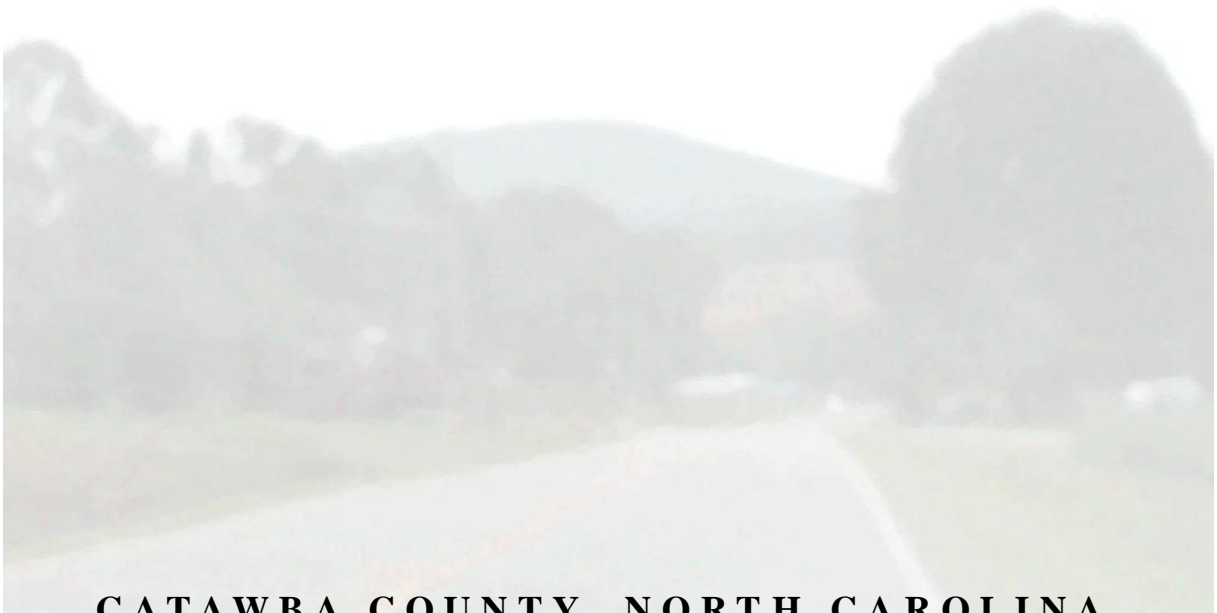


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# UNIFIED DEVELOPMENT ORDINANCE

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## DEFINITIONS



**CATAWBA COUNTY, NORTH CAROLINA**



## DEFINITIONS

(a) *Terms defined.* Words contained in this Appendix are those having a special meaning relative to the purposes of this Chapter. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the North Carolina State Building Code or, if not there, in (2) Webster's Third New International Dictionary, unabridged. Words and terms not defined in this Appendix but defined elsewhere in the Unified Development Ordinance (UDO) shall be given the meanings in the UDO. Particular uses not defined shall have the meaning assigned in the Article IV, Division 1, Table 44-403-1 Use Matrix and the NAICS Manual.

(b) *Words defined.*

*Abandonment* – The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

*Abut* – Having property or district lines in common.

*Abutting parcels* – Parcels which are directly touching and have all or part common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

*Accessible* – Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily

*Accessible, readily* – Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible.

*Addition* – An extension or increase in floor area or height of a building or structure.

*Adequate erosion control measure, structure, or device* – See Catawba County Erosion Control Ordinance.

*Adjacent property* – All properties immediately contiguous to a development site, including those separated from the site only by a road or other right-of-way or easement.

*Adjoining property* – A parcel of land that shares all, part or point of a common lot line, with another parcel of land.

*Administrative decision* – Any decision on a development application made by the planning director pursuant to this Chapter.

*Administrator* - means the planning director of Catawba County or his designee.

*ADT* – Average Daily Trips.

*Adult care center* – A provider furnishing a planned program that includes a variety of health, social and support services in a protective setting during daytime hours. This use is referred to as a "community-based service" and is designed to meet the individual needs of functionally and/or cognitively impaired adults.



*Adult care home* – An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to 2 or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. As distinguished from a nursing home, an “adult care home” provides residential care for aged or disabled persons whose principal need is a home with personal care related to their age or disability requirements. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident’s needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any “Adult Care Home” as defined by NCGS 131D-2, NCGS 131D-20, NCGS 131E-76, NCGS 131E-101 (including any “combination home”).

*Adult uses* - an establishment consisting of, including, or having the characteristics of any or all of the following:

- 1) *Adult bookstore* - An establishment which has a substantial portion of its stock-in-trade in books, magazines, or other periodicals, and from which minors are excluded by reason of age.
- 2) *Adult cabaret* - An establishment which features exotic dancers, strippers, male or female impersonators, or similar entertainments, and from which minors are excluded by reason of age.
- 3) *Adult drive-in theater* - A drive-in theater for the showing of movies, slide shows, closed-circuit television, or similar offerings, and from which minors are excluded by reason of age.
- 4) *Adult massage parlor* - An establishment in which body massages are offered as a service, and from which minors are excluded by reason of age.
- 5) *Adult mini-picture theater* - An enclosed building, in whole or in part, with a capacity of 50 persons or less used for showing movies, slide shows, closed-circuit television, or similar offerings, and from which minors are excluded by reason of age.
- 6) *Adult picture theater* - An enclosed building or portion thereof with a capacity of more than 50 persons used for showing movies, slide shows, closed-circuit television, or similar offerings, and from which minors are excluded by reason of age.



*Definitions*

*Affiliate* – A person that directly, or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

*Affordable housing* – Units sold or rented to families earning less than the County median income, as determined by the U.S. Department of Housing and Urban Development.

*Airport and related uses* – Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

*Airstrip* – a private airplane or helicopter landing facility and taxi areas, which may be grass or paved, with any accessory building associated with the facility such as hangars or maintenance buildings.

*Alcoholic beverages* - Beverages containing more than 0.5% alcohol by volume.

*Alley* – Any public space or thoroughfare 20 feet or less wide, which has been dedicated or deeded for public use.

*Alter or alteration* – Any change or modification in construction or occupancy.

