

ARTICLE 14 – DEFINITIONS

14.01 INTERPRETATIONS & CONFLICTS

See Article 1 – General Provisions, Section 1.11.

14.02 ABBREVIATIONS

ADA - Americans with Disabilities Act

ADU - Accessory Dwelling Unit

BUA - Built-upon Area

DBH - Diameter at breast height, which is the diameter of a tree measured four feet above grade

FAA - Federal Aviation Administration.

FCC - Federal Communications Commission.

FTA - Federal Telecommunications Act of 1996.

G.S. - North Carolina General Statutes

IESNA - Illuminating Engineering Society of North America

NCDEQ - North Carolina Department of Environmental Quality

NCDOT - North Carolina Department of Transportation

TIA - Traffic Impact Analysis

TRC - Technical Review Committee

UDO - Unified Development Ordinance

14.03 DEFINITIONS

As used in the UDO, the following terms shall have the meanings assigned to them in this section. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

Abutting - Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

Access - A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, the right to leave.

Accessory Structure - A subordinate structure detached from but located on the same lot as the principal structure which houses an accessory use..

Accessory Use - A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use

Active Construction - Activities that contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.

Administrative Decision – Decisions made in the implementation, administration or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance.

Administrator - The person designated to carry out the responsibilities established in this UDO or their designee.

Adult Establishment - An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or a massage business as defined by G.S. § 14-202.10.

Airstrip - A surface used for take-off and landing of aircraft.

Alley - A public vehicular way providing service access along rear or side property lines of lots which are also serviced by a street.

Apartment - See Dwelling, Multi-Family.

Applicant - A person, including any governmental entity, seeking development approval.

Automobile - A device or contrivance normally used for carrying or conveying passengers, goods, or equipment by land and utilizing wheels, it is the intent of this definition to include devices or contrivances which meet the above requirement and which are normally permitted to travel upon public roads and highways either self-propelled or towed.

Bar/Tavern - A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

Bed and Breakfast Facility - A private home that offers bed and breakfast accommodations, and that: 1) No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week; 2) Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home; 3) An owner/manager of a bed and breakfast facility shall reside on the property; and 4) Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

Bona Fide Farm Purposes – Agricultural activities as set forth in G.S. 160D-9-3.

Buffer - A system or method for dividing land, buildings, and/or structures or a combination of land, buildings, and/or structures and installed, placed, or planted for the purpose of controlling sight, sound, and trash.

Building - Any structure used or intended for supporting or sheltering any use or occupancy; from Section 202 of the 2018 NC State Building Code.

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

Building, Principal - A building in which is conducted the principal use of the plot on which it is situated.

Building Setback - The minimum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures and the property line when measured perpendicularly thereto.

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

Built-Upon Area - Built-upon areas 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.)

Cemetery - A property used for interment of the dead and intended for non-commercial use.

Cluster Development - The grouping of buildings to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

Coal Ash Landfill - A facility designed primarily for the disposal of combustion products and residuals, including fly ash, bottom ash, boiler slag, mill rejects, and flue gas desulfurization residue produced by a coal-fired generating unit when that facility is located on land or lands not previously used by a coal-fired generating unit.

Coal Ash Recycling - The procedure by which coal combustion products are directly used or reused (1) as an ingredient in an industrial process to make a product, unless distinct components of the coal combustion products are recovered as separate end products or (2) in a function or application as an effective substitute for a commercial product or natural resource.

College/University - Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

Community Support Facility - A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard shelters or clothing/food collection centers as accessory uses.

Composting Facility - A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.

Conditional Zoning - A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium - See Dwelling, Two-family Dwelling, Multi-Family and Group Housing Development.

Conference/Convention Center - See Special Events Center.

Conservation Easement - The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall either remain in its natural, scenic, open or wooded state; or be used for agricultural purposes authorized specifically authorized by the easement.

Crosswalk – A public right-of-way which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Determination – A written, final and binding order, requirement or determination regarding and administrative decisions.

Development - Any building, construction, renovation, mining, extraction, filling, grading, clearing, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; any increase in the intensity of any use(s) on land.

Development Approval - An administrative or quasi-judicial approval made pursuant to G.S. § 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal.

