

ARTICLE II INTERPRETATION AND DEFINITIONS

For the purpose of interpreting this Ordinance, certain words and terms used are herein defined. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

Section 1. Word and Term Interpretations.

Words used in the present tense include the future tense, and words used in the future tense include the present tense.

Words used in the singular number include the plural and words used in the plural number include the singular.

The word “person” includes a firm, association, organization, partnership, corporation, trust, company and governmental unit as well as an individual.

The word “lot” includes the word “plot,” “parcel,” or “tract.”

The word “building” includes the word “structure.”

The word “residence” includes the word “dwelling.”

The word “road” includes the words “street” and “highway.”

The word “shall” is always mandatory.

The word “may” is permissive.

The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”

The word “Ordinance” shall mean the Zoning Ordinance of the Town of Ramseur.

The term “zoning map” shall mean the Official Zoning Map of the Town of Ramseur.

The term “the Board” shall mean the Board of Commissioners.

Section 2. Definitions.

Abandoned. A use shall be deemed to be abandoned when:

- a) the use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature);
- b) the premises are devoted to another use; or
- c) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within thirty (30) days.

All the above events are considered abandonment, regardless of the intent of the owner, lessee, or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

Abattoir. A facility used for slaughtering and processing of animals and the refining of their by-products. *See meat packing plants/slaughterhouses.*

Abutting Properties. Properties having common property boundaries or lot lines that are not separated by a road, alley, or other vehicular right-of-way such as a railroad.

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

Accessory Use or Structure. A use or structure that is clearly:

- 1) incidental and customarily found in connection with a principal use or building;
- 2) subordinate and service a principal use or building;
- 3) subordinate in area, extent, or purpose to the principal use or building served; and
- 4) located on the same zoning lot as the principal use or building served.

Adjacent Property. This term shall mean properties that are contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in NCGS Chapter 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative hearing. A proceeding to gather facts needed to make an administrative decision.

Adult Establishments. The definition of “adult entertainment establishment” for purposes of this Ordinance shall be consistent with Chapter 14, Article 26A of the North Carolina General Statutes as currently written or hereafter amended. Adult establishments include adult video/bookstores, adult motion picture theaters, adult

mini motion pictures, adult live entertainment business and massage businesses as those terms are defined by §NCGS 14-202.10, and adult motels and adult cabarets.

“Adult Motel” is defined as a hotel, motel, or similar commercial establishment that:

- a) offers accommodations to the public for any form of consideration; 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 less than ten (10) hours; or
- c) allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten (10) hours.

“Adult Cabaret” is defined as 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 seminude, or
- b) live performances which are characterized by the exposure of “specific anatomical areas” or by “specified sexual activities,” or
- c) films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe “specified anatomical areas.”

“Adult Live Entertainment Business” is defined as any establishment or business where in adult live entertainment is shown for observation by patrons. (*Adult live entertainment means any performance of or involving the actual presence of real people which exhibits sexual activities or anatomical areas.*)

“Adult Motion Picture Theater” is defined as an enclosed building or outdoor premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas for observation by patrons therein.

“Adult Mini Motion Picture Theater” is defined as 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 sexual activities or anatomical areas for observation by patrons therein.

“Adult Video/Book Store” is defined as a video/bookstore:

- a) which receives a majority of its gross income during any calendar year from the sale or rental of publications (including but not limited to 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 sexual activities or anatomical area, or
- b) having 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 and other periodicals, video tapes, 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 sexual activities or anatomical areas.

Adult Care Home. A residence for aged and disabled adults who may require twenty-four (24) hour supervision and assistance with personal care needs. People in adult care homes typically need a place to live, some help with personal care needs (such as dressing, grooming, and keeping up with medications), and some limited supervision. Medical care may be provided on occasion but is not routinely needed. Medication may be given by designated, trained staff. These homes vary in size from family care homes of two to six residents to adult care homes of more than 100 residents. These homes were previously called “domiciliary homes.”

