a Medical Laboratory is any institution, building, or place which provides the examination of blood, tissues, secretions, and excretions of the human body or any function of the human body.

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

Landowner: Means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

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

Library: A public facility for the shared use, but not sale, of literary, musical, artistic, or reference materials.

Loading Area: A completely off-street space or berth on the same lot as a business or industry for the loading or unloading of freight carriers with ingress and egress to public street.

Lot: A contiguous 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. If a public road crosses a parcel of land which would otherwise by this definition be a lot, the land on either side of the road shall constitute separate lots.

Corner Lot: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five degrees (45) and less than one hundred and thirty-five degrees (135) with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.

Interior Lot: A lot other than a corner lot.

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

Lot, Area: The area of land within a lot excluding any part under water and any part within any public right-of-way or any area dedicated for a public purpose.

Lot, Depth: The depth of a lot is the distance measured in the mean direction of the sidelines of the lot from the midpoint of the front line to the midpoint of the opposite or main rear line of the lot.

Lot, Line: A line dividing one parcel of property from another parcel of property or from a street right-of-way.

Front Lot Line: The street right-of-way boundary at the front of the lot, that is, from the front lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

Rear Lot Line: The line of a lot which is opposite and farthest, on average, from the front lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

Side Lot Line: Any lot line which meets an end of a front lot line. Where a lot abuts a street along the side of a lot, the side lot shall be deemed to coincide with the street right-of-way.

Lot, Width: The distance from side lot line to side lot line measured at the 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 of up to fifteen (15) feet 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. See Appendix Illustration A-4.

Lot of Record: A lot which is a part of a subdivisions, a plat of which has been recorded in the office of the register of deeds for Gaston County, 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, or the date this ordinance becomes effective on any lands hereafter included in the zoning jurisdiction of the Town of Stanley.

Lounge: An adult establishment or room in an adult establishment where cocktails are served.

Machine, Metal Shop: A workshop, in which work, including but not limited to metal and woodwork, is machined, assembled or finished.

Manufactured/Mobile Home: A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width.

Manufactured/Mobile Home, Class "A": A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the additional criteria contained in Section 11.13.

Manufactured/Mobile Home, Class "B": A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that was in effect at the time of construction.

Manufactured/Mobile Home Park: A lot or tract of land used or intended to be used, leased or rented for occupancy by two (2) or more mobile homes, but does not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale. See Section 11.13 for manufactured home uses and districts.

Manufactured/Mobile Home Space: Any parcel or ground within a manufactured home park, designed for the exclusive use of one (1) manufactured home.

Marina, Commercial: A commercial facility containing moorings and boat slips available for use by the general public and which may also offer supply and repair services.

Microbrewery: An establishment where beer is made on premises for in-house consumption and may be sold at wholesale or retail off premises.

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars; motorcycles; trailers; motor homes, pickup

trucks and similar-type and size vehicles. All such areas devoted for outdoor storage shall be in areas so designated for such storage. Use of the leased storage spaces shall be for storage purposes only.

Mixed Use: A land use pattern that provides for residential uses to be interspersed with commercial uses within the same complex or building. Mixed use can also refer to different categories of nonresidential uses such as institutional, retail, and office within the same complex or building.

Model Sales Home: A permanent building intended for ultimate use as a residential dwelling unit that is typical of the dwellings in the residential development where it is located, and which is temporarily used by the builder for the purpose of display and sales associated with residential property where the builder has other homes for sale in the same development or subdivision.

Modular Home: A dwelling unit constructed in accordance with the construction standards of North Carolina Uniform Residential Building Code for one-and-two Family Dwellings and composed of components substantially assembled in a manufactured plant and transported to the building site for final assembly and placement on a permanent foundation.

Nightclub: An adult establishment that remains open for business late at night and provides drinks, entertainment and/or music for dancing.

