

**ARTICLE 3
DEFINITION OF TERMS**

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Section 3.1 Word Interpretation

The following words, terms and phrases, when used in the Zoning Ordinance of the Town of Belville, North Carolina, shall have the meanings specified in this section:

1. The present tense includes the future tense, and the future tense includes the present tense.
2. The singular number includes the plural number, and the plural number includes the singular number.
3. The word "may" is permissive, and the word "shall" is mandatory.
4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
5. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

Section 3.2 Definitions

The following words, terms and phrases, when used in the Zoning Ordinance of the Town of Belville, North Carolina, shall have the meanings specified in this section:

“A”

A.N.S.I. - The American National Standards Institute or its successor body.

Abandon - To cease the regular use or maintenance of a lot, building, or structure.

Abandoned Sign - Any sign that contains or displays, without limitation, broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and for which no person accepts maintenance responsibility.

Abutting - Having common property boundaries or lot lines which are not separated by a street or other type of public way.

Accessory Use or Accessory Structure - A use or structure on the same lot with, but of a nature customarily incidental and subordinate to the principal use.

Adjacent - Either abutting or being directly across a street, other public way, or body of water which does not exceed 100 feet in width.

Adult Arcade - An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

Adult Bookstore - An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Business - An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

Adult Care Home - As set forth in G.S. 131D-2.1(3), an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two 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. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.

Adult Day Care Facility - As set forth in G.S. 131D-6(b), a place that provides group care and supervision on a less than 24-hour basis to adults who may be physically or mentally disabled.

Adult Entertainment Establishment - Retail or service establishments which are characterized by an emphasis on specified sexual activity and/or specified anatomical areas, including, but not limited to:

- a. Any bookstore, video store, or other establishment in which a substantial portion of its stock in trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas.
- b. Any movie theater offering movies or other displays, or any establishments

offering coin-operated devices, which emphasize specified sexual activities or specified anatomical areas.

- c. Any cabaret club, tavern, theater, or other establishment that offers any entertainment emphasizing specified sexual activities or specified anatomical areas.
- d. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist physical therapy or similar professional licensed by the State. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa or similar establishment.

Adult Motion Picture Theater - An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater - A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

Allee - A regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

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

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

Animal Hospital/ Veterinary Clinic - A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

Animated Sign - Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or to create a special effect or scene.

Antenna - Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but is not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array - A single antenna or group of antennae and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna, Combined - An antenna or an array of antennae designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna-Supporting Structure - A vertical projection composed of metal, or other substance with or without a foundation that is for the express purpose of accommodating antennae at a desired height above grade. Antenna-supporting structures do not include any device used to attach the antenna to an existing building, unless the device extends above the highest point of the building by more than 20 feet.

Anti-Climbing Device - A piece or pieces of equipment which are either attached to an antenna-supporting structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, “squirrel-cones”, the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.

Apartment - *See Dwelling Unit*

Appeal - An application or procedure for review of a decision by a higher authority.

Arboretum - A place for the scientific study and public exhibition of trees, shrubs, and plants, including unique features such as butterfly rooms.

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

Attached Wireless Transmission Facility - An antenna or antennae array that is secured to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either on the roof, inside, or outside of the existing building. An attached Wireless Transmission Facility is considered to be an accessory use to the existing principal use on a site.

Automobile Wrecking Yard - The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power. Also from which parts have been or are to be removed for reuse or sale shall constitute prima-facie evidence of an automobile wrecking yard.

Audible Sign - Any sign which emits a sound that is audible or emits a signal that can be converted into audible sounds, whether by radio or other means.

Avenue (AV) - A thoroughfare of high vehicular capacity and low speed. Avenues are short distance connectors between urban centers. Avenues may be equipped with a landscaped median. Avenues become collectors upon exiting urban areas.

Awning/Canopy Sign - Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

“B”

Banner - A sign, other than a flag, with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor awning/canopy signs shall be considered to be banners.

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

Bicycle Trail (BT) - A bicycle way running independently of higher speed vehicular thoroughfares.

Block - The aggregate of private lots, passages, rear lanes and alleys circumscribed by thoroughfares.

Block Face - The aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing architectural harmony.

Boarding House - See *Dwelling*

Boating Facility, Community - A private, non-profit boating facility including a dock, pier and/or launching ramp on property having water frontage; the use of which is intended to serve five or more residential lots or residential units. The right to use such a facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility.

Boating Facility, Private Residential - A private, non-profit boating facility including a dock, pier and/or launching ramp on property having water frontage; the use of which is intended to serve less than five residential lots or residential units. The right to use such a facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility.

Boulevard (BV) - A thoroughfare designed for high vehicular capacity and moderate speed. Boulevards are long distance thoroughfares traversing urbanized areas. Boulevards are usually equipped with slip roads buffering sidewalks and buildings. Boulevards become

arterials upon exiting urban areas.

Brewery - An establishment engaged in the production and distribution of beer and other fermented malt beverages meeting the requirements of N.C.G.S. § 18B-1104 '*Authorization of brewery permit*'. A Brewery must be located at least 50 feet from churches and schools.

Brewpub - A brewery which includes accessory uses such as a restaurant, tasting room, demonstration areas, or other uses incidental to the brewing business and open and accessible to the public.

Broadcast Antenna, TV/HDTV/AM/FM Broadcast Facility - Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

Brownfield - An area previously used primarily as an industrial site.

Buffer - A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of adjacent land uses or properties from one another. A buffer may include any required screening for the site.

Buildable Area - The portion of a lot remaining after required yards and buffers, etc. have been provided.

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

Building, Commercial - Any building used for business purposes.

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

Building Disposition - The placement of a building on its lot.

Building Function - The uses accommodated by a building and its lot. Building Functions are categorized as Restricted, Limited or Open according to the intensity of the use .

Building Groups, Planned - More than one building on a single lot or tract developed in accordance with the provisions of the zoning ordinance.

Building, Height of - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. For purposes of this definition the term "grade" shall be construed as the average street side ground elevation at the base of a structure. Any decorative roof structure or parapet wall

extending above an exterior wall line shall be included in and count toward the calculation of allowable height. The average height of a pitch roof shall be the midpoint of a vertical line extending from the top of the exterior wall to the highest point of the finished roof surface.

Building, Line - A line located a minimum horizontal distance from the right-of-way line of a street or road parallel thereto, between which and the right-of-way line no building or parts of buildings may be erected, altered, or maintained except as otherwise provided herein.

Building, Main - A building in which the principal use of the lot, on which the building is situated is conducted.

Building Setback Line - The line on the front, rears, and sides of a lot that delineates the area within which a structure may be built and maintained. **Front** setbacks shall be figured from the right-of-way; rear and side setbacks shall be figured from the rear and side property lines, respectively.

Building, Site - Any lot or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.

Building Type - A structure category determined by function, disposition on the lot, and configuration including frontage and height.

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

By-Right Permit - An application for a CZC that complies with this Ordinance and an approved Master Development Plan, and may thereby be processed administratively without public hearing.

“C”

Car Wash - A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

Caliper - Measurement of the diameter of a tree; measurement is taken four (4) feet above ground level.

Camper - A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use. A camper is not designed or intended to be used as a permanent dwelling. Campers may also include the following:

- a. Travel Trailer - Any structure which:
 1. consists of a single unit completely assembled at the factory and

2. is designed so that the total structure can be transported on its own chassis and
3. are not over 40 feet in length and 8 feet in width-

b. **Recreational Vehicle** - A self-propelled vehicle or portable structure mounted on such a vehicle designed as temporary dwellings for travel, recreation, and vacation.

c. **Tent** - A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with ropes and pegs.

Camper Space - A plot of land within a campground designed for the accommodation of one (1) camper or tent.

Campground - Any lot where five (5) or more campers or five (5) spaces are provided for temporary occupancy according to requirements as set forth in Belville's Zoning and Subdivision ordinances. A campground shall also be known as a recreational vehicle park, or travel trailer park.

Cemetery - A place for the burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

- a. A burial park, for earth interment.
- b. A mausoleum, for burial above the ground.
- c. A columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

Cemetery, Private - As above but where the owning entity, generally an extended family, fraternal order, or religious sect, does not sell or lease grave sites of any nature.

Certificate of Zoning Compliance - A statement, signed by an administrative officer authorized by the Belville Town Council setting forth that the building, structure or use complies with the zoning ordinance, and that the same may be used for the purpose stated herein.