Airfields. A landing field for the public or private use, including hanger areas for aircraft. *Airfields are prohibited in the Town of Ramseur.*

Alcohol Establishment. A business operated for the primary function of serving alcoholic beverages for consumption on the premises. The establishment may also serve food or have entertainment. For the purpose of defining an alcohol establishment, sales from all types of alcohol (beer, wine, liquor) will exceed 50% of gross sales. Also referred to as bar, pub, tavern, brewpub, night lounge, beer garden, roadhouse, cocktail lounge, cigar lounge, saloon, ale house, café, or wine bar.

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

Alterations. Any addition to the height or depth of a building; any change in the location of exterior walls of a building; or any increase in the interior accommodations of a building.

Apartment. A room or suite of one (1) or more rooms in a multi-family residence [three (3) or more dwelling units] intended for use as a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Artisan Studio. The creation of objects in a studio, made one at a time, by hand. Such creation includes, but is not limited to, woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working and sculpting.

Asphalt and Concrete Plant. A facility preparing asphalt and/or concrete mixtures for street and driveway paving.

Assisted Living Facility. Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agency. The Department of Human Resources may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. North Carolina recognizes three (3) types of assisted living residences: adult care homes, group homes for **developmentally disabled adults, and multi-unit assisted housing with services.**

Auto Wrecking Yard. Open storage, disassembling, or salvaging for more than two (2) junked motor vehicles, whether for profit or not.

Automotive/Motor Vehicle. Every vehicle which is self-propelled, and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term *motor vehicle* shall also include vehicles or implements used in farming or construction.

Automotive/Motor Vehicle Body or Paint Shop. An establishment engaged in body work, painting or customizing of automobiles or other motor vehicles.

Automotive/Motor Vehicle Repair Services. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair and/or providing other related services, such as upholstery or glass replacement. This use excludes service stations but does not include body work or painting.

Automotive/Motor Vehicle Towing Service. A vehicle towing operation is solely designated for administrative activities associated with vehicle towing. An automotive vehicle towing service does not include a vehicle towing storage facility.

Automotive/Motor Vehicle Towing Service and Storage Yard. The use of land or buildings for both an automotive vehicle towing storage facility and an automotive vehicle towing service.

Bakery. A place for preparing, baking, and selling baked goods and products prepared on the premises.

Bank or Financial Service. A facility engaged in deposit banking or extending credit in the form of loans.

Bar. See Alcohol Establishment.

Bed and Breakfast Home. An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging or lodging and meals, for not more than eight (8) guests on a paying basis per night for a period of less than one (1) week.

Bed and Breakfast Inn. A business establishment of more than nine (9) guest rooms that offers bed and breakfast accommodations to at least nine but not more than twenty-three (23) persons and that:

- a) does not serve food or drink to the general public for pay;
- b) serves only the breakfast meal and the meal is served only to overnight guest of the establishment;
- c) includes the price of breakfast in the room rate; and
- d) is the permanent residence of the owner or the manager of the establishment.

Brewery. An establishment greater than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education, retail sales or tasting are included in this definition, are incidental to the primary use of producing beverages in accordance with state ABC permits and shall not be counted towards the square footage limitation.

Brewpub. An eating establishment engaged in the incidental retail production of beer, ale, porter, and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to an eating establishment and producing beverages in accordance with state ABC permits.

Buffer. A horizontal distance between two (2) uses on the same tract of land or a use and an adjoining property line, right-of-way, or natural feature, intended to separate two (2) abutting land uses or properties from one another.

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

Building, Accessory. A subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

Building Height. The distance measured from the highest ground level at the structure foundation to the highest point of the roof.

Building, Principal. The building in which the principal use of the zoning lot is conducted.

Building Setback Line. A line delineating the minimum allowable distance between the

property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Whenever the front, side or rear portions of a lot abuts a street right-of-way, setback lines shall be measured from said right-of-way line.

Campground and RV Parks. A contiguous site or tract of land under unified ownership intended and designed to accommodate travel-trailers or tent spaces as temporary living quarters for recreational or vacation purposes.