Nonconformance: Any use, structure, lot, or sign which does not conform to the regulations of the Zoning Ordinance either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

Non-Conforming Lot: A lot which does not conform to the dimensions required by this Ordinance.

Non-Conforming Sign: A sign which does not conform to the provisions of this Ordinance.

Non-Conforming Structure: A structure which does not conform to the height, bulk, or setback standards set forth in this Ordinance or which does not meet the requirements for the type of structure allowed.

Non-Conforming Use: Any use of building or land which does not conform to the use regulations of this Ordinance for the district in which it is located.

Non-Conforming Lot of Record: A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance that does not meet the minimum lot-size or other development requirements.

Nursing Care Institution/Convalescent Home: A home for persons aged, ill, or handicapped in which two (2) or more persons not of the immediate family of the owner or manager said home are provided with food, shelter, and nursing care. The term nursing care institution includes

convalescent homes, homes for the aging, sanitariums, homes for the blind, rest homes, or any similar establishments.

Obstruction: Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, or over or across the clear vision area as herein defined.

Office: A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

Office, Medical Services: An office (as herein defined) facility containing space for patient waiting rooms, treatment areas and laboratory space for medical doctors (MDs), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, psychologists, licensed nurse/midwives, licensed physical therapists, licensed nurse practitioners, licensed respiratory therapists or optometrists.

Open Space: Any land area not occupied by buildings, structures, parking spaces, storage areas, open or enclosed balconies, patios, porches or decks, excluding, however, any land encroachment 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.

Open Storage: Any unroofed storage area, whether fenced or not.

Outdoor Resort: For commercial purposes, a campus of structures and spaces that provide temporary lodging, entertainment, amenities, conveniences and comfort stations for recreational purposes. It is not designed for long term permanent housing or principle residences. Rental accommodations include designated areas for camp sites, RV and camping trailer campsites, resort cabins, tree houses, yurts, and lodges for short term rental.

Outfitter: An establishment that sells clothing, equipment, and services, especially for outdoor activities.

Overlay Zoning: Additional zoning restrictions which are superimposed on the underlying zoning district.

Parapet: That portion of a building wall or false front that extends above the roofline.

Park: A facility operated by a public entity that is open to the public for outdoor active recreational uses, including, but not limited to: ball fields, swimming facilities, camping facilities, and which contains improvements designed specifically for such active recreational uses. Such facilities may also contain improvements designed for passive recreational uses.

Parking Lot: An area or tract or partial tract of land used for the storage or parking of vehicles.

Parking Space: A space for the parking of a motor vehicle within a public or private parking area.

Patio Home: A single-family dwelling unit designed for greater than average density per acre, retaining privacy through the use of blank sidewalls.

Permit, Zoning: A document issued by the Town Administrator that is required before commencing any construction, reconstruction, alteration, conversion or installation of a building or structure or before establishing, extending or changing any use on any lot.

Photo Finish Laboratory: A business establishment primarily engaged in developing film, making photographic prints and enlargements, or retouching photographs for businesses or for the general public.

Planning Board: The Planning Board of the Town of Stanley.

Plat: A map or plan of a parcel of land which is to be, or has been, subdivided.

Porch: A projection from an outside wall of a dwelling which is covered by a roof and/or side walls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

Post Office: A facility operated by the United States Postal Service for the delivery of both domestic and international mail.

Principal Use: The primary purpose or function that a lot serves or is intended to serve.

Produce Stand: A temporary structure from which seasonal and/or locally grown produce is sold.

Property: All land subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the city.

Protected Area: The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within ten (10) river miles upstream of and draining to the intake located directly in the stream or river, or to the ridge line of the watershed (whichever comes first).

Public Information Meetings (PIM): Meetings to provide an opportunity for area residents and developers to meet, review and discuss proposed development plans. These meetings are required to be held in conjunction with a Conditional District rezoning.

Public Sewage Disposal System: A single system of sewage collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public assembly.