Certificate of Occupancy Inspection - A required inspection by the building inspector before occupancy.

Changeable Copy Sign - Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

Child Day Care Center - A place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of more than five (5) children thirteen (13) years of age or less for more than four (4) hours per day, without transfer of custody.

Church - A religious institution often in the character of a church, temple, synagogue, mosque, or storefront operation, providing education, fellowship, service including outreach, worship and sanctuary, including various accessory uses structures, such as schools, day care center, Good Shepherd facilities providing without cost clothing, food, financial help, medical services, and catering to other needs such as temporary shelter for the homeless. Such accessory features also include dwelling units for one or more staff, nunneries, senior citizen housing, nursing care facilities, monastic quarters, and orphanages, all on the same lot.

Civic - The term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit and municipal parking.

Civic Building - A building designed specifically for a civic function.

Civic Parking Reserve - A parking structure or lot within a quarter-mile of the site that it serves. Space may be leased or bought from a City Parking Reserve to satisfy parking requirements.

Civic Space - An open area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationship between their intended use, size, landscaping, and enfronting buildings.

Club or Private Lodge - An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a non-profit basis for the benefit of its members, and certified as a non-profit organization by the Secretary of the State of the State of North Carolina.

Collocation - The practice of installing and operating multiple and various wireless carriers, service providers, and/or Radio Common Carrier licensees from the same supporting structure or attached Wireless Transmission Facility, using different and separate antennae, feed lines, and Radio Frequency generating equipment.

Collection Facility - Collection facilities are those centers and apparatus used as drop_points for temporary storage of recyclable materials, such as metal, glass, plastics and/or newspapers. There are two types:

- a. Small facility - A facility typically not over 500 square feet in size which may be a mobile unit or separate containers, such as igloos, or kiosks located on host lots.
- b. Large Facility - A facility that buys or accepts recyclable materials for the purpose of storage until enough has accumulated for shipment. The facility is usually larger than 500 square and occupies a single site.

Combined Development - Two or more establishments or businesses occupying a common building or adjoining buildings, which are designed and developed in a coordinated manner and which share parking, driveways, and other common facilities.

Commercial - The term collectively defining workplace, office and retail functions.

Commercial Recreational Facilities - Establishments engaged in providing indoor/outdoor amusement or entertainment services. This definition includes all uses in the following group:

Amusement and Recreation	Amusement Parks
Athletic Fields, Private	Batting Cages
Coin-operated Amusement Devices	Membership Sports
Miniature Golf Course	Physical Fitness Facilities
Producers, Orchestras, Entertainers	Racing, Including Track Operation
Recreation Clubs	Sports Clubs, Managers, and Promoters

Common Open Space - An area of open space within a development site designed and intended for the use and enjoyment of residents of the development, or the general public, if designated public.

Concealed Wireless Transmission Facility - A Wireless Transmission Facility, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A concealed facility may have a secondary function, including, but not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree. A non-concealed Wireless Transmission Facility is one that is readily identifiable such as a monopole or lattice tower.

Condominium - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For the purposes of the Ordinance, all condominiums other than residential condominiums shall be defined as Flexible Space.

Construction - Means any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipment of buildings, roadways or utilities, including land clearing, grading, excavating and filling.

Context - Surroundings made up of the particular combination of elements which create specific habitat.

Contractor, General - One who is engaged in one or more aspects of building construction through a legal agreement.

Contractor or Subcontractor, Trades - One who accomplishes work or provides facilities under contract with another, and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal and roofing work, etc.

Convenience Store - Any premises where food stuffs, beverages, pharmaceuticals, small household supplies, and small personal items are retailed. Commonly, a neighborhood grocery-type of store selling personal goods and products that typically can be hand-carried from the premises by the buyer.

Corner Lot - A lot abutting upon two (2) or more streets at their intersection.

Corridor - A lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal urban Transect Zone.

Courtyard Building - A building that occupies the boundaries of its lot while internally defining one or more private patios.

Curb - The edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.

“D”

Damaged trees - Trees with structural defects are considered to be damaged. Some indicators of damaged trees are:

- a. *Dead tree*. If more than 50% of the major limbs are dead or dying and the tree is in a declining state, it shall be removed.
- b. *Dead branches*. Large dead branches and hangers should be removed if there is no other damage to the tree. Long overextended branches also should be removed. Dead branches by themselves are not cause for removal of the tree.
- c. *Edge tree*. If an edge tree is leaning and it has a potential target, it should be removed. Natural lean and leans where the ground is being heaved are both considered leans.
- d. *Construction injury*. Roots, trunk and branches can be severely damaged by grading equipment. Many times this damage is extensive enough that the tree should be removed.
- e. *Rots, cankers, cracks*. These can be signs of significant structural strength loss. Either removal or further professional investigation is needed.
- f. *Cavities and decay*. These “bad spots” in a tree are often cause for removal when the tree is near structures.
- g. *Fungal fruiting bodies (mushrooms and conks)*. This can mean significant strength loss and should be investigated by a professional and the tree removed if it is warranted.
- h. *Burlwood*. Indicates abnormal wood growth and is associated with strength loss.

Dangerous Weapon or Substance - Any deadly weapon, ammunition, explosive, incendiary

device, radioactive material or device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction or property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such weapon, instrument, or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.

Day Care Facility - Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: public schools; non-profit schools whether or not accredited by the N.C. State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

Decibel (dB) - A unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to about 130 for the average pain level.

Dedication - A gift by the owner, or a right-to-use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Dimensional Nonconformity - A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Demolition - Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Density - The total number of residential use units per acre of land. Density is determined by dividing the number of residential use units by the total number of lot acres. The entirety of a lot is included in the calculation including, but not limited to, wetlands, ponds, and marsh.

Design Speed - The velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Very Low (below 20 MPH); Low (20-25 MPH); Moderate (25-35 MPH); and High (above 35 MPH). Lane width is determined by the desired design speed.

Developer - Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development of housing, commercial or industrial projects.

Development - The change in or commencement of use of any building or land that is regulated by this Ordinance.

Development Plan, Phased - A plan which has been submitted to the town, by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels.

Diameter Breast Height (“DBH”) - A measure of the size of a tree. Diameter is measured in inches by finding the circumference of the tree trunk with a tape measure and dividing the result by pi (3.14159). The circumference measure shall be taken at breast height – four and a half feet (4’6”) above existing grade (the base of the tree). In the event of a multi-trunk tree, the DBH of each trunk shall be summed to determine a total DBH for that tree.

Directory Sign - A single sign for multiple businesses, offices, professionals, industries, or other entities located within a combined development.

Door Sign - Any sign that is placed on a door that is visible from the exterior of the structure.

Double Frontage Lots - A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.

Drip line - The ground area under a tree, directly under the tips of its outmost branches, where it sheds rain or irrigation water.

Drive-through/drive-in facility - A location where products and/or services are distributed to, or business is transacted with, a person seated in a motor vehicle.

Driveway - A private roadway located on a parcel or lot used for vehicle access.

Dwelling Unit - A single unit providing complete independent, permanent, Living Facilities for one or more persons.

Dwelling - Any building that contains one or more Dwelling Units, used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

*Among the types of Dwellings regulated are:

1. Single Family Dwelling - One Dwelling Unit, located on a single parcel, with open space on all four sides of the Dwelling. Also called Single Family Residence and Single Family Home.
2. Two Family Dwelling (Duplex) - Two attached Dwelling Units, located on a single parcel, with open space on all four sides of the Dwelling. The two Dwelling Units can be located side-by-side or on separate floors.
3. Multi-Family Dwelling - Three (3) or more attached Dwelling Units, located on a single parcel, where common walls, common floors, and/or common ceilings are shared.