Development Regulation - A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. § 160D, or a local act or charter that regulates land use or development.

District - Any section of the City of Eden in which zoning regulations are uniform.

Drive-thru/Drive-in Facility - A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

Dry Cleaning & Laundry Services - Coin operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

Dwelling - Any building, structure, or manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of G.S. § 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.

Dwelling Unit - A unit designed and intended to house a person or family that includes bathroom, cooking and sleeping facilities.

Dwelling, Accessory - A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

Dwelling, Single-Family Attached (Townhome) - See Townhome.

Dwelling, Single-Family Detached - A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

Dwelling, Two-Family (Duplex) - A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

Dwelling, Multi-Family - A building including three (3) or more dwelling Units.

Dwelling, Multi-Family Conversion - A multi-family dwelling containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Easement - A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

Electronic Gaming Operation - Any business activity, whether as a principal use or an accessory use, in which patrons use electronic or mechanical machines, including, but not limited to, computers and gaming terminals to conduct or simulate games of chance, including the use of the machines to reveal the pre-determined value of an entry, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value is determined by the machines or by pre-determined odds. Electronic Gaming Operations do not include any Lottery approved by the State of North Carolina or any non-profit activity otherwise lawful under North Carolina State Law.

Emergency/Hazard Shelters. A shelter intended to protect occupants from temporary emergencies and hazards.

Erosion - The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

Existing Development - Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance.

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

Family Care Home - A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS 168-21)

Funeral Homes/Crematoriums - Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

Gas/Fueling Station - Any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

General Commercial - A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

Halfway House - A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 122C-3. (14), or anti-social or criminal conduct,

together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Home Occupation - Any occupation or profession carried on entirely within a dwelling or an approved accessory structure by one or more occupants thereof, provided that such use is clearly incidental and secondary to the primary dwelling purposes.

Hospital - A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for profit or not-for-profit basis; but not including group homes.

Hotel/Motel/Inn - Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category.

Hydraulic Fracturing - The process by which sub-surface rock is fractured by a hydraulically pressurized liquid for the purpose of extracting any form of gas, including natural gas.

Industrial, Heavy - A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically, the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

Industrial, Light - A non-residential use that involves the manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

Infill Development - The term defining new development on land that has been previously developed or vacant land where development has occurred around the vacant land.

Junked Motor Vehicle - A vehicle that does not display a current license plate lawfully upon that vehicle and that is partially dismantled or wrecked and/or cannot be self-propelled or moved in the same way it was intended to move and/or is more than five years old and appears to be worth less than \$500.

Junkyard - Any area or lot, or portion thereof, used for the storage, keeping, accumulation or abandonment of scrap or waste materials, including but not limited to, scrap metals, wastepaper, rags, buildings, used appliances, machinery or other scrap materials. A recycling processing center or recycling plant is not considered a junkyard.

Kennels, Outdoors - A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Legislative Decision - The adoption, amendment, or repeal of a regulation under G.S. § 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with G.S. § 160D Article 10.

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

Light Manufacturing Workshops - The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman.

Lot – A parcel of land having frontage on a public street or other officially approved means of access.

Lot, Corner - A lot which abuts the right-of-way of two streets at their intersection.

Lot Corner - A portion of a lot at the junction and abutting upon two or more streets.

Lot, Depth - The horizontal distance between the front and rear lot lines.

Lot, Lines - The lines bounding a lot as defined herein.

Lot, Width - The mean horizontal distance between side lot lines.

Manufactured Home - See G.S. § 143-145(7).

Manufactured Home Court - Any plot of ground upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for such location.

Manufactured Home Space - Any parcel or ground within a manufactured home court, designed for the exclusive use of one manufactured home.

Manufactured Home Subdivision - Any subdivision designed and/or intended for lots for occupancy by manufactured homes.

Materials Recovery & Waste Transfer Facilities - This industry comprises establishments primarily engaged in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

Mechanical Utility - Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

Medical Clinic - Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning

services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

Microbrewery - An establishment where beer and malt beverages are made on the premises and then sold or distributed. 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.