Public Utilities: Water and sewer production plants and distribution systems owned by a government agency.

Public Water Supply: Any water system so defined and regulated by G.S. 130-166.

Quarry: A tract of land used primarily for the extraction of minerals (e.g., rock, stone, and ores) from the earth.

Recreational Services, Indoor: Establishments engaged in providing indoor amusement or entertainment services. Included are dance studios, bowling centers, physical fitness facilities and membership sports and recreation clubs.

Recreational Services, Outdoor: Establishments engaged in providing outdoor amusement or entertainment services. Included are athletic fields, amusement parks, batting cages, miniature golf courses but not go-cart raceways.

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

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.

Recreational Vehicle: A vehicle that is designed as a temporary (as opposed to permanent) dwelling for travel, recreational or vacation uses. This term shall include “camping trailer,” “motor home,” “truck camper” and “R.V.” This term does not include “manufactured homes” or “modular homes.”

Resort Cabin: A small shelter or house, made of wood or other approved material and situated as part of an approved outdoor resort built under State Building Code to accommodate short term rental. This term shall include “lodge”, “cottage”.

Restaurant: A commercial establishment where food and drink are prepared and purchased on premises (either outdoors or indoors). The establishment may provide indoor or outdoor eating facilities or may be geared partially or primarily for takeout food. If food consumption facilities are provided, they shall largely be within the building. Such establishment shall not have manned drive-through facilities. Restaurants, if properly licensed, may also serve alcoholic beverages. Also known as a “dine-in” restaurant with a “to go” or “curb-side” service.

Restaurant with Drive Through: A commercial establishment where food is prepared and purchased within the principal building or through a drive-through window. The establishment may provide indoor eating facility or may be geared partially or primarily for takeout food. Also known as a “fast food” restaurant.

Restaurant within Other Facilities: A restaurant located within another principal business and is incidental to that business. Food and drink are prepared primarily for sale and consumption by the customers of the principal business. The restaurant use is not a principal use within the building and may not be accessed from the outside. Examples of such restaurant are: canteen within a business, grill within a convenience store or bowling alley, etc.

Retail: A building, property, or activity the principal use or purpose of which is the retail sale of goods, products, or merchandise directly to the consumer. Such a retail establishment shall not be classified as a "Retail" use, if listed elsewhere in the Table of Uses of this Ordinance. Examples of excluded uses include: restaurants and convenience stores, etc.

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

Road, Frontage: A road that is in close proximity to and parallels a limited access road and is designed to provide access to roads that abut said limited access road.

Road, Public: A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the Town of Stanley 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.

Rural Home Occupation: A nonresidential use conducted in an accessory structure by the occupants of the lot upon which it is located, provided the following conditions are met:

- (a) No more than one (1) accessory structure may be used in conjunction with the rural home occupation; and
- (b) Said accessory structure shall be located in the rear yard only and shall be located at least seventy-five (75) feet from any existing principal residence located on an adjacent parcel of land.

School, Elementary and Middle: Any public, private or parochial institution offering instruction at the elementary or junior high school levels in the branches of learning and study required to be taught in the public schools of North Carolina.

School, Vocational: A secondary or higher education facility primarily teaching usable skills that prepares students, who may be of all age groups, for jobs in a specific trade or vocation upon graduation. Examples of vocational schools include schools that teach: auto mechanics, secretarial studies, machine repair, computer technology, etc.

Schools for the Arts, Etc.: A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance. Such classes shall not be given by or to persons who are nude, or who otherwise are clothed in such manner so as to classify the use as an "adult establishment" as defined in GS 14-202.10.

Screen: A wall, a fence, or a planted strip composed of deciduous or evergreen trees, or a mixture of tree and dense shrubs.

Self-Contained Travel Trailer: A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time having its own battery or LP gas system or both, to operate lights, refrigerator, stove and heater, and having a water tank with a pressure system, and having a toilet with a holding tank.