*Amendment* – An amendment to the Unified Development Ordinance or a new Unified Development Ordinance.

*Amusement arcade* – A primarily indoor structure, open to the public that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

*Amusement park* – A primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

*Animal clinic* – Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

*Animal hospital* – See Animal Clinic.

*Animal husbandry* – Keeping and raising of animals for non-commercial purposes, whether or not in association with a bonafide farm.

*Animals, household*, - Animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, or raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or which have cloven or solid hooves are not household animals. The term "household animals" includes, but is not to be limited to, domestic dogs, domestic cats, birds, guinea pigs, hamsters, mice, rats, gerbils, ferrets, rabbits, small reptiles, small amphibians, and aquarium fish.



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*Definitions*

- Animal shelter* – A facility which is used to house or contain animals and which is owned, operated, or maintained by an incorporated, humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.
- Appeal* – A request for a review of the planning department’s interpretation of any provisions of this Chapter or a request for a determination that there is error in a decision made by the department pursuant to this Chapter.
- Aquaculture* - The commercial cultivation of aquatic life, including fish, shellfish, and seaweed, for wholesale distribution to either a domestic or foreign market. Aquaculture does not include the cultivation of aquatic life for on-site fishing by the public.
- Area buildable* - The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.
- Area, building* – The area included within surrounding exterior walls, or exterior walls and firewalls, exclusive of courtyards. The area of a building or portion of a building without surrounding walls is the usable area under the horizontal projection of the roof or floor above.
- Area, gross floor* - The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.
- Area, net floor* – The area actually occupied or intended to be occupied even though at any given time a portion of the floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.
- Art gallery* - The use of a structure or building for the display of sculpture, painting, photographs, or other artistic works for public viewing with only incidental sales.
- Assembly place* - A place designed to accommodate an assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events including, but not limited to, coliseums, athletic centers, concert halls, and auditoriums.
- Assisted living residence* – Any group housing and services program for 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 or more licensed home care or hospice agencies. “Assisted living residence” includes any nursing service exceptions authorized by the North Carolina Department of Human Resources 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. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are 3 types of assisted



Definitions

living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services.

*Auditorium* – A room, hall, or building, that is part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also “Places of Public Assembly.”

*Authorized agent* - Any person with valid authority provided by the owner, as evidenced by a notarized document authorizing the agent to represent the owner, and acting on behalf of the owner of land seeking a development order or development permit approval.

*Automobile repair, major* - An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion such as the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

*Automobile repair, minor* - An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under “Automobile repair, major.”

*Automobile sales establishment* – An open area used for the display, sale or rental of new and/or used motor vehicles.

*Average daily trips (ADT)* – The number of trips a use generates on an average day.

*Aviation easements* – A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the over-flight of aircraft in connection with the operation of an airport.

*Awning* – An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached.

*Bakery* - The use of a structure or building for the production of bakery products, including but not limited to breads, cakes, pastries, and doughnuts. When identified in this Chapter as a use under "retail," the bakery products produced are for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, are considered manufacturing.

*Balcony, assembly room* – That portion of the seating space of an assembly room, the lowest part of which is raised 4 feet or more above the level of the main floor.

*Balcony (exterior)* – An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports.



Definitions

*Bank* - A financial institution engaged in deposit banking and closely related functions, such as the extension of credit by means of loans and investments and other financial activities.

*Bar* – Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

*Base course* – The layer of material that lies immediately below the wearing surface of a street pavement.

*Basement* – The lowest portion of a building having its floor subgrade (below ground level) on all sides.

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

*Bed and breakfast inn* – A business of not more than 4 guest rooms that offers bed and breakfast accommodations of less than 2 weeks, and that:

- 1) Does not serve food or drink to the general public for pay;
- 2) Serves only the breakfast meal, and that meal is served only to overnight guests of the business; and
- 3) Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business.

*Berm* – A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks, which serves as a screen or bufferyard with landscaping.

*Bicycle* – A device propelled by human power upon which any person may ride, having 2 tandem wheels either of which is more than 16 inches in diameter or having 3 wheels in contact with the ground any of which is more than 16 inches in diameter.

*Bicycle facilities* – A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

*Bicycle lane* – A portion of a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

*Bicycle path* – A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

*Block* – A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.



Definitions

*Board* – Unless otherwise indicated in the text, board refers to the applicable reviewing board.

*Board of adjustment* – means the Catawba County Board of Adjustment.

*Boarding house or rooming house* – A building containing a single dwelling unit and 4 or more rooms where lodging is provided, with or without meals, for compensation. “Compensation” may include money, services or other things of value.

*Boarding kennel* – A facility or establishment, which offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

*Body piercing* – The intentional act of any person or persons of piercing any part of the body of another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

*Bonafide farm* – The production and activities relating or incidental to the production of crops, fruits, vegetables, sod, or ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market meeting one of the present use value criteria:

- 1) Agricultural land, consisting of at least 10 acres, or horticultural land, consisting of at least 5 acres, both of which may be in one or more tracts that are in actual production. These tracts may be owned or leased by the operator which must have one of the following:
  - a. Sales of \$1,000.00 for each of the 3 years preceding January 1 of the year of application;
  - b. A business plan, which at a minimum must include a marketing strategy and projected income and expenses;
  - c. A signed contract with an established retail or wholesale entity showing a future sales outlet for the product; or
  - d. Production of a non-farm product recognized by the North Carolina Department of Agriculture and Consumer Services as a “Goodness Grows in North Carolina” product, that is produced on a farm subject to a conservation agreement under G.S 106-743.2.
- 2) A minimum of 20 acres of forestland for which a woodland management plan has been prepared by the U.S. Forest Service.

*Buffer yard* – Open spaces, landscaped areas, fences, walls, berms, or any combination, used to physically separate or screen one use or property from another to visually shield or block noise, light, or other nuisances.

*Buffer, external* – A bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between development and adjacent land uses.



Definitions

*Buildable area* - The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

*Building* - See structure.

*Building, accessory* – See structure, accessory.

*Building code* - The North Carolina state building code.

*Building envelope* - The 3 dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to 3 feet in height.

*Building facade* - The exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade includes the entire building walls, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

*Building height* - A vertical distance from the highest point of a building to grade, measured in accordance with this Chapter.