Cell Tower. *See Telecommunications Tower.*

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

Central Permitting Office. A centralized Randolph County Planning Department program designed to integrate all development data by parcel number into a computerized land and development records management system.

Certificate of Compliance. A statement issued by an authorized member of the Randolph County Central Permitting Office setting forth that the building, structure and/or use comply with all applicable provisions of this Zoning Ordinance and North Carolina Building Codes.

Chicken. Is a domestic birds or fowl of the species *Gallus gallus domesticus* whose eggs or flesh are used for food. Also referred to as "poultry." The female bird is called a "hen."

Citation. An order to pay a civil penalty for a violation, delivered to a violator by the Zoning Administrator or designated Code Enforcement Officer, issued after the time period set out in the notice of violation for taking corrective measures has expired.

Civil Penalty. Remedial monetary penalties assessed as partial reimbursement to the Town of Ramseur for the enforcement of this Ordinance.

Church or Religions Institution. A facility operated for worship, and which may include religious training or study.

Club or Lodge, private, non-profit. A facility used for the activities of a private club or social organization, which is not adjunct to or operated as or in connection with a public tavern, café, or other places/uses open to the public.

Commercial Use. An occupation, employment or enterprise that is carried on for-profit by the owner, lessee, or licensee.

Community Center. A building used for recreational, social, educational, and cultural activities open to the public and owned and operated by a public or non-profit group or agency.

Comprehensive plan. A comprehensive plan that has been officially adopted by the Board of Commissioners pursuant to NCGS 160D-501.

Condominiums. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those positions.

Congregate Living Facility. Any building, buildings, section of a building, or distinct part of a dwelling unit, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide to individuals, for a period exceeding twenty-four hours, housing, food services, and one or more personal care services. For purposes of this definition "Personal Care Services," means services, in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and other related service. Furthermore, personal care services are deemed to include on-site ancillary services to mentor and provide personal support and improve life skills of residents, including but not limited to, job training, homemaking skills, personal budgeting, parenting, personal counseling, and GED programs. Personal care services do not include nursing or medical treatment. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional recovery facilities; or nursing, convalescent, and extended care facilities. A congregate living facility is synonymous with a family care home as defined by §NCGS 168, Article 3.

Congregate Living Facility/Family Care Home (6 or less). A home defined and described in §NCGS 168, Article 3 as having support and supervisory personnel, that provides room and board, personal care, and habitation services in a family environment for not more than six (6) resident handicapped persons. A handicapped person is defined as person with a temporary or permanent physical emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mental ill persons who are dangerous to others as defined in §NCGS 122C3-(11)b.

Contractors Office. An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry, and other such contracting activities.

Convenience Store. A retail establishment primarily engaged in the sale of gasoline, diesel fuel, kerosene, and automotive products, and offer the incidental sales of food, beverages, and other frequently or recurrently needed merchandise for household or automotive use. Convenience stores do not include automotive service stations or vehicle repair.

Day Care. Any child or adult care arrangement for individuals who receive care away from their primary residence by persons other than their parent, children, grandparents, aunts, uncles, brothers, sisters, guardians, or full-time custodians, where care is provided on a regular basis at least once a week for more than four (4) but less than twenty-four (24) hours per day.

Day Care Center. A day care facility in which day care is provided for six (6) or more individuals, unrelated to the caregiver.

Day Care Home. A day care facility in which day care is provided for up to five (5) individuals, unrelated to the caregiver.

Developer. Any person, firm, corporation, or other entity seeking approval under this Ordinance for any form of development.

Driveway. An access, with no specified development standards, to a *single* lot from either a public or private roadway.

Dwelling. A building that contains one (1) or two (2) dwelling units used, intended, or designed to be used, rented leased, let, or hired out to be occupied for living purposes.

Dwelling, Duplex. A building on one lot arranged and designed to be occupied by two (2) families living independently of each other.

Dwelling, Multi-family. More than two (2) dwelling units placed one on top of another or side-by-side and sharing common walls or common floors and ceilings.