Septic Tank Cleaning Service: A business establishment for the purpose of repair, and removal, and proper disposal of waste water for residential and commercial customers.

Service Station: A lot or building where gasoline, oil, grease and automobile accessories are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar repair services are rendered.

Setback: The land area located between a property line or the established edge of a right-of-way, whichever is closer, and the closest wall of a building located on the property.

Shooting Range: An enclosed or outdoor facility for firearms practice with targets. Detonation of explosives may be included in this definition.

Short Term Rentals: Renting out of a furnished home, apartment or condominium for a short-term stay for a period of 15 consecutive days or less for pay. During that time period the occupant will hold primary residence in another location. The owner of the property usually will rent out a weekly basis to occupants, but some rentals will be nightly through AirBnB, VRBO or other online rental scheduling service.

Sight Triangle: The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Sign Area: The area measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire advertising copy area, excluding architectural trim and structural members. In computing area, only one (1) side of a double faced sign shall be considered.

Signs: see Article XIV

Sign Shop: A place of business which constructs and/or erects signs for public display/uses.

Site Plan: A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features.

Site Specific Development 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.

Stay: To stop or to put on hold an action temporarily.

Story: That portion of a principal building included between the surface of any floor and the surface of the next floor above or, if there is no floor above, the space between the floor and the ceiling next above. A basement is not counted as a story.

Street: A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street, Center-line: The line surveyed and monumented as the center line of the street; or, if such center line has not been surveyed, it shall be the line running midway between the curbs or ditches of such street.

Street, Collector: A roadway that, while providing access to abutting land parcels, enables moderate volumes of traffic to move efficiently between local streets and the major street network.

Street, Private: A privately-owned and maintained street which provides the principal means of vehicular access to abutting properties.

Street-line: The line where the edge of the right-of-way of a street meets the abutting property.

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

Structure, Permanent: A structure constructed for permanent occupancy that is in compliance with all applicable North Carolina building codes and all applicable local and State standards.

Structure, Temporary: A structure not intended for permanent occupancy and designed for easy removal off premises. Examples include, but are not limited to: mobile food units, produce stands, revival tents, mobile classrooms, etc.

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: A structure, either above ground or in ground, used for swimming; this includes all impervious areas surrounding the water as well as decking, ladders, and slides associated with use of the facility.

Taproom: A room in which alcoholic drinks, especially beer, are available on tap as part of a microbrewery, brew-pub or distillery as approved by this ordinance and complies with North Carolina ABC laws. Also referred to as a “tasting room”.

Taxidermy: The art or operation of preparing or stuffing the dead skins of animals, fish or birds in a life-like state.

Tent/Tent Site: A place with temporary accommodation for tents that are portable and part of an approved outdoor resort with specified amenities like a grilling/cooking area. This term shall include “campsites”.

Technical Review Committee (TRC): A committee appointed by the governing board to review and recommend plats in a manner as specified in this Ordinance.

Tiny Home/ House: There are two types of tiny homes: a tiny house on wheels, legally considered a recreational vehicle (RV) and must be registered as an RV, and a tiny house on a foundation, legally considered an accessory dwelling unit or ADU and regulated by zoning and building regulations.

Tiny Home Community: A collection of tiny homes built on separate foundations (as accessory dwelling units) around one larger structure (typically a communal facility).

Tire Sales, New and / or Used: A place where the principal use is the sale or installation of new, used or retread tires and tubes to the general public. Tires may be stored, maintained, altered, repaired, changed, prefabricated or disposed on the premises. Other ancillary indoor car repair services (other than services associated with a "body shop") may be provided on premises.

Tower and/or Station, Radio and Television Broadcast: A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. This definition does not include amateur radio antennae.

Town Council: The Town Council of Stanley, North Carolina.

Town House: A single family dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more fire resistant walls. Each unit occupies one (1) zoning lot.

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application.

