

ARTICLE II

DEFINITIONS

Section 1. Definitions.

Except where specifically defined herein, all words used in this ordinance shall carry their customary dictionary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word "building" includes the word "structure;" the word "lot" includes the words "plot or parcel;" the term "shall" is always mandatory, 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 words "Map" or "Zoning Map," shall mean the "Official Zoning Map of the City of Reidsville, North Carolina".

Accessory Building: A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may be inhabited or used by other than the owners, lessee or tenant of the premises, or their employees.

Accessory Use: A structure or use that:

- 1) is clearly incidental to and customarily found in connection with a principal building or use;
- 2) is subordinate to and serves a principal building or a principal use;
- 3) is subordinate in area, extent, or purpose to the principal building or principal use served;
- 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served;
- 5) is located on the same zone lot as the principal building or principal use served.

Adult Establishments: Any structure or use as outlined in N.C.G.S. 14-202.10, and including adult video stores and adult hotels and motels as defined in this section. However, no definition of massage or massage business shall apply to any Therapeutic Massage business as defined in Article V, Section 2, Note 12 of this Zoning Ordinance.

Adult Hotel and Motels: A hotel, motel, or similar commercial establishment that:

- a. 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 defined in N.C.G.S. 14-202.10, 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 sublease a sleeping room for a period of time less than ten (10) hours.

Adult Video Store: Any store which receives a majority of its gross income during any calendar month from the sale or rental of films, motion pictures, video cassettes or video reproductions, slides, computer media, or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas” as defined in N.C.G.S. 14-202.10.

Alley: A public or private roadway which affords only a secondary means of access to abutting property.

Alter: To make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, floor joists.

Apartment: See Dwelling, Multiple Family.

Assembly: A joining together of completely fabricated parts to create a finished product.

Arts and Crafts: Individual art pieces not mass-produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving and or craft work, leather, wood, metal or glass.

Automobile Service Stations: A building used for one or more of the following: retail sale of automobile fuels, lubricants, air, water and other items for the operation and routine maintenance of motor vehicles, and including minor repair, servicing and indoor washing, but not including bodywork, painting or refinishing. Minor repair being: oil and filter change, flat tire repair or tune ups.

Board of Adjustment: A quasi-judicial administrative body, appointed by the City Council, that is given certain powers under this ordinance.

Boardinghouse, rooming house: A private residence in which accommodations comprising more than 25% of the total floor space are provided for sleeping and feeding overnight paying guests or longer-term tenants renting rooms. (For purposes of this ordinance a private residence in which the owner or leasee rents out one or more rooms comprising 25% or less of the total floor area shall be classified as a home occupation).

Buffer Strip: A buffer strip shall consist of an approved wall, fence, or planted strip at least five (5) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten (10) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart.

Building: Any structure enclosed and isolated by exterior walls, constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, freestanding signs, and similar structures whether stationary or movable.

Building, Height of: The vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level of a gable, hip, or gambrel roof.

Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters and similar fixtures, and the property line when measured perpendicular thereto.

Certificate of Occupancy: A statement, issued by the Building Inspector, setting forth that the building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purpose stated therein.

Condominium Development: A development of one or more structures containing two (2) or more units intended for owner occupancy, where the land beneath each unit and all common areas (as defined in the North Carolina Unit Ownership Act) are owned proportionately by each unit owner in the development. Units and the land on which they are built do not meet conventional lot requirements for street frontage and yard sizes, and walls between units are constructed in accordance with North Carolina State Building Code requirements. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with the provisions of the Reidsville Subdivision Ordinance.

Court: An open, unoccupied space, other than a yard, on the same lot, enclosed on at least three (3) adjacent sides by the walls of the buildings.

Detached Building: A building having no party or common wall with another building except an accessory building.

Director: For the purposes of administering and enforcing the provisions of this Zoning Ordinance the Director of Community Development (hereinafter referred to as “Director”) is hereby designated as the chief administrative and enforcement official. The Director shall have the authority to delegate any of his functions and powers under this Ordinance to such officers and agents as he may designate.

District: Any section of the City of Reidsville or its extra-territorial jurisdiction in which zoning regulations are uniform.

Dwelling: Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "dwelling" shall not be deemed to include a motel-hotel, tourist home or other structure designated for transient residence.

Dwelling, Two-Family (Duplex): A building arranged or designed to be occupied by two (2) or more families living independently of each other.