4. Townhouse - A Dwelling Unit constructed in a row of attached units separated by property lines and with open space on at least two sides. As an exception to Table 5.2 Zoning District Dimensional Requirements, Townhouses shall have a 0' Interior Side Yard Setback, but are still required to maintain the Minimum Street Corner Side Yard Setback applicable to the district in which the Townhouse is located.
5. Accessory Dwelling - One Dwelling Unit, which is an accessory or subordinate use to an existing Single Family Dwelling, or Manufactured Home, or Modular Home, attached or detached, to be used by a maximum of three (3) people, which includes Living Facilities, and is designed or intended to be used as an independent unit.
6. Bed and Breakfast - A form of guest lodging in which bedrooms are rented and breakfast is served. Bed and breakfast accommodations may only be provided in buildings used as a private principal residence. The term is intended to describe the offering of temporary lodging in the private home having architectural and historic interest, rather than the provision of food service or the offering of facilities for long term occupancy. The only functions permitted are the renting of guestrooms and serving of breakfasts.
7. Boarding House - A rooming house or a structure which contains four (4) or more rooms, each of which has no kitchen facilities(stove, sink, or refrigerator), and is designed or intended to be used for residential occupancy on a rental basis.
8. Guest Home - Any form of dwelling unit whose primary use is a permanent resident but which offers room by the night or for short duration, for remuneration.
9. Manufactured Home - A home built to the Manufactured Home Construction and Safety Standards (HUD Code).
 - A. Manufactured Home, Class A - A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria.
 - i. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet.
 - ii. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run; the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint; the roof has an overhang (eaves) extending at least ten (10) inches from each vertical exterior wall. A site-installed gutter may be counted in the width of the eaves.

- iii. The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint.
 - iv. A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.
 - v. The tongue, axis, transporting light, and removable towing apparatus are removed after placement on the lot and before occupancy.
 - vi. The manufactured home is set up on the site in accordance with the standards set by the N.C. Department of Insurance.
 - vii. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.
 - viii. The manufactured home is oriented on the site in such a manner that the side having the main, entrance, and by design intended to be the front of the manufactured home, is generally parallel to a public street abutting the site.
- B. Manufactured Home, Class B - A manufactured home that meets all of the criteria of a Class A Manufactured Home, except criteria (i), (iii), (iv), (v), and (viii), provided, however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface/pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and an access door.
- C. Manufactured Home, Class C - A manufactured home that meets all of the requirements of a Class A Manufactured Home, except criteria (i), (ii), (iii), (iv), (v), and (viii); provided however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface, pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and an access door.
- D. Manufactured Home, Class D - A manufactured home that does not meet the requirements of a Class A, Class B, or Class C Manufactured Home.
10. Modular Home - A Dwelling Unit constructed in accordance with the standards set forth in the NC Uniform Residential Building Code, applicable to site- built homes, including Volume I -B general construction, Volume II Plumbing, Volume III

Mechanical, and Volume IV Electrical. The home is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of several sections transported to the site in a manner similar to a mobile home except that the modular home meets the State Building Code applicable to site-built homes or a series of panels or room sections transported on a truck and erected or joined together on the site with a permanent foundation, with the steel frame removed.

“E”

Easement - A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Educational Facilities - Colleges, Universities, Professional Schools & Technical Institutions, Elementary & Secondary Schools, Libraries, and Museums. Kindergartens are included.

Electronic Gaming Operation - A business enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including 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.

Electronic Gaming Operations do not include:

- a. Any lottery approved by the State of North Carolina;
- b. Coin-operated machines, video games, pinball machines, and other computer, electronic or mechanical devices that are operated and played for amusement, that involve the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that:
 1. Do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, or other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or award free replays; or
 2. In actual operation, limit to eight the number of accumulated credits or replays that may be played at one time and which may award free replays or paper coupons that may be exchanged for prizes or merchandise with a value not exceeding ten dollars (\$10.00), but may not be exchanged or converted to money.

Elevation - An exterior wall of a building not along a Frontage (see Façade) .

Emergency Work - Work made necessary to restore property to a safe condition following a

public calamity, work to restore public utilities or work required to protect persons or property from imminent exposure to danger.

Encroachment - The advance or infringement of uses, buildings, or permanent structures beyond proper, established, or usual limits.

Enfront - To place an element along a frontage line, as in porches which enfront a street.

Entrance Principal - The main point of access of pedestrians into a building.

Expressive Conduct - Non-trespassory conduct, which does not deprive others of their personal liberty or property rights, the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, views, or ideas and for which no fee or donation is charged or required as a condition of participation or attendance at such activity. Expressive Conduct includes, without limitation, public oratory, leafleting, marches, rallies, demonstrations, and picketing.

Extraterritorial Jurisdiction (ETJ) - The extraterritorial jurisdiction of a municipality in Brunswick County is the area one mile beyond the corporate limits in which a town may exercise the same planning, zoning, and building inspection authority as in its corporate limits. ETJ requires the approval of the Brunswick County Board of Commissioners. Exemption - A deviation from the terms of the subdivision ordinance which is approved by a simple majority of Planning Board members in attendance at the meeting at which the exemption is considered. Exemptions are allowed only when specifically provided for or allowed by the Town of Belville Subdivision Ordinance.

Exotic animal - An animal that: (i) is typically found in a non-domesticated state and that because of its size, vicious propensity, being poisonous, or, for any other substantial reason, poses a potential danger to persons, other animals, or property, (ii) is classified as a wild animal by the North Carolina Wildlife Resources Commission, or (iii) is deemed to be an endangered or protected species under any Federal or State law or regulation. By way of example, exotic animals shall include but not be limited to bears, wolves, wild cats, apes, monkeys, raccoons, poisonous reptiles/amphibians, and poisonous spiders.

Expenditure - A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

“F”

Fabrication - Manufacturing, excluding the refining or 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.

Façade - The exterior wall of a building that is set along a Frontage (see Elevation, Frontage).

Family - One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption or marriage and further provided that no more than three (3) persons in the following categories are permitted:

- a. that domestic servants employed on the premises may be housed on the premises without being counted as part of the family residing on the premises; and
- b. That a foster home as designated by the North Carolina Department of Social Services for the care of not more than five (5) children less than eight years of age be considered as family.
- c. That any child less than eighteen (18) years of age living with parent(s) or legal guardian is not to be counted as a person in the calculations hereunder.

Family Care Home - As set forth in G.S. 131D-2.1(9), an adult care home having two to six residents. The structure of a family care home may be no more than two stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story.

Family Child Care Home - As set forth in G.S. 110-86(3)b, a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

Family Foster Home - As set forth in G.S. 131D-10.2(8), a private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency, or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship or adoption

Farm, Bona Fide - Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.1 et. seq. shall be considered a bona fide farm. Any trade of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the building inspection upon consideration of agricultural productivity and improvements, and any other necessary or available information. Under no circumstances will any parcel smaller than five (5) acres be considered either an agricultural tract or a bona fide farm.

Fast Food Establishment - Any premises where foods and/or beverages are usually served in paper, plastic or other disposable containers by an employee at a standing counter or drive-in window. Consumption is often off the premises, but may be allowed within the principal building, within a motor vehicle parking area on the premises, or at other facilities on the premises outside the principal building. Fast food establishments may also be used in conjunction with gasoline stations.

Feed Lines - Cables used as the interconnecting media between a transmission/receiving base station and an antenna.

Final Plat - A drawing or drawings with sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every right of way line, property line, easement line, and other property boundaries, including the radius and other data for curved property lines (such as chord bearing, etc.), to an appropriate accuracy and in conformance with good surveying practice and drawn with sufficient detail to enable the applicable reviewing entity to determine whether or not the applicable Town requirements have been met.

Financial Institution - A use or structure where financial, pecuniary, fiscal or monetary services are made available, including depository institutions, non-depository institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, cash checking services, bondsmen service, and pawn brokers. The word bank is interchangeable with the term financial institution.

Flag - Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing Sign - A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Flexible Space (“Flex Space”) - A building or structure containing, under a common roof, two or more uses permitted under Article 5, *Zoning Districts, Permitted Uses, and Dimensional Requirements*, within the zoning district in which the Flexible Space is located.

Flood Plain - Any land area susceptible to being inundated by water from any source.

Floor Area (gross) - The sum of the gross horizontal areas of the several floors of a building measured from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles.

Floor Area (net) - The total of all floor areas of a building, excluding stairwells and elevator shafts, utility and equipment rooms, restrooms, interior vehicular parking or loading, and basements when not used for human habitation or service to the public.

Floor Area Ratio (FAR) - A relationship determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Fraternities/Sororities Residential - A building or structure occupied and maintained for residential uses exclusively for college or university students who are members of a social,

honorary, or professional organization which is chartered by a national, fraternal or sororal order which is so recognized by the university, college or other institutions

Freestanding Sign - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign that is wholly independent of a building for support with a base of a width not less than the width of the sign face.

Frontage - All property abutting on one side of a street measured along the street line.

“G”

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

Garage Service and/or Repair - Buildings and premises for major repairs on automobile, trucks, boats, and other equipment including large engines, body work, painting, reconstruction, and provision of all typical filling station service including tow trucks.