Traffic Impact Analysis: A report produced by a qualified professional (i.e. Transportation Engineer, Transportation Planner, Traffic Engineer, etc.), in association with subdivision plat approval that, at a minimum, addresses the following items in relationship to the proposed subdivision:

- (a) An estimation of traffic generated;
- (b) An estimation of trip distribution to and from the development;
- (c) An analysis of the existing road system serving the development (to the nearest major intersections) and the effect of the development on that system; and,
- (d) A listing of proposed improvements, both on and off-site, and their effect on the existing system.

Tree Cottage: Platform or building constructed around, next to or among the trunk or branches of one or more mature trees while above ground level. This term shall include “tree house”, “tree fort”, and “tree stand”.

Tree, Canopy: A tree, either single or multi-stemmed (i.e., in clump form) that has a height of at least ten (10) feet and is of a species which, at maturity, can be expected to reach a height in excess of forty (40) feet under normal growing conditions in the local climate.

Tree, Understory: A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least five (5) feet and is of a species which at maturity, can be expected to reach a height of ten (10) to forty (40) feet under normal growing conditions in the local climate.

Truck Stop: A facility typically offering multiple services to the traveling public that is particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks, and perhaps, for automobiles), one (1) or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, shower facilities, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from: (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

Truck Washing Facility: A commercial establishment primarily engaged in the washing of tractor-trailer trucks. Such washing shall be done using self service facilities or by fully automated machines.

Upholstery Shop: A place of business which repairs, rebuilds, and re-covers upholstered furniture such as a sofa or chair.

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.

Use, Conditional (Conditional District): A use category, indicated by a “C” in Article XII, that is allowed only if it is reviewed and approved in accordance with the conditional use procedures.

Use, Incidental: A use located on the same lot as a primary use, but is subordinate and minor in significance to the principal use, and bears a reasonable relationship with the principal use.

Use, Nonconforming: A use or activity which does not conform to the use regulations of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments which are incorporated into this Ordinance at some future date.

Use, Permitted: A use category, indicated by an “P” in Article XII that is allowed by right in a certain zoning district. These uses are subject to all other applicable regulations of this Ordinance.

Use, Principal: The primary or predominant use of any lot.

Use, Prohibited: Any use not specifically listed in the Table of Permitted and Conditional Uses, Article XII of this Ordinance, shall be prohibited.

Variance: A modification of the existing Zoning Ordinance which is not contrary to the public interest, where strict enforcement of this Ordinance would cause undue hardship to the applicant because of circumstances unique to the individual property (not caused by the owner or applicant) on which the variance is granted.

Variance, Major Watershed: A variance that results in any one or more of the following:

- (a) The complete waiver of a watershed management requirement;
- (b) The relaxation, by a factor of more than ten (10) percent, of any watershed management requirement that takes the form of a numerical standard; or
- (c) The relaxation of any watershed management requirement that applies to a development proposal intended to qualify under the high-density option.

Vested Right or Zoning Vested Right: Means the right to undertake and complete the development and use of the property under the terms and conditions of an approved site-specific development plan and/or subdivision plan or through a “common law” vested right

Wall, Building: The entire surface area, including windows and doors, of an exterior wall of a building. As used in this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building. The term may also be referred to simply as a “wall” or “exterior wall.”

Wall, Shared: A common or shared wall between two (2) separate structures, buildings, or dwelling units.

Warehouse: A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility of both, with access to contents only through management personnel.

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

Watershed Administrator: The Zoning Enforcement Officer shall function as the Watershed Administrator.

Wholesale/Storage Operations: A facility where goods are received and/or stored for delivery to wholesale customers in remote locations.

Winery: An establishment or facility that manufactures and bottles wine on the premises for sale to wholesalers and complies with North Carolina ABC laws.

Wireless Communications: Any personal wireless service, including but not limited to: cellular; personal communication services (PCS); specialized mobile radio (SMR); enhanced specialized

mobile radio (ESMR); and, unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).