Mining, Extraction Operations, and Quarrying - The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Mini-Storage (Self-Storage Facility) - A facility which leases individual storage units with controlled access, such as rooms, lockers, or other similar compartments, to tenants, usually on a short-term, often month-to-month basis, for storage of personal items. Typically, such facilities have units which are accessed individually from the exterior but may also include units which are accessed from an area inside the facility. Use of a vacant building for storage is not considered a self-storage facility and may only be allowed in districts where "storage" or "storage buildings" are listed as a permitted use.

Motor Vehicle - All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Motor Vehicle, Disabled - Any motor vehicle that meets one or more of the following criteria: does not display a current license plate, is partially dismantled or wrecked and/or cannot be self-propelled or moved in the manner in which it was originally intended, or is more than five years old and is worth less than \$500. Nothing in this definition shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of the business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

Motor Vehicle Salvage Yard - Any area or lot, or portion thereof, used for the storage, keeping, accumulation, dismantling, demolition, or abandonment of junked motor vehicles, their parts, and other inoperable motor vehicles including manufactured (mobile) homes, boats and trailers. The presence of two (2) or more junked motor vehicles or other inoperable motor vehicles on any lot of land for period exceeding 30 days shall constitute prima-facie evidence of a motor vehicle salvage yard.

Nursery and Garden Center - Any establishment that provides activities related to growing crops mainly for commercial food and fiber. Establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds should be included in this category.

Official Governmental Flag - For the purposes of this section, an 'official governmental flag' shall mean any of the following:

- The flag of the United States of America.
- The flag of nations recognized by the United States of America.
- The flag of the State of North Carolina.
- The flag of any state or territory of the United States.
- The flag of a political subdivision of any state or territory of the United States.

Oil and Gas Exploration - (hydrocarbon exploration) is the search for hydrocarbon deposits beneath the Earth's surface, such as oil and natural gas.

Parking Lot/Structure, Principal Use - A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

Parking Space - The storage space for one automobile plus the necessary access space.

Pawnshop - Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

Personal Care Services - Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

Personal Care Services (Restricted) - A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

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

Professional Services - Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

Produce Stand - A temporary open air stand or place for the seasonal selling of agricultural produce by an individual.

Property - All real property subject to land-use regulation by a local government and includes any improvements or structures customarily regarded as part of real property.

Public Administration/Civic Meeting Facility - Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

Public Safety Station - Facilities for federal, state and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

Public Utilities - Water and sewer production plants and distribution systems owned by a governmental agency.

Quasi-Judicial Decision - A decision involving the findings of fact regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation.

Racetrack - An outdoor course prepared for horse, dog, automobile, or other vehicle racing.

Recreation Facilities, Indoor - Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

Recreation Facilities, Outdoor - Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, and tennis courts and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters.

Recycling Collection Station - An incidental use that serves as a drop-off point for temporary storage of recoverable resources. No processing of such items is conducted.

Recycling Plant - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, cardboard and other paper products, metal cans, plastics, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may be used again for production.

Religious Institution - Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

Residential Care Facility - A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

Restaurant - A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

Rooming and Boarding House - A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Sanitary Landfill - A facility for disposal of any form of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under G.S. § 130A.

Shelter, Temporary - A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residence as a result of sudden natural or

man-made catastrophe including, but not limited to earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substances(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state or federal official or an emergency agency such as the American Red Cross or the Emergency Management Assistance. Such temporary shelter may also be permitted for the housing of those made homeless due to other circumstances and under the auspices of a non-profit agency.

Shooting Range, Outdoor - A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

Sign - Any object, device, fixture, placard or structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Abandoned Sign- Any sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

Animated Sign - Any sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or create a special effect or scene. See definition of Changeable Copy Sign.

Banner Sign – Any sign of lightweight fabric or similar material that is rigidly mounted to a pole or building by a rigid frame at two or more edges. National flags, state, or municipal flags, or the official flag of any institution or business shall not be considered banners.

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

Billboard – See Outdoor Advertising Sign.

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

Canopy or Awning Sign - Any sign that is 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.

Changeable Copy Sign - Any sign or portion thereof with characters, letters, or illustrations, that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy nor animated sign for purposes of this ordinance.

Channel Letter Sign- A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall or joined by a raceway. Channel letter signs are often internally illuminated. These signs may also include “bullets” or “taglines”, which are smaller than and subordinate to the main sign letters, and function as small, irregularly shaped cabinets.