Dwelling, Single-family. A residential building which contains one (1) dwelling unit, and which occupies its own zoning lot.

Dwelling, Townhouse. A single-family residence attached to another contained within one (1) residential structure with each unit located on a separate plot.

Dwelling Unit. A single unit providing complete, independent living, sleeping, eating, cooking and sanitation.

Easement. A grant of one (1) or more of the property rights for a specific purpose by the property owner to or for use by, the public or another person.

Electronic Gaming Establishments. Any business enterprise, whether as a primary or an *accessory use*, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct *games of chance*, including sweepstakes, internet cafes, and internet business centers and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Family. One (1) or more persons related by blood, adoption or marriage and their foster parents or children or stepparents or stepchildren, living together in a single dwelling unit; or a number of persons eighteen (18) years or older, not exceeding four (4) and their children or stepchildren under eighteen (18) years of age, living together in a single dwelling unit, though not all related by blood, adoption or marriage; and such domestic servants as are employed on the same premises. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term *family* shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

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

Flea Market. A sales area located indoors or outdoors in which space is set aside or rented and which is intended for use by one (1) or more individuals to sell a variety of articles included items which are homemade, used, old or obsolete.

Foundry. A factory that produces metal castings. Metals are cast into shapes by melting them into a liquid, pouring the metal into a mold, and removing the mold material after the metal has solidified as it cools.

Funeral Home. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

Furniture Store. An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, certain and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors, venetian blinds, and window shades.

Game of Chance. A game whose outcome is strongly influenced by randomizing device, and upon which, contestants may or may not wager money or anything of monetary value.

Golf Course. An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, green and one (1) or more hazards.

Governing Board. The Board of Commissioners.

Government Offices. The offices of the executive, legislative, judicial, administrative, and regulatory branches of federal, state, and local government.

Grocery or Drug Store. An establishment primarily engaged in selling food for home preparation and consumption or prescription drugs, non-prescription medicines, and related items.

Handicapped Person. A person with a physical or mental impairment which substantially limits one (1) or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition does not include persons who are dangerous to others (those who have, in the recent past, inflicted or attempted to inflict or threatened to inflict serious bodily harm on another or those who have acted in such a manner as to create a substantial risk of serious bodily harm to another and for whom there is a reasonable probability that such conduct will be repeated).

Hardware Store. An establishment primarily engaged in the retail sale of basic hardware lines, such as tools, buildings' hardware, paint, glass, housewares, household appliances and cutlery.

Heliport. A helicopter terminal facility for public or private use with support facilities.

Home Occupation, Business. An accessory use, restricted to limited commercial or industrial activities in a separate detached structure or within a residential structure which exceeds home occupation allowances, located on a residential lot, which is clearly subordinate to the principal use of the land. Such uses shall be clearly limited to those uses that will not be or become objectionable to neighbors. No heavy equipment, signs exceeding four (4) sq. ft., or late hours shall be permitted.

Home Occupation, Customary. Any profession or occupation conducted entirely within a dwelling by a family member or occupant permanently residing on the premises. No merchandise shall be sold or displayed on the premises, and no mechanical equipment shall be installed which is not normally used for domestic or professional purposes. No more than twenty-five (25%) percent of the total floor space of the dwelling may be used

for a home occupation. No exterior evidence of the presence of a home occupation shall be allowed other than a sign not exceeding four (4) sq. ft. Only members of the immediate family residing in the same dwelling unit and not more than one (1) other employee may be employed in the operation of a home occupation. One (1) off-street parking space shall be required for the dwelling unit.

Hotel or Motel. A building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four (4) paying guests.

Impervious Surface Area. Any structure or material which significantly reduces or prevents natural absorption of storm water into the soil. Impervious surface cover includes any built-upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets and any concrete, stone, brick, asphalt, or gravel surface.

Independent Living Facilities. Absence of health services, covers a broad range of settings in which persons, as a matter of preference and lifestyle, move into adult communities that impose age restrictions, offer social activities, and, often, increased security.