*Building line* - A line determined by meeting the respective front, side and rear yard setbacks.

*Building, mixed use* - A building that contains dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed use buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses.

*Building permit* - An authorization to construct a structure as issued by the Catawba County Building Inspections Department.

*Building, principal* – See structure, principal.

*Built upon area* - The portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. Water slatted decks and the water area of a swimming pool are considered pervious.

*Bulk* - The size and shape of buildings, structures, and the physical relationship of their exterior walls to other buildings, structures, other walls or construction of the same building or structure, and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

*Business services* - An establishment offering services to the business community and to individuals. Such services include, but are limited to, advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security



Definitions

services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, photography, art and graphics services, and real estate services.

*Campground* - Land containing 2 or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or cabins, for recreation, education or vacation purposes. A campground also includes a summer camp or other camping facilities consistent with this definition.

*Camping unit* - Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

*Campsite* - Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, or tent.

*Canopy* - Means a protective cover over a door, entrance, window, or outdoor service area attached to or cantilevered from a building. Permanent marquees and porticoes designed as a continuous or integral part of the structure are not considered canopies.

*Capacity* - The maximum demand that can be accommodated by a public facility without exceeding the adopted level of service.

*Capital improvement* - A public facility with a life expectancy of 3 or more years, to be owned and operated by or on behalf of the County's special district, or a private service provider.

*Capital improvement, planned* - A capital improvement designed for construction within a period not to exceed 5 years in a capital improvements program.

*Capital improvements program* - A plan setting forth by category of public facilities, those capital improvements and that portion of their costs, which are attributable to serving new development within, designated service areas for such public facilities over a period of specified years.

*Car dealership* - See "Automobile sales establishment".

*Carport* - A roofed structure attached or unattached to the principal structure providing space for the storage of one or more motor vehicles.

*Carwash* - An establishment engaged in the business of washing vehicles with self-serve, automated, or staffed facilities.

*Cemetery, human public* - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries operated for profit. This definition does not include human cemeteries established or operated by churches or governmental agencies.

*Cemetery, pet* - Land used or intended to be used for the burial of animals in individual burial plots or a mausoleum and dedicated for cemetery purposes.



Definitions

*Cemetery, private* - Land used or intended to be used for the burial of the human dead and not operated for profit.

*Centerline offset of adjacent intersections* - The gap between the centerline of streets adjoining a common road from opposite or same sides.

*Certificate of occupancy* - A document issued by an authorized official setting forth that land, a building, or structure complies with the county building code, this Unified Development Ordinance, and other pertinent local and state requirements, and that the land, building, or structure may be used for the purposes stated.

*Certify* - A certification, by an agency, licensed professional or official, of the existence of some fact or circumstance whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

*Change of use* - A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building.

*Channel* - A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

*Child care center*: A program or arrangement where more than 6 children who do not reside where the care is provided, receive care on a regular basis at least once a week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full time custodians, or from persons not related to them by birth, marriage, or adoption. Child care center does not include the following:

- 1) Recreation programs operated for less than 4 consecutive months in a year;
- 2) Public schools;
- 3) Nonpublic schools described NCGS 115C, Article 39, Part 2 that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility for less than 6 1/2 hours per day either on or off the school site;
- 4) Bible schools conducted during school vacation periods;
- 5) Care provided by facilities licensed pursuant to NCGS 122C, Article 2; or
- 6) Church facilities where the child care activities are located on the same campus or adjacent property.

*College/university* - A degree-granting establishment, accredited, or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.



Definitions

*Community center* - The use of a structure or building by members of a community, as opposed to the general public, for social, cultural, or recreational purposes.

*Conference/retreat center* - A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.

*Construction or demolition debris* - Solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are construction or demolition debris.

*Contractor's office* - An establishment where materials kept on site are stored in buildings and which is engaged in the provision of construction activities including, but not limited to, plumbing, electrical work, building, paving, carpentry, and other such contracting activities.

*Container, shipping/storage* – A steel box manufactured for the purpose of transporting or storing goods, having a corrugated profile, covered from all sides with a door at the rear end of the container. It is mounted on a chassis while being transported by road, on a rake while being transported by rail and can also be loaded by a ship. Dismantled truck trailers or truck bed boxes, which were originally attached to a motorized vehicle, are not considered a shipping container but are considered junked motor vehicles.

*Convenience store, with or without gas pumps* - An establishment where gasoline or fuel may be supplied and dispensed at retail and/or convenience goods may be sold. No servicing or repair of vehicles is permitted.

*Correctional facility* - A public facility, other than a jail, for the housing of persons convicted of a crime.

*Cottage business* – An accessory use, subordinate to the primary residential use of the property, operated by persons residing in the principal building on the same parcel of land upon which the cottage business is located. Additionally, such use may be carried out in an accessory building on the same lot or on a lot adjacent to the principal dwelling owned by the same person. The cottage business constitutes, either entirely or partly, the livelihood of the person living in the dwelling unit.

*Crematorium* - An establishment for the burning of human or animal remains.

*Cul-de-sac* - See “Street, Cul-de-sac”.

*Cultural facility* - The use of land, buildings, or structures to provide educational and informational services to the general public, including but not limited to aquariums, arboreta, botanical and zoological gardens, art galleries, museums, and libraries.

*DBH* – Diameter at breast height.

*Dedicated public ROW* - A right-of-way that has been dedicated to the public, but does not necessarily refer to construction status.



Definitions

*Department of transportation* - North Carolina department of transportation (NCDOT).

*Design Manual* - An illustrative guide with graphics, photos, drawings, concepts and illustrations to serve as a tool aiding in the interpretation of the technical sections of the UDO. It is not an official component of the UDO and may be amended through administrative action, from time to time, by the planning director.

*Development* - Any manmade change to improved or unimproved real estate, such as construction or changes to structures, subdivisions, mining, dredging, filling, grading, paving, excavation, or drilling operations.

*Division of environment and natural resources* - North Carolina division of environment and natural resources (NCDENR).

*Dormitory* - A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use.

*Drinking establishment* - An establishment where alcoholic beverages are served and consumed on the premises. If the facility also sells food and the sale of food products represents more than 50% of the facility's total sales, the facility is considered an eating establishment.