Gasoline Station - Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune ups, lubrication, minor repairs, and carburetor maintenance may be conducted. Gasoline stations shall not include premises where heavy automobiles maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Gasoline stations may also include a Convenience Store. Gasoline stations may also be used in conjunction with fast food establishments.

Geographic Search Area - An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

Golf Cart - A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding twenty (20) mph. The definition is republished here for convenience only and the definition set out in G.S. 20-4.01(12), as amended from time to time, is controlling for all purposes.

Golf Course - A tract of land designed and laid out for the game of golf having at least nine (9) holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course shall be fifty (50) acres. The minimum area for an eighteen (18) hole golf course shall be one hundred (100) acres. Par 3 and Executive golf courses shall be a minimum of twenty (20) acres. Golf facilities not meeting these minimum requirements shall be considered commercial recreation uses. Exceptions are courses that are otherwise accepted by either the United States Golf Association or the Professional Golf Association.

Ground Cover - Any plant less than three (3) feet in height at maturity.

Guyed - A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

“H”

Habilitation/Rehabilitation Treatment Facility - As set forth in G.S. 122C.-3(14) and G.S. 35A-1101(16), a place with the primary purpose of providing services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, which shall include halfway houses and other community-based residential facilities

Handicapped Person - Means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairment, emotional disturbances and orthopedic impairment but not including mentally ill persons who are dangerous to others as defined by G.S. 122 C-3(11)b.

Hazardous Materials - Any substance listed as such in the Superfund Amendments Reauthorization Act (SARA), Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Material Treatment Facility - A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduce bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous material treatment facility to be construed to be any of the following:

- a. A facility which manufactures hazardous material from component non-hazardous material;
- b. A facility or location for the long term or perpetual storage of hazardous material;
or
- c. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heritage tree:

- a. Any oak tree native to North Carolina with a DBH of at least 8 inches; or
- b. Any tree or group of trees specifically designated by the Board for protection because of historical significance, special character or community benefit.

Home Occupations - A Commercial activity conducted within a dwelling unit located in a residential zoning district, primarily by one or more occupants thereof. This activity shall be an accessory use which is clearly incidental and secondary to the residential use of the dwelling unit and shall be subject to the following restrictions:

- a. The Home Occupation shall occupy an area not to exceed twenty-five (25%) percent of the gross floor area of the dwelling unit. All activities shall be conducted entirely within the dwelling unit are not permitted in a detached garage or other accessory structure.
- b. There shall be no external evidence of the activity such as commercial vehicles, window displays, outside storage, smoke, noise, odors or other nuisances emitted from the premises.
- c. Only one person may be employed who is not a resident of the dwelling.
- d. No display of products or signs may be visible from the street.
- e. No infrastructure demands shall be generated by the Home Occupation in greater volumes that would normally be expected with a residential use.
- f. Instruction in music, dance, and similar subjects shall be limited to two students at a time.

Home Care Unit - A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, including homes for the aged.

Homeowners Association - An association of all property owners in a subdivision or PUD to maintain the common areas and private roads.

Hotel/Motel - An establishment containing multiple guest units designed without independent cooking facilities and intended for temporary lodging, entertainment and various personal services for pay by the traveling public.

Hotel/Motel, Resort - An establishment containing multiple guest units designed with independent cooking facilities and intended for temporary lodging, entertainment and various personal services for pay by the traveling public.

Illuminated sign, External - A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, Internal - A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

Impervious Surface - Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not limited to, compacted earth, gravel, concrete, asphalt, or other paving material and all area covered by buildings or structures.

Impervious Surface % - The algebraic percent calculated to determine the percentage of built upon area on any tract(s) of land used for the purpose of actual or anticipated residential or non-residential development.

Improvements - The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

Impulsive Sound - Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

Industry - The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of sound, smoke, fumes, odors, glare, or health and safety hazards.

Infill - The development of vacant areas between existing buildings, especially as part of a planned growth or urban renewal program.

Inside Turning Radius - The curved edge of a thoroughfare at an intersection measured at the inside edge of the vehicular tracking. The smaller the Turning Radius the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn .

Inoperative Motor Vehicle - A motor vehicle which meets any one of the following criteria:

- a. Is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate. Motor vehicles which lack such an inspection certificate, or which display an expired certificate, shall be presumed to be inoperative; or
- b. Is partly dismantled or wrecked; or

- c. Cannot be self-propelled or moved in the manner in which it originally was intended to move.

Inter-parcel Access - A point of ingress and egress for vehicular or pedestrian traffic between abutting properties that does not connect to the street or right of way frontage.

“J”

Junk Yard - An establishment or place of business maintained, operated or used for storing, keeping, buying or selling of junk. The term junk shall be defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material. Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.

“K”

Kennel - An establishment wherein any person engages in business or practice, for a fee, of boarding, breeding, grooming, letting for hire, or training of more than three (3) domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one time or the selling of any three (3) individual domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of Belville’s Zoning and Subdivision ordinances, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of Belville’s Zoning and Subdivision ordinances, shall be defined as the pregnancy resulting from the breeding of two domesticated animals. The following shall not constitute the operation of a Kennel as defined above and in no way shall this provision regulate the following:

- a. The ownership of domesticated animals as household pets;
- b. The ownership of domesticated animals for hunting or tracking purposes;
- c. The ownership of domesticated animals for the purpose of exhibition at shows, obedience or field trials; and
- d. The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

“L”

Laboratory - A facility for performing physical, bacteriological, chemical, or other studies.

Lakes and Ponds - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or may result from excavation.

Landowner - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representatives of such owner.

Lattice - A tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennae.

Least Visually Obtrusive - A Wireless Transmission Facility that is designed to present a visual profile that is the minimum profile necessary for the facility to properly function.

Light Manufacturing - The assembly, fabrication, or processing of goods and material using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place or where the area occupied by outdoor storage of goods and material used in such processes does not exceed twenty-five (25) percent of the floor area of all buildings on the property.

Liner Building - A building specifically designed to mask a parking lot or a parking garage from a frontage. A Liner Building, if less than thirty (30) feet deep and two (2) stories in height, shall be exempt from parking requirements.

Livestock - Poultry (chickens, ducks, geese, turkeys, etc.), horses, mules, cows, pigs, goats, sheep, rabbits, and all other animals that are typically kept primarily for productive or useful purposes rather than as pets.

Living Facilities - Provisions within a dwelling unit for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Lodging - Premises available for daily and weekly renting of bedrooms. Any area allocated for food service shall be calculated and provided with parking according to retail use.

Lots -

- a. Corner Lot, - A lot abutting upon two streets or road (including platted but unopened streets or roads), thus having two (2) front lines.
- b. Double Frontage Lot - A continuous (through) lot that is accessible from both streets upon which it fronts.
- c. Interior Lot - A lot other than a corner lot with only one frontage on a street.

- d. Lot - A portion of subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word lot also includes the words "plot" and "parcel".
- e. Lot Area - The parcel of land enclosed within the boundaries formed by the property lines and if applicable, plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, if extended.
- f. Lot Depth - The mean horizontal distance between front and rear lot lines.
- g. Lot Line - Any boundary of a parcel of land.
- h. Lot Line. Front - Any boundary line of a lot running along a street right-of-way line. If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines, the front lot line shall be determined by the Planning Board.
- i. Lot Line, Rear - The plot line opposite the front lot line.
- j. Lot of Record - A lot, a plat or a map which has been recorded in the office of the Registrar of Deeds of Brunswick County, or a lot described by metes and bounds, or by adjoining property owners, the description of which has been recorded in the aforementioned office.
- k. Lot Line. Side - Any lot line which is not a front or rear lot line.
- l. Lot Width - The distance between the side lot lines as measured along the front building line as specified by the applicable front yard setback in Belville's Zoning and Subdivision ordinances.
- m. Single Tier Lot - A lot which backs up on a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
- n. Through Lot or a "Double Frontage" Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

“M”

Major Development - Any Development that meets the following:

1. Development occurring on 10 or more lots (except for lots for single family dwellings, manufactured homes, and modular homes in approved Subdivisions);
2. Multi-Family Dwellings with more than forty (40) Multi-Family Dwellings;

3. Total building floor area of more than 75,000 square feet, including existing buildings on the site; or
4. Parking lot expansion with total building floor area (including existing buildings) more than 75,000 square feet.

Manufacturing - The assembly, fabrication, or processing of goods and material using processes that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of sound, smoke, fumes, odors, glare, or health and safety hazards.