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

Construction Sign- Any sign which identifies the architects, engineers, contractors, and other individuals or firms involved with the construction on the property, the name of building or development, the intended purpose of the building or development, and/or expected completion date.

Deteriorated Sign - Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the North Carolina State Building Code, or where elements of the display area or panel are visibly cracked, broken, or discolored, or where the support structures or frame members are visibly corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

Directional Sign – Any sign with no commercial message that indicates the direction to churches, hospitals, colleges, or similar institutional uses.

Door Sign - See Window Sign.

Feather Sign - A piece of cloth or similar material, typically elongated, oblong, and/or with a curved top or bottom edge, which is attached by two edges or one long, curving edge to a pole, and resembles a feather in shape. Generally, the sign is self-supporting (not attached to a building) and/or stuck into the ground in a temporary fashion, the flag is attached by a sleeve (and not by grommets or rope), and the entire sign is temporary in nature. This is distinct from a Flag.

Flashing Sign - A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of mounted intermittent light source. A changeable copy sign nor the “time and temperature” portion of a sign is not considered a flashing sign for purposes of this ordinance.

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

Freestanding Sign - Any sign which is supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, as contrasted to a building sign.

Government Sign - Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

Historical or Memorial Sign - Any sign which commemorates a historical person, structure, place, or event; or which denotes, honors, celebrates, or acknowledges a historical person, structure, place, or event.

Identification Sign - Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, home occupation, business, institution, service, or organization occupying

the premises; the name of the building on which the sign is attached; or the directory information in multi-family developments or buildings with multiple tenants.

Information Board - Any sign which displays messages in which the copy may be arranged or rearranged by hand.

Instructional Sign - Any sign that has a purpose secondary to the use of the zone lot on which it is located that provides assistance, with respect to the premises on which it is maintained, for the direction, safety, or convenience of the public such as "entrance", "exit", "one-way", "telephone", "parking", "no parking", "loading only" and other similar directives. No sign with a commercial message legible from a public or private street right-of-way shall be considered an instructional sign.

Integral Roof Sign - See Roof Sign, Integral.

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

Marquee Sign - Any sign attached to, in any manner, or made a part of a marquee.

Nonconforming Sign - A sign that legally existed at the effective date of this ordinance.

Off-Site Sign - Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located.

Outdoor Advertising Sign (Billboard) - All off-site signs or off-site advertising that are larger than 100 square feet.

Pennant - Any lightweight plastic, fabric, or other material, whether containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; easel, menu, and sandwich boards; balloons or inflatable, wind or air-filled devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Real Estate Sign - Any sign displayed for the purpose of offering for sale, lease, or rent the property on which such sign is erected, affixed, or otherwise established.

Roof Sign - Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure and extending vertically above the highest portion of the roof.

Roof Sign, Integral - Any sign erected and constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the

highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Snipe Sign - A sign made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, trash cans, streetlights, or other objects, or placed on any public property or in the public right of way or on any private property without the permission of the property owner. The advertising material appearing thereon is often not applicable to the present use of the premises upon which the sign is located. May also be known as a “bandit sign”.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such service.

Tenant Identification Sign - An exterior sign that conforms to all criteria of a wall sign, and that identifies tenants of a single building, such as a multi-family residential building or a multi-tenant, non-residential commercial building, where access to each tenant is provided internally, via a shared external entrance. The sign may contain the name of the development, names of the tenants, suite number or address of each tenant, or a combination of these components. Tenant identification signs are designed to be pedestrian-oriented, located on or to the side of the shared external entrance, and are generally readable at less than ten to fifteen feet. Else, it is a wall sign

Temporary Sign - Any sign that is displayed for a limited period and is not permanently mounted.

Wall Sign - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, 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.

Warning Sign - Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, “no trespassing”, and similar directives.

Window (or Door) Sign - Any sign which is painted on, affixed to, or placed inside a window and is visible from the exterior of the window, excluding displays of merchandise. This may also include televisions or other electronic devices used to advertise or convey signage through a window and visible from the public right-of-way.

Site Plan - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structure on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and site plan review.

Smoke & Tobacco Shop - Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, usage or marketing of tobacco, tobacco products, or tobacco paraphernalia.