*Drive-in theater* - A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

*Drive-in window* - A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles to eliminate the need for customers to exit their vehicles.

*Dry cleaners* - An establishment engaged in providing laundry, dry cleaning, and other related services.

*Dwelling accessory unit/guesthouse* - A detached dwelling unit permitted on the same parcel as the principal dwelling unit, but clearly subordinate to the principal dwelling unit.

*Dwelling, multi-family* - A structure containing 3 or more dwelling units, including units that are located one over the other, patio homes, apartments, condominiums or townhouses.

*Dwelling, single-family* - A structure containing a single dwelling unit.

*Dwelling, two-family* - A structure containing 2 dwelling units. Two-family dwellings are also referred to as a duplex.

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

*Electrical repair and electronic repair* - An establishment engaged in the repair of electrically powered equipment or electronic equipment including, but not limited



Definitions

to, appliances, televisions, radios, noncommercial stereo equipment, computers, and similar equipment.

*Erosion* - The wearing away of land surfaces by the action of wind, water, gravity, or any combination. See Catawba County Soil Erosion and Sedimentation Control Ordinance.

*Estate settlement* – The conveyance of a lot or tract for the purpose of dividing lands among the tenants in common all of whom, by intestacy or by will, inherited the land from a common ancestor.

*Family* - Any number of people related by blood, marriage or adoption, or not more than 5 unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" does not include a fraternity or sorority, club, roominghouse, institutional group or the like.

*Family care home* - An adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for 2 to 6 resident persons with disabilities.

*Family child care home* - A child care arrangement located in a residence where, at any one time, 3 to 8 children receive care.

FEMA – *Federal Emergency Management Agency*.

*Federal Emergency Management Agency (FEMA)* - The United States Federal Emergency Management Agency.

*Firing/shooting range* - A facility open to the public or to members of a membership organization where firearms are discharged at targets, whether or not a fee is paid to the owner or proprietor of the facility.

*Flea market, indoor* - A market for the sale of new and secondhand articles and antiques housed in a structure permanently enclosed on all sides.

*Flea market, outdoor* - A market for the sale of new and secondhand articles and antiques sold in open structures, tents, and the like, not permanently enclosed.

*Floodplain related definitions*– See Article IV, Division 3. Sec. 44-429.

*Floor area* - The sum of enclosed areas on all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor area used for habitation, access and storage. Open roof terraces, patios, atriums, balconies and breezeways, and space devoted to service uses do not count towards the calculation of floor area.

*Floor area ratio (FAR)* - The ratio of permitted floor area to the gross land area of the lot.  
*Floor area ratio (FAR)* - The ratio of permitted floor area to the gross land area of the lot. Calculation is as follows:

- A 1:3 gross floor area (FAR) means that 1/3 of the site is occupied with the building, and the other 2/3 of the site is open land. In other words, a 1-acre lot



Definitions

(43,560 square feet) which allows for a FAR of 1:3 would permit a 14,520 square foot building ( $43,560 \div 3 = 14,520$ ).

*Fraternity or sorority house* - A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college students who are affiliated with a social, honorary, or professional organization recognized by the college or university.

*Frontage* – the portion of the land that abuts a specified road and does not necessarily apply to the front yard or front setback.

*Functionally dependent facility* - An operation which is dependent for its operation on close proximity to water, including, but not limited to, port or docking facilities for loading and unloading of cargo or passengers, shipbuilding and repair or seafood processing. This term does not include long-term storage, manufacture, sales or service.

*Funeral parlor* - An establishment engaged in preparing human remains for burial and conducting funerals.

*Furniture refinishing and repair* - An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

*Garage, private* - A part of a building designed and used to contain vehicles in use in the principal structure.

*Grade, highest adjacent* - The highest natural elevation of the ground surface, prior to construction, next to the walls of the proposed structure.

*Gross land area of lots* - The gross land area of lots that is computed in the same manner as for planned development housing districts.

*Habitable space, accessory* – A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

*Half street* – A street that has partial dedication and construction that does not meet the minimum NCDOT street requirements.

*Health practitioner's office* - An establishment offering diagnostic and routine health care on an outpatient basis by licensed practitioners including, but not limited to, physicians, dentists, and chiropractors.

*Height* - The average vertical distance between the lowest finished grade of the structure and the highest point of the structure.

*Hobby farm* - The use of land for nonprofit agricultural activities.

*Home improvement center* - An establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors, and other materials used by individuals or builders, with all materials stored and sold from a completely



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enclosed building with the exception of the lumber which may be stored in buildings with a roof and at least 3 sides.

*Home occupation* - An accessory use of a dwelling unit which constitutes, either entirely or partly, the livelihood of the person living in the dwelling unit.

*Home care agency* - A private or public organization which provides home care services.

*Home health agency* - A home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services on a part-time.

*Hospice/palliative care facility* - Any facility, other than a hospital or nursing home, specifically designed as a residence or home-like environment to provide terminally ill persons with personal and custodial care, including but not limited to board, lodging, counseling, medication, and individual assistance with or supervision of essential activities of daily living, such as eating, bathing, grooming, dressing, and ambulating.

*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.

*Hotel and motel* - A building or group of buildings containing lodging units intended primarily for rental or lease to transients by the day or week, and which often provide additional services such as restaurants, meeting rooms and recreation facilities.

*Junk* - Any scrap, waste, reclaimable material, or debris, whether stored or not, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, bailed, disposed, or other use or disposition.

*Junkyard/salvage yard* - Land used for the storage, keeping, handling, or display of junk or on which 6 or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

*Kennel* - Any lot or premises on which household animals are bred, boarded, trained or sold on a regular basis for commercial purposes.

*Land based classification standards (LBCS)* - The most current edition of classification standards prepared by the American Planning Association.

*Land-clearing debris* - Solid waste that is generated solely from land-clearing activities, such as stumps, trees, brush, grass or other naturally occurring vegetative material.

*Landfill* - Land used for the disposal of waste excluding hazardous waste. Landfills are classified into 3 different types based upon the type of wastes received at the landfill as follows:

- 1) *Beneficial fill landfill* - Land used for the disposal of inert debris strictly limited to concrete, brick, concrete block, used asphalt pavement,



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uncontaminated soil, rock, or gravel. Construction and demolition debris or land-clearing debris are not beneficial fill material and cannot be placed in a beneficial fill landfill.