Manufactured Home Park - Often known as Mobile Home Parks or House Trailer Parks, or Courts, being premises where manufactured homes are parked for living and sleeping purposes, or premises used for or set apart for the purpose of supplying parking space for mobile homes for living and sleeping purposes. Any such park created after the effective date of Belville's Zoning and Subdivision ordinances shall have a minimum of fifteen such spaces. A manufactured home park is not a manufactured home subdivision.

Marina, Commercial - Any dock or basin and associated structures commercially providing permanent or temporary harboring or storing of two (2) or more boats (pleasure and/or commercial), and providing marine services, included but not limited to retail sales for fuel, repair, convenient food stuffs, boats, engines, and accessory equipment.

Massage - Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Business - Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

Massage Parlor - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Master Development Plan - An overall plan of development that shows possible uses and intensity of use.

Marquee, Marquee Sign - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, that is generally designed and constructed to provide protection from the weather.

Microbrewery - A brewery not exceeding twenty-five thousand (25,000) square feet including lot coverage and any exterior areas used for demonstration, on-premises consumption, education, retail sales or other permitted accessory uses. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

Meeting Hall - A building available for gatherings including conferences. It should accommodate at least one (1) room equivalent to a minimum of ten (10) square feet per projected dwelling units within the Pedestrian Shed in which the Meeting Hall is located. A Meeting Hall shall be completed upon the sale of seventy-five percent (75%) of the dwelling units. The Meeting Hall may be used for the marketing purposes of the development until the sale of seventy-five percent (75%) of the dwelling units.

Mini-Storage Facility - Small cubicles linked together in a single building or row of buildings for the purpose of renting storage space, usually on a temporary basis. This definition shall include mini-warehouse facilities.

Minor Development - Any Minor Residential Development or Minor Non-Residential Development.

Minor Residential Development - Any residential Development that is not listed under Major Development (see *Major Development*) and occurs within the R10, R15, MF, or MH districts.

Minor Non-Residential Development - Any non-residential Development that is not listed under Major Development (see *Major Development*)

Mitigation (for Wireless Transmission Facilities) - A modification to increase the height of an existing antenna-supporting structure, or to improve the structural integrity of an existing support structure, or to replace or remove one or more antenna-supporting structure(s) located in close proximity to a proposed new antenna-supporting structure in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

Monopole - A style of free-standing antenna-supporting facility that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Motorcycle - A motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including motorized bicycles, motor scooters, and mopeds but not including All-Terrain Vehicles (“ATV’s”), tractors and utility vehicles, the latter term being defined herein.

Motor Vehicle - Any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

Moving Sign - A sign that revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

“N”

Narrow Band Sound - Sound characterized by normal listeners as having a predominant pitch or series of pitches; sound described by such listeners as "whine," "hiss," "toot" or "wail"; or a sound whose frequencies occupy an octave band or less.

Neighborhood - A mostly residential area often with a recognizable edge. For the purposes of this Ordinance, a “complete neighborhood” is further defined as consisting of one (1) Pedestrian Shed (1/2 mile diameter) with a mixed-use center.

Noise Sensitive Activities - Activities which should be conducted under conditions of exceptional quiet, including, but not limited to, operation of schools, libraries open to the public, churches, hospitals and nursing homes.

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

Non-Conforming Situations - 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 or minimum floor space 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.

Non-Conforming Use - A non-conforming 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 non-conforming use.) The term also refers to the activity that constitutes

the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a non-conforming use.)

Non-Conforming 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.

Nursing Home - As set forth in G.S. 131E-101(6), a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

“O”

Obscene - Material is obscene if, to the average person applying contemporary community standards and taken as a whole, it predominantly: appeals to prurient interests such as, without limitation, a shameful or morbid interest in nudity, sex or excretion; lacks serious literary, artistic, political or scientific value; and/or depicts or describes, in a patently offensive way, sexual conduct specifically defined as: (A) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (B) acts of masturbation or oral sex; (C) acts involving excretory functions or lewd exhibition of the genitals; (D) acts of bestiality or the fondling of sex organs of animals; or (E) sexual acts of flagellation, torture, or other violence.

Office - Premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Official Maps or Plans - Any maps or plans officially adopted by the Town of Belville as a guide for the development of the town, consisting of maps, charts and/or texts.

Off-Premises Sign - A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.

Off Road Recreational Vehicle - Any motor vehicle, including road vehicles, but excepting watercraft, used off public roads for recreational purposes.

Off-Site Sewage System - A sewage system (public, community, or private) serving a development.

On-Site Sewage System - A septic tank system, which is located on a lot.

Open Space - An area that is designed for either environment, scenic or recreational purposes. Open space may include but is not limited to lawn, decoration planting, walkways (including concrete walkways), active and passive recreation areas, playgrounds and wooded areas. Open space shall not be deemed to include parking lots, roadway right-of ways except for landscaped medians 12' in width or greater, transmission electric easements, utility and/or drainage easements or other surfaces designed for vehicular travel. Open space includes any areas that are owned in common for the use, enjoyment, and benefit of common owners. A maximum of 50% of the open space may be wet lands and commercial recreational areas such as golf courses.

Operating Permit - A permit issued by the Planning Department to a mobile home park or travel trailer park owner or operator upon the completion of a mobile home park or travel trailer park which conforms to the requirements of Belville's Zoning and Subdivision ordinances.

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

Out of Store Marketing Device - An out of store marketing device is any structure or equipment which is located outside of a primary building on a site zoned for non-residential or mixed uses, which is used for the primary purpose of providing a product or service without the owner's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Overhead Canopy - Any structure placed over, around, or near a fuel pump island or bank drive-thru and intended to provide lighting and /or protection from the elements for island users shall be considered an overhead canopy. Minimum setback distances shall be determined by measuring a straight line distance from the nearest point of the required reference boundary (i.e., street right-of way, zoning district line or property line) to the point on the ground surface which is perpendicular to the closest edge of the canopy overhead. Setback distances from street right-of-way may be reduced by one-half.

Overlay District - Districts indicated on the Official Zoning Map where regulations and standards are imposed in addition to those required by the Zoning Districts. The requirements of an Overlay District shall apply whenever they are in conflict with those in the general use district.

Owner - Any person, persons, or entity that owns a parcel of land; or owns improvements on a parcel of land; or is a lessor or landlord of leased or rented real property.

“P”

Parking Space - A graded and surfaced storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Parking space sizes shall be governed by the following:

1. Angle Parking Minimum - 8.5 feet x 20 feet (measured parallel to the vehicle)
2. 90 degree Parking Minimum - 9 feet x 20 feet

Parking Space, Off-Street - For the purposes of Belville’s Zoning and Subdivision ordinances, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Parking Structure - A building containing two (2) or more stories of parking. Parking Structures shall have Liner Buildings at the first story or higher.

Passage (PS) - A pedestrian connector passing between buildings and providing short-cuts through long blocks and connecting rear parking areas to frontages. Passages may be roofed over.

Path (PT) - A pedestrian way traversing a park or rural area with landscape matching the contiguous open space. Paths should connect directly with the urban sidewalk network.

Pedestrian Shed - An area defined by the average distance that may be traversed at an easy walking pace from its edge to its center. This distance is applied to determine the size of a Neighborhood or extent of a Community. A standard Pedestrian Shed is one quarter of a mile (.25) radius, or 1,320 feet, with transit available or proposed. A long Pedestrian Shed has an average walking distance of one-half mile (.5) or 2,640 feet. Pedestrian Sheds are oriented toward a central destination containing one (1) or more important intersections meeting places civic spaces civic buildings and the capacity to accommodate aT5 Transect Zone in the future sometimes called walkshed or walkable catchments.

Pennant, streamer - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent Sign - Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permitted Structural Use - A structure/use meeting all of the requirements of Belville's Zoning and Subdivision ordinances for the zone district in which it is located.

Permitted Use - See Use By Right.

Permittee - The person and/or entity owning or leasing the land for which an application for a permit has been submitted.

Person - Any individual, including the owner of premises or tenant, association, partnership or corporation, including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of a state, including the city.