Junk Motor Vehicle. A motor vehicle that is partially dismantled or wrecked, cannot be self-propelled or moved in the manner originally intended and does not display a current license plate.

Junkyard. The use of any lot for the storage of junk, keeping or accumulation of materials, including scrap metals, used auto parts, used building materials, or other scrap materials or the dismantling or abandonment of automobiles or other vehicles or machinery, whether for profit or not.

Kennel. A fenced or enclosed structure or structures, facility, or facilities in which actual or intended use is to domicile more than four (4) dogs or other domesticated animals.

Landowner or owner. The holder of the title in fee simple. Absent evidence to the contrary, the Town 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.

Landfill, Inert Debris. A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard debris (i.e., debris from trees, shrubbery, etc.).

Landfill, Sanitary. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances which meets the standards enforced by the State of North Carolina, Division of Solid Waste Management. *Landfills are prohibited in the Town of Ramseur.*

Laundromat & Dry Cleaners. A building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersions in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto.

Legislative Decision. The adoption, amendment, or repeal of a regulation under NCGS Chapter 160D or an applicable local act. The term also includes decisions to approve, amend, or rescind a development agreement consistent with the provisions of NCGS Chapter 160D, Article 10.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word “lot” includes “plot,” “parcel” or “tract.”

Lot, Adjacent. Any lot or parcel which has a common boundary, right-of-way, or easement with the subject lot.

Lot, Corner. A lot abutting upon two (2) streets at their intersection. The street line forming the least frontage shall be deemed the front of the lot.

Lot Depth. The depth of a lot is the mean distance of the lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Double-Frontage. A continuous (through) lot which is accessible from both parallel street upon which it fronts.

Lot Front. That part of the lot adjacent to the street or land access.

Lot of Record. A lot, plot, parcel, or tract which has been recorded in the office of the Randolph County Register of Deeds and which was in conformance with the land development ordinances in effect at the time of recordation. Any lot created or changed in violation of land development ordinances are not a lot of record.

Lot Width. The distance between the side lot lines measured at the building setback line.

Lot, Zoning. A parcel or contiguous parcels of land under single ownership and containing sufficient land area for the proposed development.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body-feet or more in width, or forty (40) body-feet or more in length, or, when erected on site, is three-hundred-twenty (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 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. Travel-trailers, recreational vehicles (RV's) and campers shall not be considered mobile homes.

Manufactured Home, Class A. A single-family manufactured home that meets or exceeds the U.S. Department of Housing and Urban Development's Manufactured Home Construction Standards and that satisfies the following additional criteria:

- a) The manufactured home has a length ratio not exceeding four (4) times its width (e.g., a "double-wide" unit), and has a minimum width of twenty-four (24) feet;
- b) has exterior siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
 - 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
 - 2) cedar or other wood siding;
 - 3) wood grain, weather resistant press board siding;
 - 4) stucco siding; or
 - 5) brick or stone siding;
- c) has a gable roof having a pitch with a minimum vertical rise of four (4) feet for every twelve (12) feet of horizontal run;
- d) has a roof finished with a type of shingle that is commonly used in standard residential construction;
- e) has a roof structure that provides an eave of no less than six (6) inches, which may include a gutter;
- f) has a continuous permanent brick, stucco, stone, or split-faced concrete masonry unit foundation, un-pierced except for required ventilation and access, shall be installed under all elements of the building;
- g) is set-up in accordance with the standards set by the N.C. Department of Insurance;
- h) stairs, porches entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N.C. Department of Insurance and anchored securely to the grounds; and

- i) the moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured Home, Class B. A single-family manufactured home that meets or exceeds the U.S. Department of Housing and Urban Development's Manufactured Home Construction Standards, which is of multi-sectional or *single-wide* design and that satisfies the following additional criteria:

- a) has a minimum width of twelve (12) feet;
- b) has exterior siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
 - 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
 - 2) cedar or other wood siding;
 - 3) wood grain, weather resistant press board siding;
 - 4) stucco siding; or
 - 5) brick or stone siding;
- c) has a gable roof having a pitch with a minimum vertical rise of three and one-half (3 1/2) feet for every twelve (12) feet of horizontal run;
- d) has a roof finished with roofing material with a fire rating of Class C or better and that is commonly used in standard residential construction;
- e) has a roof structure that provides an eave of no less than six (6) inches, which may include a gutter;
- f) has a continuous permanent brick, stucco, split-faced concrete masonry, natural or synthetic stone, Masonite siding, or vinyl siding unit foundation, un-pierced except for required ventilation and access, shall be installed under all elements of the building;
- g) is set-up in accordance with the standards set by the N.C. Department of Insurance;
- h) stairs, porches entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N.C. Department of Insurance and anchored securely to the grounds; and
- i) the moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured Home (or mobile home) Park. A parcel of land or contiguous parcels of land, under same ownership, maintained, offered, or used for parking three (3) or more occupied manufactured homes or homes intended for occupancy on site, regardless of whether or not a charge is made for the unit or the land. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for purpose of inspection and sale.

Manufacturing - Class A. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. By

nature of its operations and products, Manufacturing Class A produces little or no noise, odor vibration, glare and/or air and water pollution and therefore, has minimal impacts.

Manufacturing – Class B. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products and the fabrication of wood, leather, paper, water, or plastic products. Because of the nature of its operations and products, Manufacturing Class B could impact immediately adjoining properties due to noise, odor, vibration, glare and/or air and water pollution.

Manufacturing – Class C. A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing Class A, Manufacturing Class B or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery and the storing or using of flammable, explosive, hazardous or toxic materials in the manufacturing process. Because of the nature of its operations and products, Manufacturing Class C may impact immediately adjoining properties due to noise, odor, vibration, glare and/or air and water pollution.

Meat Packing Plant/Slaughterhouse. An establishment engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing and in making sausage, lard, and other products.

Metal fabrication. The creation of *metal* structures by cutting, bending, and assembling processes. It is a value-added process involving the creation of machines, parts, and structures from various raw materials.

Microbrewery. An establishment less than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter, and other fermented malt beverages. Areas for demonstration, education, retail sales or tasting are included in this definition, are incidental to the primary use of producing beverages in accordance with state ABC permits and shall not be counted towards the square footage limitation.

Mini-Warehouses (self-storage). Establishments engaged in the rental or leasing of mini-warehouses or self-storage units.

Medical Offices. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the State.

Mobile Home. *See Manufactured Home.*

Modular Home, Conventional. A manufactured home which is constructed in accordance with the N.C. State Building Code with wood frame construction and set-up on a brick foundation.

Modular Home, On-Frame. A manufactured home which is constructed in accordance with the N.C. State Building Code on a metal frame and is set-up on block piers with brick underpinning.

Museum or Art Gallery. A structure used for the display and preservation of painting, sculpture and other constructed natural objects illustrating human or natural history.

Notice of Violation. A written notification of a violation of this Ordinance, delivered to a violator by the Zoning Administrator or designated Code Enforcement Officer, indicating the nature of the violation and prescribing a time period for taking corrective measures.

Nursing 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 of said home are provided with food, shelter, and nursing care. The term nursing home includes convalescent home, home for the aging, rest home or any similar establishment, but shall not include any place providing care and treatment primarily for mental ill persons who are dangerous to others as defined in §NCGS 122C3-(11)b.

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

Open Space. The land used for passive recreation, natural resource protection, amenities and/or buffer yards. Open space may include, but is not limited to, walkways, passive recreation areas, playgrounds, wooded areas, greenways, and water courses.

Outdoor Display, Retail. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items which require outdoor display. This definition includes mobile home dealers, auto dealers, boat dealers, and recreational vehicle dealers.

Outdoor Storage Area, Accessory Use (Business/Industrial). Any area which contains outdoor storage of parts or bulk materials used regularly or generated as a result of normal business operations.