- 2) *Land-clearing and inert debris (LCID) landfill* - A facility for the land disposal of land-clearing debris, brick, concrete block, uncontaminated soil, used asphalt pavement, gravel, rock, untreated and unpainted wood, or yard trash. The facility may not be used for the disposal of construction or demolition debris.
- 3) *Sanitary landfill* - A facility used for the disposal of solid waste.

*LBCS* - Land Based Classification Standards.

*Library* - A building in which literary, musical, artistic, or reference materials are kept for use but not generally for sale.

*Liquor store* - An establishment engaged in the retail sale of packaged alcoholic beverages for consumption off the premises.

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

*Lodging place* - The use of land, structures, or buildings for the provision of lodging, such as but not limited to boardinghouses or rooming houses, camps, dormitories, and hotels/motels.

*Lot* - Land bounded by lines legally established for the purpose of property division. As used in this Chapter, unless the context indicates otherwise, the term refers to a zoning lot. Lot includes the word "plot," "parcel," or "tract."

*Lot frontage* - A line that connects the intersection points of the 2 side lot lines with the right-of-way.

*Lot line* - A line that marks the boundary of a lot.

*Lot line, interior* - Any lot line that is not a street lot line; a lot line separating a lot from another lot.

*Lot line, street* - Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot is considered to be the street lot line.

*Lot of record* - A lot which is part of a subdivision, the plat of which has been recorded in the office of the register of deeds, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning regulations in the area where the lot is located.



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*Lot width* - The horizontal distance measured along a straight line connecting the points where the minimum front yard line meets the interior lot lines or, if on a corner, the other front yard line.

*Lumberyard* - An establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber.

*Manufactured home park related definitions:* See Article IV. Division 4. Sec. 44-447.01.

*Manufactured home* - A portable manufactured housing unit, over 40 feet in length and over 8 feet in width, designed for transportation on its own chassis and placement on a temporary or permanent foundation. The term also includes a doublewide housing unit which is 2 or more portable manufactured housing units, over 40 feet in length and 8 feet in width, designed for transportation on their own chassis, which connect on site for placement on a temporary or permanent foundation. Manufactured homes are classified into 5 categories as follows:

- 1) *Class A* - Doublewide or multi-sectioned manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards and also meet the County's appearance criteria as required in Sec. 44-432.
- 2) *Class B* - Singlewide manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards and also meet the County's appearance criteria as required in Sec. 44-432, with the exception of the length-width ratio and brick underskirting.
- 3) *Class C* - Manufactured housing units which does not meet either the U.S. Department of Housing and Urban Development manufactured home construction standards or County appearance criteria as required in Sec. 44-432.
- 4) *Class D* - Doublewide or multi-sectioned manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards that are underskirted but do not meet the County's appearance criteria as required in Sec. 44-432.
- 5) *Class E* - Singlewide manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home standards that are underskirted but do not meet the County's appearance criteria required in Sec. 44-432, with the exception of the length-width depth ratio and brick underskirting.

*Manufacturing, processing and assembling* - The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials-handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is not a fixed structure or other



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fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins, or liquors.

*Marina* - A facility for storing, servicing, fueling and selling of convenience foods or articles, berthing and securing of boats. It also allows retail sales of boats and campgrounds as permitted accessory uses.

*Medical and dental laboratory* - An establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner.

*Membership organization* - A membership establishment operated by a corporation or association of persons for activities including, but not limited to, business, professional, social, literary, political, educational, fraternal, charitable, or labor activities, which are not operated for profit or to render a service which is customarily conducted as a business.

*Mining of earth products* - Removal of one acre or more of sand, soil, peat, muck, clay, stone, shell or other similar material, for disposal off site.

*Mini-warehouse* - A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

*Modular home* - A dwelling unit constructed and labeled in accordance with the standards set forth in the North Carolina State Building Code/IRC for one- and 2-family dwellings and made up of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is considered a single-family dwelling.

*Motor vehicle repair, minor* – Services are those that could typically be completed within one business day. May include sales of gasoline or convenience goods, such as beverages, packaged food or maps. Services may include the following:

- 1) Sale and service of sparkplugs, batteries, and distributor and ignition system parts.
- 2) Sales, service and repair of tires, but not recapping or regrooving.
- 3) Replacement of mufflers, tailpipes, water hoses, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- 4) Radiator cleaning, flushing, and fluid replacement.
- 5) Greasing and lubrication.
- 6) Providing and repairing fuel pumps, oil pumps, and lines.
- 7) Minor adjustment and repair of carburetors.
- 8) Emergency repair of wiring.



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- 9) Adjusting brakes and installing exchange brake shoes.
- 10) Minor motor adjustment not involving removal of the head or crankcase and grinding valves.
- 11) Wheel balancing.
- 12) Battery recharging.
- 13) Minor warranty maintenance and safety inspections.
- 14) Other minor servicing of a similar intensity to those listed above.

Minor motor vehicle repair does not include major mechanical and body work; straightening of body parts; painting, welding, storage of automobiles not in operating condition; or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in minor vehicle repair establishments.

*Motor vehicle repair, major* - Any automotive repairs or servicing not listed under “Motor Vehicle Repair, Minor”.

*Museum* - An establishment engaged in the procurement, care, study, and display of objects of historical, educational, or cultural value and interest.

*NAICS* – North American Industry Classification System.

*NCDENR* - North Carolina Department of Environment and Natural Resources.

*NC DOT* – North Carolina Department of Transportation.

*NC GS* - North Carolina General Statutes

*New construction* – Structures for which the start of construction commenced on or after the date of the adoption of this Chapter (February 6, 2007).

*Nonconforming manufactured home park* - a park operating outside of a zoning district where manufactured home parks are permitted or has been operating before the adoption of the County’s manufactured home park ordinance adopted on March 30, 1973.