Personal Service Establishments - An establishment primarily engaged in providing services to individuals and/or businesses and staff support services to businesses, and which may provide a combination of services, office, and retail uses, such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, computer services. Personal Services include the following list of uses (including groups and all subcategories not elsewhere listed):

- | | |
|---------------------------------------|----------------------------------|
| Barber shops | Beauty shops |
| Business Services | Carpet and Upholstery Cleaning |
| Coin-operated Laundries and Cleaning | Dry-cleaning Plants, except rug |
| Health club | Laundry and Garment Services |
| Miscellaneous Personal Services/Shops | Miscellaneous Repair Shops |
| Photographic Studios | Refrigeration Service and Repair |
| Shoe Repair and Shoeshine Parlors | Spa |

Personal Wireless Service - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Phased Development Plan - A plan submitted to the Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels but with a lesser degree of certainty than a site specific development plan.

Site Specific Development Plan - A plan submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels and including: the approximate boundaries of the site; significant topographical and other natural features effecting development on the site; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. For purposes of this Ordinance, approved site specific development plans which would establish a vested zoning right prior to the issuance of a building permit include subdivision plats, special use permits, and site plans. A variance, in and of itself, or a sketch plan that fails to describe with reasonable certainty the type and intensity of use, shall not constitute a site specific development plan.

Pier, Residential, Private - A dock, pier, launching ramp and /or supportive boating activity extending from a residential lot into water adjacent thereto; the use of which shall be limited to members of the family of the owner or his tenant and /or their invited guests.

Plainly Audible - Any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible rhythms.

Planned Building Group - A group of two or more buildings or two or more manufactured homes located on a single parcel of land.

Planned Unit Development (PUD) - A residential, commercial or combination of residential and commercial projects located on land under unified control, planned as a whole, and programmed series of units or stages of development according to comprehensive and detailed plans. Also with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

Planter - The element of the public Streetscape which accommodates street trees. Planters may be continuous or individual.

Plat - A map or plan of a parcel of land which is to be, or has been, subdivided, or any existing parcel of land with a map or plan in existence.

Portable Sign - A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Potable Water Purification Facility - Potable water purification means any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for sale for domestic, commercial, and industrial use as designated by Standard Industrial Classified (SIC) Code 4941 – Water Supply (Office of Management and Budget (OMB) SIC Manual, 1987).

Powered Model Vehicle - Any self-propelled airborne, waterborne or land borne model plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

Preliminary Plat - A drawing or drawings of proposed improvements to any building or land drawn with sufficient detail to enable the applicable reviewing entity to determine whether or not the applicable Town requirements have been met.

Principal Building - The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but

storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Private Frontage - The privately held layer between the Frontage Line and the principal building Façade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries. Public Frontage is the area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the type of curb, walk, planter, street tree and streetlight .

Private Water Supply - A water supply furnishing water to a development with fourteen (14) or less service connections as mandated by State Law.

Processing - Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.

Processing Facility - An enclosed facility or building that uses power-driven machinery to prepare recyclable materials for shipment. Machinery used in the processing of the materials includes shredders, balers, bickers and can compactors.

Professional Offices - An establishment primarily engaged in providing; engineering, architectural, and surveying service; accounting, auditing, and bookkeeping services; public relations services; medical services; legal services; real estate services; the service of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

Projecting Sign - Any sign which is suspended or projected from the wall, eave, or soffit of a building.

Protected Tree - Any tree planted or retained to meet the requirements of this ordinance, or any perennial woody plant, such as a large shade or pine tree, which usually has one main stem or trunk and the following DBH measurements:

- Hardwood Tree – Eight (8) inches
- Conifer Tree – Twelve (12) inches
- Small Flowering Tree (i.e. Dogwood) – four (4) inches

Protected trees include Specimen and Heritage trees

Pruning - The act of trimming a tree, shrub, or bush by cutting away live or dead branches and stems and with respect to trees, includes, without limitation, the following: thinning, cleaning, reducing, crown thinning, and crown cleaning.

Public Antenna-Supporting Structure - An antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals

associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

Public Building - Public buildings shall include local, state or federal government office facilities, including such as libraries and post offices.

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

Public (Community) Water System- A system for the provision to the public or piped water for Human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Two (2) or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve fifteen (15) or more persons is a public water system. Public (community) water system must meet standards and approval of the North Carolina Department of Human Resources, Water Supply Branch, as mandated by State Law.

Public Nuisance – Condition(s) which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public.

Public Right-of-Way - Any street, avenue, highway, boulevard, alley, easement or public space, which is owned by or controlled by a public governmental entity.

Public/Semi-Public Utilities and Facilities - An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, or similar structures used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable, television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, or a potable water purification facility, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Public Sign - Any sign erected by a governmental entity.

Public Space - Any real property, including any structure thereon, which is owned or controlled by a governmental entity.

“Q”

Quarrying - A place where minerals as defined in the N.C. General Statutes in Article 7 Chapter 74 are excavated for building or other purposes. Quarries are characterized by any of the following:

- a. Industrial or dimension stone is excavated
- b. Dewatering
- c. The use of explosives
- d. The excavated material is processed prior to sale or delivery off site
- e. Stone faces are left in reclamation
- f. Reinjection wells may be used.

“R”

Radio Common Carrier - A common carrier engaged in the provision of public mobile service, which is not also in the business of providing landline local exchange telephone service. These carriers were formerly called "miscellaneous common carriers."

Real Property Boundary - An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Rear Alley (AL) - A vehicular driveway located to the rear of lots providing access to service areas and parking and containing utility easements. Alleys should be paved from building face to building face with drainage by inverted crown at the center or with roll curbs at the edges.

Rear Lane (LA) - A vehicular driveway located to the rear of lots providing access to parking and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. Its Streetscape consists of gravel or landscaped edges, no raised curb and is drained by percolation.

Rearyard Building - A building that occupies the full Frontage Line leaving the rear of the lot as the sole yard. This is a more urban type as the continuous Façade spatially defines the public thoroughfare. For its residential function, this type yields a row house. For its commercial function, the rearyard can accommodate substantial parking.

Receiving Land Use - The use or occupancy of the property, which receives the transmission of sound.

Regional Center Development (RCD) - A Community Type consisting of one (1) long Pedestrian Shed with a strong Town Center.

Remove (including removing or removal) - The cutting down or digging up of any live or dead vegetation; the cutting of any portion of a protected tree that has the dimensions of a protected tree at the point of the cut; and all other acts that cause the death or destruction of any protected tree.

Replacement tree - A tree replanted and surviving for at least one year to compensate for the removal of a tree of greater diameter. Replacement trees shall have a DBH of at least two inches when planted.

Residential - Premises available for long-term human dwelling.

Residential Child Care Facility - As set forth in G.S. 131D-10.2(13), a staffed premise with paid or volunteer staff where children receive continuing full-time foster care. Residential child care facility includes child caring institutions and children's camps which provide foster care.

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

Restaurant - A public or private enterprise designed in whole or in part to accommodate and cater to the consumption of food and/or drink, as regulated by the ABC law, either for on site or off site consumption, and can be conducted within enclosed space or as open air activity. A Fast Food Establishment is not considered a Restaurant.

Retail - Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Retail Frontage Line - Frontage Lines designated on a Community Plan that require the provision of a shopfront causing the ground level to be available for retail use.

Retention Pond - The surface collection, storage, and reduction of storm water runoff for the purpose of providing infiltration of runoff into the soil.

Reverse Osmosis Waterworks Facility - Reverse osmosis means a method of water purification that involves the application of pressure to a concentrated solution that causes the passage of a liquid from the concentrated solution to a weaker solution across a semi-permeable membrane. The membrane allows the passage of the solvent (water) but not the dissolved solids (solutes).

Rezoning - An amendment to the Official Zoning Map to change the designated Zoning District for property within the Town of Belville.

Roof Sign - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure or vertically extending above the point at which the roof and wall meet. Signs mounted to gables shall not constitute roof signs.

Root Protection Zone - The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid in the tree's survival.

Rowing Club - A club for people to take part in the activity or sport of rowing.

Runoff - That portion of rain water or snow melt that flows off land surfaces and/or impervious surfaces directly into drainage features, rivers, lakes, streams, wetlands or other surface waters, rather than infiltrating into the ground.

“S”

Salvage Operation - The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition. This does not include the purchase or storage of used furniture, used cars in operable condition, and used or salvaged materials as part of manufacturing operations.

Sanitary Landfill - Shall mean a facility for the disposal of solid waste on land in a sanitary manner according to all applicable North Carolina Solid Waste Management Rules.

Satellite Dish Antenna(e) (Satellite Earth Stations) - A single or group of satellite parabolic (or dish) antennae. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

School - Any public or private institution for teaching.