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. *See 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: The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. This may also be referred to as a "garage sale", "carport sale", or "rummage sale." See also Special Note 8 for additional regulations on Yard Sales.

Yurt: A circular domed tent of skins or felt stretched over a collapsible lattice framework.

Zoning Enforcement Officer: The employee of the Town of Stanley who is assigned primary responsibility for the administration and enforcement of the zoning ordinance.

Section 8.4 Definitions Relating to Adult Establishments

Adult Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center (including adult massage parlor and adult health club), sexually oriented device business or any combination of the foregoing or any similar business. As used in this Ordinance the following definitions shall apply:

Adult Arcade (also known as "peep show"): Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store: A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or,
- (b) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult Cabaret: A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

- (a) persons who appear nude or semi-nude; or,
- (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or,
- (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Motel: A hotel, motel or similar commercial establishment that:

- (a) offers accommodations to the public for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or,
- (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or,
- (c) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict "specified anatomical areas" or "specified sexual activities."

Escort: A person who, for any tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

Nude Model Studio: Any place where a person who appears nude or semi-nude, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured,

photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
- (b) where in order to participate in a class a student must enroll at least three days in advance of the class; and,
- (c) where no more than one nude or semi-nude model is on the premises at any one time.

Nude or a State of Nudity:

- (a) the appearance of a human anus, male genitals or female genitals; or,
- (b) a state of dress which fails to opaquely cover a human anus, male genitals or female genitals.

Semi-nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling (including sexually oriented massaging) between persons of the opposite sex, or similar activities between male and female persons and/or between persons of the same sex when one or more of the persons are in a state of nudity or semi-nude.

Sexually Oriented Devices: 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.

Specified Anatomical Areas: Human genitals in a state of sexual arousal.

Specified Sexual Activities: Is and includes any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or,
- (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or,
- (c) masturbation, actual or simulated; or,
- (d) excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

Section 8.5 Definitions Relating to Signs

Abandoned Sign: Signage that has been neglected and fallen into disrepair.

A-Frame Sign: A temporary A-frame sign not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one (1) or more panels that form both the structure and sign face, and that is intended to be placed in a sidewalk or pedestrian way.

Attached Sign (Wall Sign): A sign which is mounted to a building wall, canopy, or cantilevered roof including projecting signs. Signs directly painted on walls shall be considered wall signs.

Attraction Board: Copy is changed manually or electronically on a regular basis.

Banner Sign: Made of non-rigid material supported by a frame.

Billboard: Any sign which is not located on the premises that it identifies or advertises. Not to be confused with off-premise directional sign. This signage is intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.

Building Marker Sign: Any sign indicating the name of a building and date and incidental information about its construction. Such sign is typically cut into a masonry surface or made of bronze or other permanent material.

Bulletin Board: Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.

Canopy Sign: Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.

Changeable Copy: The display area of a sign where characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Directional Sign: A sign that may be part of a permitted monument sign fronting a road or internal to a property that directs individuals to a specific geographic area within a larger area of the permitted use.

Directory Sign: A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.

Double-faced Sign: Two (2) faces either set parallel or up to a 45 degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.

Electronic Message Display System: Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.

Flashing or Blinking: Intermittent or sequential illumination for the purpose of attracting attention to the sign.

Flashing Sign: A sign, the illumination of which is not constant in intensity when in use, and that exhibits sudden or marked changes in lighting effects.

Freestanding Sign (Yard Sign): A sign supported from the ground and which is wholly independent of any building, fence, vehicle, or object other than the sign structure for support. In the event of a double-sided sign, only one side shall be used to figure square footage. Attached to the ground by columns, poles, braces, or other means and not attached to any building.

Government Sign: A sign usually erected and maintained by a public agency that provides the public with information and in no way relates to a business, commercial activity or specific use. Examples include, but are not limited to: speed limit signs, city limit signs, stop signs, street name signs, welcome signs and wayfinding signs.