*Nonconformity* – Includes the following:

- 1) Lots, uses of land, uses of structures, structures, or characteristics of uses, which were lawful before the effective date of the ordinance from which this Chapter is derived or was amended, but which would be prohibited, regulated or restricted under the terms of this Chapter. The following constitute types of nonconformities:
  - a. Lots;
  - b. Uses of land without structures;
  - c. Uses of structures;
  - d. Structures; and



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e. Characteristics of use which were lawful when established, but would be prohibited, regulated or restricted by this Chapter or a subsequent amendment.

2) Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this Chapter, if undertaken privately.

*North Carolina General Statutes (NCGS)* – The formalized rules and laws adopted by the North Carolina legislature.

*Nursing, convalescent, and extended care facility* - Any facility that provides nursing services as defined in the statutes of North Carolina. The term "facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill.

*Nuisance* - Any thing harmful or offensive to the community or a member of it and for which a legal remedy exists. Such as excessive traffic, noise, odor, dust.)

*Off premises* - Not located on the zoning lot with the principal use or structure.

*Opaque* - Not allowing light to pass through or the inability to see through the structure or vegetative screen.

*Open storage* - Materials, supplies, equipment, motorized vehicles awaiting major vehicle repair, non-motorized commercial vehicles and like items that are stored outside a building or in a building not closed on all sides. The following exclusions to the definitions of open storage include items or products displayed for retail sale.

*Out parcel* - A smaller lot created from a larger tract and is typically accessory to the anchor or principal structure(s) associated with the larger tract.

*Outdoor seasonal sales* - Temporary sales including, but not limited to, Christmas tree sales, pumpkin sales, plant sales, and firework sales. Outdoor seasonal sales do not include the sale of manufactured items, such as furniture, bedding, automobile parts or household goods.

*Palliative care facility* – See “Hospice/palliative care facility”.

*Parking, off-street,* - Space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.

*Person with a disability* - A person with a temporary or permanent physical, emotional, or mental disability including, but not limited to, developmental disabilities, cerebral palsy, epilepsy, autism, hearing and sight impairment, emotional



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disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to themselves or others as defined in NCGS 122C-3(11).

*Personal care services* - The furnishing of services to residents including, but not limited to, individual assistance with or supervision of essential activities of daily living, such as eating, bathing, grooming, dressing and ambulation; the supervision of self-administered medication. The term "personal care services" does not mean the provision of medical, nursing, dental or mental health services.

*Personal services* - An establishment that primarily provides services generally involving the care of a person or person's apparel including, but not limited to, barbershops, beauty salons, seamstress shops, dry cleaning, and laundry pickup facilities.

*Plan, concept site* – A site plan submitted to the planning board and board of commissioners, drawn to scale, prepared by a design professional, with enough detail to be considered for approval as part of a conditional zoning district or a special district, such as planned development and village rezoning.

*Plan, detailed site* – A specific site plan submitted for approval by the planning director. The detailed plan, prepared by a licensed professional, may evolve from a concept plan that has been approved through the a) legislative process by the board as a result of a rezoning action; b) through the quasi-judicial process by the board of adjustment as a result of special use request; or c) an administrative approved plan, not requiring any board action.

*Plan, plot* – An 8 ½ x 11 inch or 8 ½ x 14 inch drawing, prepared to scale, providing sufficient "as built" details of the footprints of existing buildings, structures and appurtenances, along with any additions proposed, in order to consider the requests associated with variances and other improvements associated with a zoning authorization permit.

*Planned development* - Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations. See Article 4, Division 4, Section 44-443.

*Planning board* - means the Catawba County Planning Board.

*Plat, final subdivision* – See Article III, Division 4. Sec. 44-343.

*Plat, preliminary subdivision* – See Article III, Division 4. Sec. 44-342(a)(2).

*Plat, sketch subdivision* – A map submitted to the subdivision review board, with enough detail to be considered for review and is a precursor to the preliminary subdivision plat. – See Article III, Division 4. Sec. 44-342(a)(1).

*Porch* - A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50%.

*Practical or practicable* – can be done or is possible in practice. Does not include a financial hardship associated with the situation.



*Procedures Manual* - A manual for residential and non-residential development containing applications, plan requirements and plat certificates required for development review. This manual is intended as a reference guide and may be amended by the planning director, from time to time, as an administrative function.

*Professional services* - An establishment containing practitioners of a calling or vocation in which knowledge of some department of science or learning is used in its application to the affairs of others. Such activities include, but are not limited to, accounting, auditing and bookkeeping services; architectural services; engineering and surveying services; interior design services; and legal services. Physicians and dentists are classified as health practitioners. See "Health Practitioner's Office".

*Public service facility* – A private for-profit entity utilizing land, buildings, or structures for a public purpose, such as a private package treatment plant, rail service, resource recovery facilities, and other similar public service structures.

*Public use facility* - The use of land, buildings, or structures by a municipal or other governmental agency to provide protective, administrative, and public services directly to the general public, including police and fire stations, municipal buildings, water treatment plants, sewage treatment plants, community centers, communication towers, collocation devices, and any other public facility providing such services, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, and not including public cultural facilities or public service facilities.

*Public utility facility* – Electric transmission and distribution lines, gas and water pumping stations, transformer stations, but not including land used for storage of materials and maintenance of equipment.

*Public water and sewer* – Water or sewer provided by a municipal or county system. It does not include community water systems or package treatment facilities approved by the state.

*Publishing and printing* - An establishment primarily engaged in preparing, publishing and printing newspapers, periodicals, books, and pamphlets.

*Radio and television studio* - A facility for the production and broadcast of radio and television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this Chapter.

*Recreation services* - Privately owned outdoor amusement facilities such as golf and country clubs, swimming and tennis clubs, equestrian centers, and marinas, not built as part of a residential development. The term also includes publicly owned and operated facilities, such as athletic fields, golf courses, tennis courts, swimming pools, parks, marinas, and similar uses not associated with a school.



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*Recreational uses, community* - Parks and playgrounds, lakefront public access sites, community centers, recreation clubs such as Boys and Girls Clubs; golf clubs; swimming clubs; tennis clubs; country clubs; paddle, racquetball, handball courts. Community recreational uses associated with residential subdivisions are not included because they will be approved by the Subdivision Review Board along with subdivision approval.

*Recreational fish lake or pond* - A facility open to the public for fishing, whether or not a fee is paid to the owner or proprietor of the facility.