Special Events Center - A venue to allow for various gatherings such as weddings, receptions, arts and crafts shows, corporate meetings, etc. on a smaller scale and which can be indoor or outdoor or a combination thereof.

Special Use Permit - A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Street - A thoroughfare, road, or vehicular travel way which affords the principal means of access to abutting property.

Alley – A public vehicular way providing service access along rear or side property lines of lots which are also serviced by another street type.

Cul-de-Sac – A short, minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

Street, Marginal Access – A minor street parallel and adjacent to a major thoroughfare or railroad, which provides access to abutting properties, protection from through traffic, and control of access to the major thoroughfares.

Street, Minor A street whose principal function is to provide access to adjacent properties.

Street, Private - A street maintained by the adjacent property owners or some other organization.

Street, Public - A street accepted for maintenance by the City of Eden or the North Carolina Department of Transportation.

Thoroughfare, Major – A street which is used for moving heavy volumes of traffic or high-speed traffic, or both, or which has been designated as a major thoroughfare on the Thoroughfare Plan.

Thoroughfare, Minor – A street which carries traffic for minor streets to the system of major thoroughfares or which has been designated as a minor thoroughfare on the Thoroughfare Plan.

Structural Fill - Engineered fill with a projected beneficial end use, constructed using coal combustion products that are properly placed and compacted. Structural fill includes fill used to reclaim open pit mines and for embankments, greenscapes, foundations, construction foundations, and for bases or sub-bases under a structure or a footprint of a paved road, parking lot, sidewalk, walkway or similar structure. When the storage or disposal of coal combustion products is the primary purpose of placement of engineered fill and the ultimate use or purpose is incidental or accessory, then placement of structural fill shall be considered a primary use. When the use of structural fill is incidental to the ultimate use or purpose, then the ultimate use or purpose shall be considered the primary use.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having more or less permanent location on the ground.

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

Subdivision – The division of land for the purpose of sale or development. See G.S. § 160D-802.

Theater, Indoor Movie or Live Performance - A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

Theater, Outdoor - An establishment for the performing arts with open-air seating for audiences.

Utilities - See Public Utilities.

Vehicle Services - An establishment that provides for the repair, removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage or accessory storage of junk, wrecked, or inoperable motor vehicles. Such vehicles stored inside a completely enclosed building shall not be counted toward the maximum number of vehicles permitted to be stored. Temporary storage shall be defined as less than one year.

Vested Right - The right to undertake and complete the development and use of property under the terms and conditions of an approval secured under G.S. § 160D-108 or under common law.

Veterinary Services - Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

Vehicle Rental/Leasing/Sales - Establishments which may have showrooms or open lots for selling, renting or leasing automobiles, light trucks, motorcycles, and ATVs.

Vehicle Services – Major Repair/Body Work - The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

Vehicle Services – Minor Maintenance/Repair - The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Warehouse - A building where wares, or goods, are stored before distribution to retailers, or are kept in reserve, in bond, etc.

Wireless Telecommunication Facility - Any facility for the transmission and/or reception of wireless communication services usually consisting of antenna array, connection cables, and equipment facility and a support structure to achieve the necessary elevation.

Alternative Tower Structure - Man-made tress, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna Array - Any exterior apparatus designed for telephonic, radio or television communication through the sending and/or receiving of electromagnetic waves. The antenna array is one or more

rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

Wireless Telecommunications Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television towers, microwave tower structures and the like.

Fall zone - The radius around the base of the tower equal to the height of the tower.

Preexisting towers and antennas - Any tower or antenna for which a permit has been properly issued prior to the effective date of this section.

Height - When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Yard - The area between a building and the property line.

Yard, Front - An open space on the same lot with a principal building between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Rear - An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot. This area may be used for accessory buildings within the limitations of this Ordinance. The depth of the rear yard shall be measured between the rear line of the lot or the center line of the alley, if there be an alley, and the rear line of the main building.

Yard, Side - An open unoccupied space on the same lot with a building between the sideline of the building (exclusive of steps) and the sideline of the lot and extending from the front yard line to the rear line. If there be no front yard, the front boundary of the side yard shall be the front line of the lot and if there be no rear yard the rear boundary of the side yard shall be the rear line of the lot.