Ground Mounted Sign: Any sign which extends from the ground or which has supports which places the bottom thereof less than two (2) feet from the ground directly beneath the sign. A "monument" sign shall be considered to be a "ground sign."

Handbill: Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.

Identification Sign: A sign bearing the address of the premises or name of occupant but containing no logo or commercial message.

Illegal Sign: Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.

Illuminated Sign: Emits or reflects artificial light from any source.

- (a) Directly Illuminated: Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
- (b) Indirectly Illuminated: Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
- (c) Internally Illuminated: Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and

other similar information and directives. No sign with a commercial message legible from a position off the site on which the sign is located shall be considered an “incidental sign.” Not exceeding two (2) square feet in area.

Interstate Sign: Sign that is designed to be seen from an interstate highway.

Marquee Sign: Used in conjunction with a theatre, is attached to the building, and projects from the building.

Menu Board: Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.

Mobile Sign: Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the windload stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

Monument Sign: Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.

Neighborhood Sign: A sign that gives the name of a residential or non-residential subdivision or multi-family development.

Nonconforming Sign: A sign that met all legal requirements when constructed but is not in compliance with this ordinance. Legally erected but does not comply with the current regulations for the zone in which it is located.

Non-Illuminated Sign: Does not emit or reflect artificial light from any source.

Off-premise Directional Sign: Signs with the sole purpose of directing individuals to a specific geographic location. The intent of such signs is not to promote or advertise, simply direct. Such signs may however include business names and logos.

Pennant/Flag: A sign, with or without a logo, made of flexible materials suspended from one or two corners or one side, and attached either to a string, rod, or a pole, often in combination with other such signs. Exceptions to regulations include state, municipal, and national flags.

Pole Sign: A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such signs shall be equal or greater than two (2) feet from the ground directly beneath the sign.

Political Sign: A temporary sign that consists of a poster, placard, board, banner or other similar medium that contains a message related to a candidate running for office or a ballot issue, and which contains no commercial message.

Portable Sign: Any sign that is intended to be portable or any sign that was initially constructed and designed to be placed on and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a “free-standing” sign as herein defined.

Projecting Sign: Any sign other than an awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted. They may be utilized in lieu of wall signs. Shall be attached to a building, extending more than 24 inches.

Roof Sign: Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.

Rotating or Moving Sign: Any portion of a sign which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

Sign: Any identification, description, animation, illustration, or device, illuminated or non-illuminated, which is visible from any right-of-way and which directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, poster, bulletin board, pennant, placard or temporary sign designed to identify or convey information, with the exception of state, municipal or national flags. Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.

Sign Clearance: The vertical distance between the lowest point of any sign and the grade at the base of the sign.

Sign Copy: Any combination of letters, numbers or other graphical representation that is intended to inform, direct or otherwise transmit information.

Sign Face: The portion of the sign used for display of sign copy including all background area, pictures, and any other advertising devices shown in the sign. Excluded from this definition are the sign frame and supports.

Sign Height: The height of a sign is the vertical distance from the nearest public road grade level or from the average site grade at the base of the sign (whichever the applicant prefers) to the level of the highest point of the sign structure.

Sign Projection: Signs and/or individual letters shall not project from a building wall or structure more than six (6) inches unless internally lighted. If internally lighted projection shall be no more than twelve (12) inches.

Sign Setback: The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.

Sign Surface: That part of the sign on which the message is displayed.

Square Foot: A unit of area equal to one foot by one foot square.

Street Frontage: Property line that lies adjacent to street right-of-way.

Temporary Sign: A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time, not to exceed thirty (30) days.

Vehicle Signage: Signage painted directly on a vehicle or attached magnetically.

Window Display: Merchandise or other objects placed inside a building to be viewed from outside the building.

Window Sign: Attached to the interior of a window and which can be seen through the window from the exterior of the structure.