Outdoor Storage Area, Accessory Use (Residential). The use of a residential lot for the uncovered, open storage of scrap materials and rubbish including, but not limited to, discard appliances, furniture, normal household garbage not properly enclosed in containers, cans metal, glass and crockery is not permitted.

Parking Space. A surfaced area not less than nine (9) feet wide and eighteen (18) feet long either within a structure or in the open, exclusive of driveways or access drives.

Planned Business Development. Land under unified control, not be subdivided, but to be planned and developed to accommodate two (2) or more businesses.

Planned Unit Development. A residentially zoned area planned and developed as a unit which is not intended for future subdivision. A PUD may include within it, single-family detached housing, single-family attached housing, and some multi-family units. Significant areas of common properties which may include private streets owned and maintained by private ownership associations.

Planning Board. The body appointed by the Town of Ramseur Board of Commissioners whose purpose is to make recommendations regarding land use matters.

Principal Use. *See Use, Principal.*

Professional & Business Offices. An establishment primarily engaged in provided engineering, architectural and surveying services, accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; computer programming and software services; the services of insurance agents, brokers, and carriers; the services of security and commodity brokers; and the services of bank holding companies.

Professional Recovery Facility. Any establishment, other than a family care home, hospital, or nursing home, licensed by the N.C. Department of Social Services, or other unit of state government, to provide persons a structured environment. A structured environment shall be defined as a setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication, and other treatment.

Public Utilities. *See Utilities, Public.*

Public Utility Substation. *See Utility Substation, Public.*

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the

specific requirements set forth in this Ordinance, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Recreational Vehicle (RV). A vehicle built on a single chassis, designed to be propelled by its own motor power or is mounted on or drawn by another vehicle, and designed for use not as a permanent dwelling but as temporary accommodations for recreational, camping, or travel.

Recreational Vehicle (RV) Park. *See Campground and Travel-Trailer Parks.*

Recycling Center. A facility at which recoverable resources, such as newspapers, glassware and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This definition does not include used motor vehicle parts.

Residence. Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term “residence” shall not be deemed to include a hotel, motel, tourist home or other building designed for transient residence. Neither shall it include travel trailers, campers, motor homes or other vehicles designed for transient residence. The term “residence” shall include the term “dwelling unit.”

Restaurant. An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms and outdoor cafes.

Retail Store. An establishment engaged in selling merchandise for personal or household consumption.

Road, Public. A publicly dedicated right-of-way meeting all minimum construction standards of NCDOT and approved by the Ramseur Board of Commissioners or is maintained by the Town or NCDOT road maintenance program and available for use by the general public for the purposes of vehicular and pedestrian travel affording access to abutting property.

Rooming House (Boarding House). A building which contains more than three (3), but fewer than eight (8) guest rooms which are let to individuals for compensation.

Salvage Yard. *See Junkyards.*

School. A facility in compliance with the North Carolina Compulsory School Attendance Law and provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools, and high schools. A school may be a private, public, or a charter school.

School, Vocational or Trade. A school, whether privately or publicly owned, that trains persons in specific trades or occupations.

Screening. The method by which the view from one (1) site to an adjacent site is shielded or hidden. Screening techniques include berms, fences, vegetation and/or walls.

Septage Land Application Site. As regulated under the State requirements set forth in §NCGS 130A-291.1; NC Septage Management Rules and meaning the area of land on which septage is applied. *Septage Land Application Sites are prohibited in the Town of Ramseur.*

Septic Tank System. A private subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

Setback. A line which is parallel to and is given distance from a lot line or road right-of-way. Any time a lot line extends into a road right-of-way, the right-of-way boundary shall be used to compute the setback line. The required distance between the lot line or right-of-way and the setback line is included in the dimensional requirements of the Zoning Ordinance.