Dwelling, Multi-Family: Three or more attached residential units on one tract of land, maintained under one ownership. Apartments are considered multi-family developments.

Dwelling Unit: A dwelling or that portion of a multiple dwelling used or designed as a residence for one family. In Nursing Home, Homes for the Aged, Convalescent Homes and other such multi-unit facilities, two resident persons shall be equivalent of one dwelling unit.

Erect: Build, construct, erect, re-build, re-construct, or re-erect as the same are commonly defined.

Event Center: Facility used for Meetings, Conferences, Luncheons, Parties, Weddings or similar functions. May be allowed as primary use or as an accessory to a residential or non-residential use.

Fabrication: Manufacturing, excluding the refining of other initial processing of basic raw materials such as metal ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family: A family consists of a householder and one or more other persons living in the same household who are related to the householder by birth, marriage or adoption. All persons in a household who are related to the householder are regarded as members of his or her family. Not all households contain families because a household may be composed of a group of unrelated persons or one person living alone.

Family Care Home: A home defined and described in Article 3 of G. S. 168 as having support and supervisory personnel, that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. A handicapped person is defined as persons 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 mentally ill persons who are dangerous to others as defined in G. S. 122-58.2(1) (b).

Flea Market: Outdoor sales areas or buildings in which space is set aside or rented, and which are intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used old, obsolete or antique.

Frontage: All property abutting on one (1) side of a street measured along the street line.

Game Room: A commercial enterprise located in a room or rooms equipped with electronic, video, mechanical games and the like, the principal use of which is for playing such games and not for playing pool.

Garage, Private: A building or space used as an accessory to or a part of the main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Garage, Public: Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles for the public or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

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

Group Home: A residential facility for not more than 12 persons licensed by the state of North Carolina by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a "family care home as defined by this ordinance with support and supervisory personnel that provides room, board and personal care in a family or group setting. Refer to G.S. 131D-2.

Gunsmithing: To repair, modify and customize firearms. To add to (such as telescopic sights, match grade actions, barrels or triggers) firearms. To refinish and reblue or brown metal parts of or on firearms.

Home Occupation: Any use conducted for gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display; provided further, no more than one person not a resident on the premises may be employed specifically in connection with the activity; no mechanical equipment shall be installed or used except such as to normally used for domestic or professional purposes; and not over twenty-five percent (25%) of the total space shall be used for home occupations.

Hotel: A building used as an abiding place of more than fourteen (14) persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Household: A household includes all the persons who occupy a dwelling unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Internet Sweepstakes Café: Any business where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, whether real or simulated, including games known as sweepstakes, 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 term includes, but is not limited to internet sweepstakes, electronic gaming operations or cybercafes, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

Junk Motor Vehicle: As authorized and defined in G.S. 160A-303.2, the term junked motor vehicle means that a vehicle does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

Junk Yard: The use of more than six-hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap, metal or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

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.

Lot: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

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

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

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Rockingham County prior to the adoption of this ordinance, or a lot described by metes and bound, the description of which has been so recorded prior to the adoption of this ordinance.

Lot, Width of: The average horizontal distance between side lot lines.

Mobile Home or Manufactured Home: "Manufactured home" means a portable manufactured housing unit designated for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight feet in width. As used in this definition, "manufactured home" also means a double-wide manufacture home which is two or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. (G.S. 143-145(7))

NOTE: Manufactured homes may be constructed to either of two standards: the National Mobile Home Construction and Safety Standards Act (administered by HUD) or the North Carolina Residential Building Code. Units built to N. C. Residential Building Code Standards (sometimes referred to as "modular units") are permitted in all residential zones. See Table of Permitted Uses for standards and zoning locations for units built to HUD standards.

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Mobile Home Park: Land used or intended to be used, leased or rented for occupancy by six (6) or more mobile homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Motels: A building or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

Motor vehicle: Any machine designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

National Geodetic Vertical Datum (NGVD): A vertical control, corrected in 1919, used as a reference for establishing varying elevations within the flood plain.

New Construction: Structures for which the start of construction commenced on or after the effective date of this Ordinance, and includes any subsequent improvements to such structures.

Nonconforming Lot: A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

Nonconforming Project: Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Situation: A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height limitations, because structures do not satisfy maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

Nonconforming Use: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property.