*Recreational vehicle* - A vehicular-type portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use and includes but is not limited to travel trailers, motor homes, camping trailers, campers, auto truck, and recreational vans.

*Rehabilitation center* - An establishment engaged exclusively in the provision of outpatient services to correct, cure or assist an individual in adjusting to a physical disability. Such services include, but are not limited to, physical therapy, occupational therapy, speech therapy, audiology, radiology and respiratory therapy, but excluding therapy for mental illness, drug or alcohol dependency, or rehabilitation of criminals.

*Rental and leasing of light equipment* - An establishment engaged in the renting or leasing of equipment including, but not limited to, wedding supplies, party supplies, small appliances, hand tools, furniture, and like items.

*Repair services* - The use of land, structures, or buildings for the purposes of mending or restoring items after decay, damage, dilapidation, or partial destruction. Such services include, but are not limited to, motor vehicle repairs; bicycle repairs; electrical and electronic repairs; gunsmiths; locksmiths; reupholster services; furniture refinishing and repair; small motor repairs; and watch, clock, and jewelry repairs. Construction activities are not included in repair services.

*Research activity* - Research, development, and prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

*Residential Care Facility*

- (1) A care facility or home whether operated for profit or nonprofit, which provides, for a period exceeding 24 hours, housing, room services, and one or more personal care services to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the state department of social services. The term "personal services," for the purpose of this definition, means services in addition to housing and food services which include but are not limited to personal assistance with bathing, dressing, ambulation, supervision of self



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administered medication, transportation, emotional security, and other related services. The term “personal service” does not include nursing or medical treatment.

- (2) Such facilities contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities are not used for those persons in need of a structured environment, as it is defined in this section.

*Restaurant* - An establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state. The term also includes the following:

- (1) *Sit-down eating establishment* - Where food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables.
- (2) *Walk-in/drive-in eating establishment* - Where the customers receive, but do not consume, the food and/or beverages at a counter, bar, or from a drive-in window.

*Retail* - The use of land, buildings, or structures for the sale of merchandise to the consumer of the merchandise including, but not limited to, convenience goods, shopper's goods, bicycles, gas, liquor, lumber and other building materials, mail order pickup facilities, manufactured homes, motor vehicles, and sales of used merchandise.

*Retail sales, convenience goods* - Commercial establishments that generally service day-to-day commercial needs of a residential neighborhood including, but not limited to, convenience stores; tobacco shops; newsstands; bakeries; candy, nut and confectionery stores; delicatessens; dairy products; meat and seafood markets; produce markets; food stores with less than 10,000 square feet in floor area, and eating establishments.

*Retail sales, shopper's good* - Commercial establishments that supply the more durable and permanent needs of a community including, but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; bookstores; stationery stores; camera and photography supplies stores; department stores; discount stores; drugstores; farm supplies stores; florists; and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and crafts stores; jewelry stores; lawn and garden supply stores; novelty and souvenir shops; office equipment stores; optician and optical supplies stores; paint and wallpaper stores; pet shops; radio and television sales stores; sporting goods stores; trading stamp redemption stores; and variety stores.

*Road, existing external* – The existing NCDOT maintained road used by the traveling public, which is not part of the internal road network of the subdivision at its initial approval. These roads may, but are not limited to, a NCDOT classification of major, minor, collector or arterial road.



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*Road, internal subdivision* – The internal network of subdivision roads developed at the initial approval of a subdivision.

*Road, private* – A constructed road that is not dedicated to the public and will be maintained by an entity other than NCDOT.

*Road, state* – A constructed road with a designated “SR” number which is being maintained by NCDOT.

*Roadside stand, commercial* - The sale of any form of agricultural or horticultural products at a retail stand where the products were grown off-site.

*Roadside stand, residential* - The sale of any form of agricultural or horticultural products at a retail stand on the property where produced.

*Road* - See “Street”.

*ROW* – Right-of-way.

*School* - A facility which is in compliance with NC state compulsory school attendance laws and provides a curriculum of elementary or secondary academic instruction.

*Sea level* - A reference or datum mark measuring land elevation using the level of the ocean between high and low tides.

*Setback* - The distance from the lot line to the point where a structure (either principal or accessory) may be constructed.

*Sign definitions* – See Article V, Division 7. Sec. 44-552.

*Skilled trades* – a profession requiring special training.

*Slaughterhouse* - An establishment where animals are killed, butchered or prepared for further processing.

*Solid waste* - Garbage, rubbish, refuse or other discarded solid or semisolid material resulting from domestic, commercial, industrial, agricultural activities and governmental operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

*Solid waste landfill affiliated enterprise* - Any enterprise which by virtue of its existence or operation will, pursuant to a contractual agreement with Catawba County, do any of the following: assist Catawba County in the operation of the Blackburn Solid Waste Landfill; use or recycle materials which would otherwise be directed to the Blackburn Solid Waste Landfill; use or market any by-product of the Blackburn Solid Waste Landfill; provide raw materials such as soils or clays, necessary to operation of the Blackburn Solid Waste Landfill; otherwise aid in the operation of the Blackburn Solid Waste Landfill. The enterprise must be located within an area described by a circle, the radius of which is a straight line extending one mile from the approximate center of the Blackburn Solid Waste Landfill. An enterprise meets the requirements of this definition even though its



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*principal* activity or activities are not directly related to any of the above-listed landfill affiliated activities. Should the principal activity or activities of the enterprise be a prohibited use in any zoning district located within Chapter 44 the above-described are, this section shall control, overriding the prohibition contained elsewhere within the zoning ordinance. Further, the expiration or termination of the underlying contractual agreement by and between the enterprise and Catawba County, or the closing of the Blackburn Solid Waste Landfill, does not then make the enterprise a non-conforming use.

*Special use* - A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare.

*Start of construction* - The first placement of permanent construction of a structure, including a manufactured home, on a site, such as pouring of slabs or footings, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, excavation for a basement, footings, piers, foundations, or the erection of temporary building forms.

*State* - State of North Carolina.

*Street* - A vehicular way, which may also serve, in part, as a way for pedestrian traffic whether called a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, court, mall, or otherwise.

*Street, arterial minor* – A rural roadway joining cities and larger towns and providing intrastate and inter-County service at relatively high overall travel speeds with minimum interference to through movement.