Shooting Range. An enclosed establishment used for the discharge of firearms at targets available to the public for profit or through private/non-profit membership. *Outdoor Shooting Ranges are prohibited in the Town of Ramseur.*

Sign. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels or other devices erected on an open framework or attached or otherwise applied to stakes, posts, poles, trees, buildings or other structures or supports. *For additional Sign Definitions refer to Article VI Design Standards, Section 2 Signs Regulations.*

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

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site-plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are

depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

Solar Energy Facility. An energy facility or area of land primarily used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall exclude those facilities that are installed on the roof of a building where residential or commercial production of electricity is not the primary use.

Street, (Road) Public. A publicly dedicated right-of-way meeting all minimum construction standards of NCDOT and approved by the Ramseur Board of Commissioners and is maintained by the Town or NCDOT road maintenance program and available for use by the general public for the purposes of vehicular and pedestrian travel affording access to abutting property.

Street, (Road) Private. A vehicular right-of-way indicated on an approved survey plat and recorded in the Office of the Register of Deeds intended to serve residential subdivision of lots or tracts and not offered for dedication as a public road. Private roads shall require a subdivision road disclosure statement in accordance with §NCGS 136-102.6, shall be privately maintained and meet the design standards for private roads in the Ramseur Subdivision Ordinance. *Emergency and other public services may not be provided over such private streets.*

Street Line. The public right-of-way line for a street.

Structure. Anything constructed or installed, including but not limited to buildings, towers, cranes, and earth formations, which requires location on the land or attachment to something having permanent location on the land.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the dedication of a new public street or change in existing public streets with the exceptions which are listed in the Ramseur Subdivision Ordinance.

Tattoo Parlor. An establishment whose principal business activity is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Telecommunication Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erected solely for a residential non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Thoroughfare. Highway or major street that carries traffic from local streets within and through town.

Townhouse, dwellings. *See dwelling, townhouse.*

Townhouse, lot. A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around a townhouse unit in a planned unit development.

Two-family dwelling. *See dwelling, duplex.*

Travel-Trailer. *See Recreational Vehicle.*

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

Use, Accessory. A use or activity which is customarily incidental to a specific principal use and is located on the same zoning lot as the associated principal use.

Use, Principal. A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Administrator.

Use, Special. A use which is permitted in a district only if a permit therefore is expressly authorized by the Board of Adjustment.

Use, Temporary. A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

Utilities, Public. Facilities that provide the general public with electricity, gas, oil, water, sewer, electronic signals or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service building or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

Utility Substation, Public. Facilities which are part of the utility distribution system to the general public. By necessity they are generally located at various points throughout the community provided certain development criteria is met. Examples include, but are not limited to, telephone exchanges, pumps, lift, electric and gas substations. Larger facilities with greater impacts such as sewer, water, and electric power plants, are specifically *excluded* from this definition.

Variance. Relief from the requirements of the *Zoning Ordinance* where such variance will not be contrary to the public interest and where, owing to special conditions peculiar to the property and not the result of the actions of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Vested Right. A right pursuant to §NCGS 160D 102, -108, and -108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

Veterinary Clinic. A facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

Violator. Any person or entity that owns, leases, rents, occupies, manages, or builds any structure or engages in any land development activity in violation of this Ordinance and any person or entity that owns, leases, rents, or occupies a use in violation of this Ordinance.

Warehousing. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

Water Supply Watershed. An area from which water drains to a point of impoundment and the water is then used principally as a source for public water supply.

Wetlands. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances, do support a prevalence of vegetation typically adapted for life in soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard. Any open space on the same lot with a building, and unoccupied from the ground upward except by trees, shrubbery, or fences.

Yard, Front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. Where a lot abuts more than one street, the Zoning Administrator shall determine the front yard for purposes of this Ordinance.

Yard, Rear. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sideline of the lot.

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

Zoning Administrator. An official or designated person of the Town of Ramseur charged with enforcing and administering the Zoning Ordinance.

Zoning Enforcement Officer. An official or designated person by the Town of Ramseur authorized to enforce the provisions of the Zoning Ordinance.

Zoning Lot. A parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development.

Zoning Permit. A permit issued by the Zoning Administrator which must be obtained prior to establishment of a use within a zoning district.