Schedule of Fees - A fee schedule approved by the Commissioners of the Town of Belville.

Screen - A fence, wall, hedge, landscaping, earth berm buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Sector - A neutral term for a geographic area. In this Ordinance, there are six (6) specific Sectors that establish the legal boundaries for several kinds of development. Two (2) Sectors represent un-buildable open space (Preserve and Reserve) and the other four (4) are Urban Growth Sectors of varying intensity (Restricted, Controlled, Intended and Infill Growth Sectors). Sectors address the legal status of place at the regional scale while Transect Zones address the physical character of communities. Sectors contain community types which contain Transect Zones and the design standards appropriate to those Transect Zones.

Semi-Trailer - Any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle.

Septage - Shall mean a waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage shall be considered that waste which has not been treated by a process to significantly reduce pathogens.

Septic Tank System (On-Site Wastewater System) - A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipelines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation, and performance, or any other system approved by the Health Department.

Service Station - A building or lot dedicated to the rendering of automobiles services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles such as tune-ups, brake adjustment, overhauling, and tire changes, excluding body work and painting.

Setback - The distance between the minimum building line and the street right-of-way line and where no street right-of-way is involved, the property line shall be used in establishing the setback.

Setback Line - The line on the front, rear and sides of a lot, which delineates the area upon which a structure may be built and maintained, according to the district regulations.

Sexual Encounter Establishment - An establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

Sexually Oriented Business - A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.

Shared Parking Policy - An accounting for parking spaces which are available to more than one function. The requirement is reduced by a factor shown as a calculation. The Shared Parking ratio varies according to multiple functions in close proximity which are unlikely to require the spaces at the same time.

Shopping Center - Two (2) or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

Shrub - Any plant between three (3) feet and fifteen (15) feet in height at maturity.

Sidewalk - A walk consisting of a paved area for pedestrians; usually beside a street or roadway.

Sign Face Area (SFA) - That part of a sign that is or can be used for displaying a message.

Sign - Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Site Built Home - A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code real title (Uniform residential code for single family dwellings) and composed of components substantially assembled on site on a permanent foundation. A site built home shall be deemed to be single-family dwelling as defined in Belville's Zoning and Subdivision ordinances.

Site Plan - A detailed drawing or drawings of proposed improvements to any building or land drawn with sufficient detail to enable the applicable reviewing entity to determine whether or not the applicable Town requirements have been met.

Sketch Plan - An informal plan submitted to the Planning Director in conjunction with plans to subdivide land, alter an existing drainage system, construct or alter a building (Building Permit) or begin site development.

Sludge - Shall mean any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plant not considered to be hazardous by EPA or the N.C. Department of Human Resources, Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

Small Regional Brewery - A brewery not exceeding seventy-five thousand (75,000) square feet including lot coverage and any exterior areas used for demonstration, on-premises consumption, education, retail sales or other permitted accessory uses.

Solid Waste - Shall mean any garbage, refuse, seepage, sludge or any other waste material which is not considered hazardous by the US Environmental Protection Agency (EPA) or the North Carolina State Department of Human Resources, Solid and Hazardous Waste Branch.

Sound - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Special Use - A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, conveniences, appearance or prosperity. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exceptions is made in the Belville Zoning ordinance.

Special Event - The temporary use or uses of land, buildings, streets, public rights-of-way, or structures not intended to be of a permanent duration which shall be limited to the following:

- a) Circuses and/or carnivals, and other temporary recreation or entertainment-related events or activities such as fairs or concerts.
- b) Evangelistic and religious related congregation.
- c) Outdoor bazaars, cookouts, and/or similar activities by eleemosynary, churches, or other nonprofit institutions and organizations.
- d) Open lot sales for agricultural and related products, including Christmas Trees or special fundraising sales for nonprofit organizations.
- e) Street fairs, festivals, parades, runs, marches, rallies, demonstrations, and other activities or public events which require the temporary closing or obstruction of or which will significantly hinder, disrupt, or prevent the normal flow of vehicular or pedestrian traffic on all or a portion of any Town owned property, public street, public space, or other public right-of-way.

Specialized District (SD) - SD designations shall be assigned to areas that, by their intrinsic function, disposition or configuration, cannot conform to one of the six (6) normative Transect Zones specified by this Ordinance. Typical SD uses may include large parks, institutional campuses, refinery sites, airports, etc.

Specified Anatomical Areas - Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

Specified Sexual Activities - Specified sexual activities shall be defined as:

- (a) Human genitals in a state of stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, sodomy; or
- (c) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

Specimen tree - Hardwood, long leaf pine, pocosin (pond) pine, black pine, and non-pine conifer trees at least twenty-four (24) inches DBH, all other pines at least thirty-two (32) inches DBH, and dogwoods, magnolias, American hollies and other flowering trees at least eight (8) inches DBH,

Stable, Commercial - A commercial operation where horses are kept for purposes such as boarding, hire or sale.

Stable, Private - A structure in which horses are kept for private use.

Standard Informational Sign - A sign with an area not greater than four (4) square feet and with a sign face made for short term use that does not contain any reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three (3) feet and is

mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1 ½) inches.

State of the Art - The level of development (as of a device, procedure, process, technique, or science) reached at any particular time usually as a result of modern methods.

Stealth Wireless Transmission Facility (Stealth WTF) - A Wireless Transmission Facility that is screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure such that it is indistinguishable from other natural structures, structures or the structure that it is attached to or within.

Storage - A depository for commodities or items for the Purpose of future use or safekeeping. (Also includes mini storage.)

Storage, Open Air - The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

Story - A habitable level within a building of no more than fourteen (14) feet in height from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining building height.

Stream Buffer - A fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones "which flow continuously" and are indicated by solid blue lines on 7 1/2 minute topographic maps.

Street - A public or private thoroughfare that affords accesses to abutting property and is recorded as such in the Office of the Register of Deeds. A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Types of Streets:

- a. Cul-de-Sac - A street with one (1) end open to traffic and the other end of which is permanently terminated by a vehicular turnaround.
- b. Local Service Street - A minor street which is immediately adjacent to and which parallels a major street or highway, and which provides access to abutting properties and protection from high speed, through traffic.
- c. Major Thoroughfare - A street designed to carry heavy volumes of through traffic at fast speeds and which may have access from another street but not from abutting properties.
- d. Minor Thoroughfare - A street which carries traffic from minor streets to the system of major thoroughfares.
- e. Minor Street - A street that is used primarily for access to the abutting property.

- f. Road, Public - Any road or highway which is now or hereafter designated and maintained by the NC Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.
- g. Street Line - The right-of-way boundary of a street.
- h. Street, Private - A dedicated or undedicated private right-of-way, which affords access to abutting properties and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.
- i. Street, Public - A dedicated and accepted public right-of-way that affords the principal means of access to abutting properties for vehicular traffic.

Streetscape - The urban element that establishes the major part of the public realm. The Streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for motor vehicles and sidewalks, or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc) and the amenities of the public frontages (street trees and plantings benches, streetlights, etc).

Streetscreen - Sometimes called Streetwall. A freestanding wall built along the frontage line or coplanar with the Facade often for the purpose of masking a parking lot from the thoroughfare. Streetscreens should be between three and one-half (3.5) and eight (8) feet in height and constructed of a material matching the adjacent building Façade. The Streetscreen may be a hedge or fence. Streetscreens shall have openings no larger than is necessary to allow passenger vehicle and pedestrian access. In addition all Streetscreens over four (4) feet in height should be thirty percent (30%) permeable or articulated to avoid blank walls.

Street Yard – The area of a parcel immediately adjacent to a street right-of-way and reserved for planting. The minimum dimension is ten (10) feet.

Structure - Anything constructed or erected, including but not limited to buildings, which requires location on the land or the attachment to something having permanent location on the land.

Subdivider - Any person, firm or corporation who subdivides or develops any land deemed to be subdivision as herein defined.

Subdivision - All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development. Also all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this

definition:

- a. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
- b. the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c. the public acquisition by purchase of strips of land for the widening or openings of streets;
- d. the division of a tract in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town, as shown by the Subdivision Regulations contained in Belville’s Zoning and Subdivision ordinances.

Substantial Modification - Improvements or alterations to a building which are valued at more than fifty percent (50%) of the replacement cost of the entire building if new.

Support Equipment - Any and all devices utilized to attach or hold antennae, feed lines, or any related equipment to a Wireless Transmission Facility.

Suspended Sign - Any sign which is suspended from the eave or soffit of a building.