Nonconformity, dimensional: A nonconforming situation that occurs when the height or size of a structure of the relationship between does not conform to the regulations applicable to the district in which the property is located.

Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil, or other flammable explosive materials as evidenced by odor or otherwise;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

Nursing, Convalescent and Extended Care Facility: Any facility which provides nursing services as defined in the North Carolina Statutes Annotated. Facility means any institution, building, residence, a 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 reasons of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.

Open Storage: Unroofed storage areas, whether fenced or not.

Ordinance: This ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

Parking Space: The storage space for one (1) automobile of not less than eight and one-half (8 1/2) feet by nineteen (19) feet, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Planning Board: A Board appointed by the City Council to study Reidsville and its environs, to recommend plans and policies for the future, and to advise the City Council in matters pertaining to planning and zoning.

Processing: Any operation changing the nature of material or materials, such as chemical composition or physical qualities. Does not include operations described as fabrication.

Recycle Collection: Collection of recyclable refuse.

Recycle Processing: Reclamation of refuse, the process of converting solid waste to sellable products.

Retail Trade: Businesses which sell goods (that are not for resale) to the public and which are open on a regular basis for consumer shopping. At least 40% of the floor space of a retail business must be open to the public and devoted to the sale and display of goods on the premises.

Signs: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

- (a) **Canopy Sign** - A sign suspended beneath a canopy or marquee.
- (b) **Freestanding Sign** - A sign attached to, erected on, or supported by a structure whose primary function is to support a sign and which is not itself an integral part of a building or other structure.
- (c) **Outdoor Advertising Sign** - An outdoor structure or display, either freestanding or attached to a wall which advertises or attracts attention to a business, commodity, service or other

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- (d) **Portable Sign** - Any temporary sign utilizing a billboard or other advertising surface and constructed as a part of or attached to a private vehicle, trailer, or other mobile object and used primarily for advertisement purposes.
- (e) **Projected Sign** - A sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle.
- (f) **Roof Sign** - A sign erected on or over the roof of a building.
- (g) **Temporary Sign** - An on-premises non-permanent sign advertising or announcing such things as sales, auctions, events, political candidates, etc. Some temporary signs (Sec. 5) require no permit and are permitted in all districts. Other temporary signs (including portable signs) require a permit and are limited to certain districts and specified purposes (Sec. 8).
- (h) **Wall Sign** - A sign mounted on the wall of a building which does not extend above the parapet or eave line.

Special Use: A use permitted in a zone district only after study and specific findings by the City Council or Board of Adjustment. Such uses may be controlled as to number, area, location or relation to the neighborhood and shall promote the public health, safety and general welfare. Such uses which are listed as special uses in the Table of Permitted Uses may be installed and operated only after approval by the specified body, subject to the general and specific standards applying (See Article IV, Section 3).

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it; or, if there be no floor above it, the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which not more than two-thirds (2/3) of the floor area is finished off for use.

Street: A public thoroughfare, which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, roads, and any other thoroughfare except an alley.

Street Line: The dividing line between a street or road right-of-way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a permanent location on the ground, including signs.

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Tire Sales and Service: Any structure or use in which the principal purpose is the sale of automobile and/or truck tires and installation of the same.

Tourist Homes or Bed and Breakfast: Establishment in a private dwelling that supplies temporary accommodations to overnight guests not exceeding fourteen (14) persons for compensation and may include meals.

Townhouse Development: A development of one or more structures containing a total of two (2) or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina State Building Code requirements. All such projects shall conform to the density requirements of the district in which the development is located unless otherwise specified in this Ordinance.

Use: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use, Accessory: See Accessory Use.

Use By Right: A use which is listed as a Use By Right in any given zone district in this ordinance.

Use, Special: See Special Use.

Variance: A modification or alteration of zoning requirements. This can be done only by the Board of Adjustment after specific findings of fact. See Article XII.

Warehouse: A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

Warehousing: The depositing or securing of goods, ware, and/or merchandise in a warehouse.

Wholesale: Goods for resale, not for direct consumption.

Yard: An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided herein.

Yard, Front: An open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending the full width of the lot.

Yard, Rear: An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot; may be used for accessory building.

Yard, Side: An open space between the building and the adjacent side lot line which is open and unobstructed from the surface of the ground upward by any structure. The side yard extends from the rear line of the front yard to the front line of the rear yard, or to the appropriate property line if no front or rear yards are required by this ordinance.