*Street, arterial principal* - A rural link in a highway system serving travel, and having characteristics indicative of substantial state-wide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and tri-state routes, and other routes designated as principal arterials.

*Street, collector major* – A road which serves major intra-County travel corridors and travel generators and provides access to the arterial system.

*Street, collector minor* – A road which provides service to small local communities and traffic generators and provides access to the major collector system.

*Street, cul-de-sac*, - A dead-end street, having the same entrance and exit, and requiring facilities for traffic to turn around.

*Street, dedicated public right-of-way* – A right-of-way that has been dedicated to public use, but does not necessarily refer to construction status.

*Street jog* - An intersection where one-half of the cross street is offset from the other half of the cross street so that the 2 halves do not lay in a straight line.



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*Street, local* – A road which serves primarily to provide access to adjacent land, over relatively short distances.

*Street, public* – See “Street, State” or “Street, Dedicated Right-of-Way”.

*Street, thoroughfare major* – Streets consisting of intrastate or other freeway, expressway, or parkway roads and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

*Street, thoroughfare minor* – Minor thoroughfares perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system.

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

*Structure* - Anything constructed or erected which requires location on or within the ground or attachment to something having a fixed location on the ground including, but not limited to, principal and accessory buildings, manufactured homes, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers, and cables. Containers/shipping containers are not structures.

*Structure, accessory* - A subordinate structure detached from, but located on, the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

*Structure, principal* - A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which the structure is located.

*Subdivision* - Includes all divisions of a tract or parcel into 2 or more lots, building sites, or other divisions for the purposes of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets.

*Subdivision classifications* - See Article III, Division 4, Table 44-341-1.

*Subdivision, cluster* – A subdivision design that allows lots to be smaller, based on density averaging, in a concentrated area in exchange for the preservation of natural features, environmentally sensitive areas and active or passive recreational open space.

*Subdivision, conventional* – A subdivision which meets the minimum lot size requirements.

*Substantial improvement* - Any repair, reconstruction, or improvement of a structure, within any 12-month period, where the cost equals or exceeds 50% of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building



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commences, whether or not that alteration affects the external dimensions of the structure. The term does not include any improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

*Substantial progress or expenditures* – work toward completing required improvements for a development associated with a special use permit, preliminary subdivision, conditional zoning or special districts. This may including consulting fees from development specialists for the survey of the property, soil evaluation, erosion control plan, engineering design for roadway, waterlines, sewer lines, permit fees or fees associated with land preparation such as clearing, rough grading or fine grading.

*Technical school* - The use of land, structures, or buildings for the provision of training in various skills and may include, but is not limited to, business schools, trade schools, and vocational schools.

*Temporary uses/special events* - A use established for a limited duration with the intent to discontinue the use when the timeframe has expired. The temporary use/special events use includes, but not limited to, circus, carnival, fair, rodeo, team pinning, religious events, and special events by nonprofit organizations.

*Use* - The specific activity or function for which land, a building, or a structure is designated, arranged, occupied, or maintained.

*Use, accessory* - A use on the same lot as or in the same structure with and of a nature and extent customarily incidental and subordinate to the principal use of the lot or structure.

*Use, principal* - The primary use and chief purpose of a lot or structure.

*Used merchandise* - An establishment engaged in the sale of previously owned goods, except the sale of used motor vehicles.

*USGS* - United States Geological Survey.

*Variance* – A relaxation by the board of adjustment of the dimensional regulations of this Chapter where such actions will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the actions or situation of the applicant to produce financial gain, a literal enforcement of this Chapter would result in unnecessary and undue hardship.

*Vicinity map* - A drawing showing the general location of a parcel.

*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 or both, with access to contents only through management personnel.

*Watershed related definitions* – See Article IV, Division 3, Sec. 44-434.03.



Definitions

*Wholesale distribution* - Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers.

*Winery/brewery* – The use of land for activities involved with the processing/packaging of wine and beer and may include a tasting and retail sales area.

*Wireless communications related definitions* – See Article VI, Division 4, Sec. 44-685.03

*Wood waste grinding operation, industrial* - A facility located in the L-I and G-I districts that receives primarily organic wastes to be treated or processed for recycling or reuse in soil-plant related industries, including activities such as grinding or chipping land clearing debris, high carbon wood waste, nitrogen yard waste, and untreated and unpainted pallets or construction wood waste into mulch or fuel.

*Wood waste grinding operation, temporary on-site* - A facility where organic wastes are treated or processed for recycling or reuse in soil-plant related industries, including activities such as grinding or chipping land clearing debris, high carbon nitrogen and yard waste. The operation will be in existence for a period of 6 months or less. The materials that are processed must be from the location of the grinding site.

*Yard, front* – That portion of the lot located along the front projected line of the principal structure, extending from one side lot line to the other side lot line. The front yard contains the front setback area of the property.

*Yard, rear* – That portion of the lot located along the rear projected line of the principal structure, extending from one side lot line to the other side lot line. The rear yard contains the rear setback area of the property.

*Yard, side* – That portion of the lot located on both sides along the side projected line of the principal structure, extending from the front projected line of the principal structure to the rear projected line of the principal structure. The side yard includes a portion of the side setback area of the property.

*Yard waste* - Includes both yard trash and land-clearing debris, as defined in NCGS 130A-290, including stumps, limbs, leaves, grass and untreated wood.

*Zoning authorization permit* – A permit issued for residential and nonresidential uses, prior to any land or structural improvements, stipulating conditions for compliance with this Chapter as to design, use, activity, height, setbacks, density, site planning, special use and/or special district development.

*Zoning compliance certificate* – A document issued by the County after construction of nonresidential uses and residential uses, with the exception of single family dwellings, stating that the approved detailed site plan was complied with and the property can be occupied and used for the purpose stated on the zoning authorization permit.



*Definitions*

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*Zoning districts* - Areas of land or water, whose boundaries are indicated on the official zoning atlas, within which all properties are regulated by the general regulations of this Chapter and the specific regulations of the individual district.

*Zoning lot* - A lot shown on the application for a zoning authorization permit.

*Zoo* - A collection of living animals usually for public display.

(Ord. No. 2008-17, 10/20/08)