“T”

Teardrop banner - A teardrop-shaped banner, typically used for promotional purposes, supported in a vertical position by a flexible pole which creates the teardrop shape. Teardrop banners shall not to exceed twelve (12) feet in height as measured from the ground surface.

Temporary Sign - Any sign that is not permanently mounted.

Temporary Use - The temporary use or uses of land, buildings, streets, public rights-of-way, or structures not intended to be of a permanent duration which shall be limited to the following:

- a) Circuses and/or carnivals, and other temporary recreation or entertainment-related events or activities such as fairs or concerts.
- b) Evangelistic and religious related congregation.
- c) Outdoor bazaars, cookouts, and/or similar activities by eleemosynary, churches, or other nonprofit institutions and organizations.

- d) Open lot sales for agricultural and related products, including Christmas Trees or special fundraising sales for nonprofit organizations.
- e) Street fairs, festivals, parades, runs, and other activities or public events which require the temporary closing or obstruction of or which will significantly hinder, disrupt, or prevent the normal flow of vehicular or pedestrian traffic on all or a portion of any Town owned property, public street, public space, or other public right-of-way.
- f) Temporary offices or construction offices during construction activity (refer to Section 22.7.f).
- g) Temporary manufactured homes (refer to Section 22.7.g).
- h) Temporary modular/manufactured offices (refer to Section 22.7.h).
- i) Temporary Uses shall not include Garage Sales (refer to Section 22.1).
- j) Temporary Uses shall not include Expressive Conduct.

Terminal, Freight - Any facility for handling freight with or without storage and maintenance facilities. This definition includes all uses in the following SIC groups:

- 1. Trucking and Courier Services, Except Air
- 2. Trucking Terminal Facilities

Terminated Vista - A location at the axial conclusion of a thoroughfare. A building located at a Terminated Vista designated on a Master Development Plan is required to be designed in response to the axis.

Threatened Trees: Those trees that may have a problem in later years if left in their current state and are not cared for properly. These are trees which exhibit:

- a. *Stunted growth*. Small distorted leaves and twigs.
- b. *Leaf color*. Abnormal leaf color is an indicator of a problem. Fertilization is usually necessary to correct this problem unless it is a drainage problem.
- c. *Insects and disease*. Leaves, twigs and roots can be affected by insects and diseases. Diagnosis and treatments should be provided by a tree care professional.
- d. *Bark*. Peeling bark is an indicator of damage be it either mechanical, fungal or cold related.
- e. *Excessive cut or fill*. Both are equally damaging and should be evaluated thoroughly. Exposing the root flare to the air or covering the trunk with soil are both detrimental.

Town - The town of Belville, NC or the area within the territorial limits of the town, and such territory outside of the town over which the town has jurisdiction or control by virtue of ownership or any constitutional or Charter provision or any law.

Town Administrator - The Town Administrator of the Town of Belville, or his or her designee for a particular purpose.

Town Center - The mixed-use center or main commercial corridor of a community. A Town

Center may consist of little more than a meeting hall, corner store and main civic space or may be a substantial downtown commercial area often connected to other town centers by transit.

Townhouse - See Dwelling

Transect - a system of ordering human habitats in a range from the most natural to the most urban. This Ordinance is based upon six (6) Transect Zones which describe the physical character of place at any scale according to the density and intensity of land use and urbanism.

Transect Zone (T-Zone) - Transect Zones are administratively similar to the land-use zones in zoning ordinances except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the Transect scale The T-Zones are: T1 Natural, T2 Rural, T3 Sub-Urban, T4 General Urban, T5 Urban Center, and T6 Urban Core (See Table 1).

Transfer of Development Rights (TDR) - A method of relocating existing zoning rights from areas to be preserved as open space to areas to be more densely urbanized.

Transition Line - A horizontal line spanning the full width of a Facade expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Transmission Tower - Structures whose principal function is to support communication antenna(e).

Travel Center - A facility typically offering multiple services to truck and automobile patrons which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks, automobiles and recreational vehicles) one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, truck and car washing facilities, overnight lodging facilities, parking facilities for trucks, recreational vehicles and cars, shower facilities, truck scales, laundry facility, truck and auto repair and detailing shop, tire shop, recreational vehicle hookups for water and electric service, sale of propane tanks, outside play area/playground and passive recreational area. Not all such facilities are provided at all truck stops.

Travel Trailer - See Campers

Tractor Trailer Transfer Lot - A location where tractor trailers are transferred (i.e. attached and detached) to truck cabs.

Tree – Any plant greater than fifteen (15) feet in height at maturity.

Tree protection fence: Orange safety fence material at least three feet in height with integrity to survive the period of construction and with signage affixed thereto and spaced thereon to provide sufficient notice of the intent to protect the trees enclosed therein. The individual signs shall be two feet high and three feet wide with capitalized bold red or orange letters on a white background providing as follows:

**TREE PROTECTION AREA
DO NOT ENTER**

**ZONA DE PROTECCION
PARA ARBOLES – NO ENTRE**

Tree Protection plan: A tree protection and mitigation plan submitted to the Planning staff to seek approval for removal of protected trees.

Truck Terminal - A Facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Type - A form category determined by function disposition and configuration including size or extent. There are community types, street types, civic space types, etc. (see also Building Type).

“U”

Unit – A self-contained area of occupancy within a building. A unit may be residentially, commercially, or industrially used and may consist of either an owned or lease area.

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

Use By Right - A use that is listed as an unconditionally permitted activity in Belville’s Zoning and Subdivision ordinances.

Use: Non-Farm - Any use of property that is not encompassed by the definition of a farm as so defined in Belville’s Zoning and Subdivision ordinances.

Utility Vehicle - A vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes but not including vehicles designed and used primarily for the transportation of persons or property on a street or Golf Carts which have been registered with the Town as provided for under Article 22 herein.

“V”

Variance - A grant of relief of any of the requirements of Belville’s Zoning and Subdivision ordinances.

Vista - A distant view through or along an avenue or opening.

“W”

Wall Sign - Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. No wall sign shall extend more than twelve (12) inches from any wall, building, or structure.

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.

Wastewater Treatment Facility - A facility operated by a licensed utility and or unit of government in compliance with all applicable State and County regulations, intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one (1) use or more than four (4) dwelling units or facility intended or used for the treatment and subsurface disposal of wastewater which serves only one (1) use or up to four (4) dwelling units.

Water Supply Watershed - The entire land area that contributes to surface drainage and other runoff into a surface water supply.

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

Wetlands - Delineated and surveyed lines as specified by the Corps of Engineers, Section 404 and Section 10 Wetlands.

Wholesale - Sale of a commodity for resale to the public for direct consumption.

Wholesale Establishment - A building, property, or activity the principle use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Window Sign - Any sign that is placed inside a window or upon the window panes or glass, either inside or outside of a building, and that is visible from the exterior of the structure.

Wireless Ancillary Structures - Forms of development associated with a Wireless Transmission Facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

Wireless Communications - Any personal wireless service, which includes but is not limited

to, cellular, personal communication services (CPS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Wireless Transmission Facility (WTF) - Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennae, transmission cables, and equipment enclosures, and may include an antenna-supporting formation. The following facility types are considered to be Wireless Transmission Facilities: developments containing new or existing antenna-supporting structures, public antenna-supporting structures, replacement antenna-supporting structures, collocation on existing antenna-supporting structures, attached and nonconcealed Wireless Transmission Facilities. The following facility types are not included in this definition: amateur wireless facilities, satellite dish antennae and antenna-supporting structures, and antenna and/or antennae arrays for TV/HDTV/AM/FM broadcasting transmission facilities.

Wireless Transmission Facility Equipment Compound - A fenced outdoor area surrounding a Wireless Transmission Facility including the areas inside or under the antenna-supporting structure's framework and the facility's support structure.

Wooded Area - Any vegetated area of seventy-five (75) square feet or more consisting of trees, shrubs, and/or ground cover where trees are the predominant form of vegetation.

“X”

“Y”

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

Yard, Front-- A yard across the full width of the lot, extending from the front fine of the building to the front lot fine.

Yard, Rear - A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

Yard, Side - A yard between the building and side lot fine, extending from the front building line to the rear building line.

“Z”

Zoning Code Administrator - The Zoning Code Administrator of the Town of Belville or the Town Administrator in the absence of a Zoning Code Administrator.

Zoning Districts - Those districts established in the zoning code and indicated on the Official Zoning Map.