

## ARTICLE 1100

### LANGUAGE AND DEFINITIONS

#### 1101    Rules for Construction of Language.

The following rules apply to the text of this Ordinance.

- A. The particular controls the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative example, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "should" is discretionary.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "maintained "for" or "occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more times, conditions, provisions, or events connected by the conjunction "and," "or," or "either..or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either..or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

- J. Words not defined in Section 1102 shall have the meaning commonly assigned to them. The reference for dictionary common meanings shall be the latest edition of Webster's New World Dictionary of the American Language.

## 1102 Defined Words

The following words shall be defined for uses within this Ordinance as detailed below:

### Accessory

Having a subordinate function. (See also Building, Accessory; Structure, Accessory and Use, Accessory.)

### Accessory Apartments (amended 11-6-2014)

A dwelling unit, either in or added to an existing principal dwelling or in a separate accessory structure on a lot containing a principal dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping.

### Adult Day Care Facility (Amended 2-4-2016)

A facility where an individual, agency, or organization provides supervision or care for more than 6 adults in a place other than the recipient's residence.

## Adult Establishments

- (1) "Adult bookstore" means a bookstore:
- a. Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or
  - b. Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.
  - c. That advertises or holds itself out in any forum as a "XXX," "adult," "sex," type bookstore

- (2) "Adult Establishment General" means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, sex shop, or adult live entertainment business as defined in this section.
- (3) "Adult live entertainment" means any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.
- (4) "Adult live entertainment business" means any establishment or business wherein adult live entertainment is shown for observation by patrons.
- (5) "Adult motion picture theatre" means an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. "Adult motion picture theatre" does not include any adult mini motion picture theatre as defined in this section.
- (6) "Adult mini motion picture theatre" means an enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.
- (7) "Sex shop" means any establishment offering goods for sale or rent and that meets any of the following tests.
- a. The establishment offers for sale or rent items from any two of the following categories: (a) publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its stock and trade.
  - b. A preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its stock and trade consists of sexually oriented devices.
  - c. A preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its gross floor area is devoted to the display of sexually oriented devices.

(8) "Sexually oriented devices" means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

(9) "Specified anatomical areas" means:

- a. Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(10) "Specified sexual activities" means:

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

#### Agricultural Tourism Facility-

An agricultural use where agricultural products are processed, blended, made, stored, sold at wholesale or retail for consumption off or on the premises that offers tours to the public and provides samples and/or sales of agricultural products. Additional uses associated with the production and sales of the product and tours include catering and reception facilities, and similar uses that will enhance the property in relation to tourism and is subject to issuance of a Special Use Permit.

#### Agriculture

The use of the land for:

- A. The tilling of the soil;
- B. The growing of crops or plants, including truck farming, field crops, vegetables, fruit, nut, sod, seed, or tree production;
- C. Pasturage, including pasture for cattle, horse, sheep or goats and other farm animals;
- D. Forestry and other forms of food and fiber production for human and animal consumption;
- E. Greenhouses, nurseries and ornamental horticulture;

- F. Bee keeping;
- G. Aquiculture;
- H. The raising, breeding, working and use of farm animals excepting hog parlors, broiler houses, laying parlors, turkey houses, and feed lot operations.

#### Airport (Amended 2-4-2016)

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land, and including the sale of goods or materials to users of such aircraft.

#### Airport Overlay Zone

All lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within any approach to the Asheboro Municipal Airport. Such area shall be as depicted on the Official Zoning Map. The Asheboro Municipal Airport Overlay district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this Section.

#### Alcoholic Beverages

Beverages containing more than 1/2 percent of alcohol by volume.

#### Amenity Space

An area located indoors or outdoors, designed for active or passive recreation uses.

#### Amusement Device

Any pool, billiard, bagatelle, pigeon-hole, or similar table; pinball machine; or mechanical or electronic amusement device which is or may be operated for or upon the payment of money, trade-token, or slug, either directly or indirectly, and which operates or may be operated by retail patrons as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money, trade-token, or slug, or for which no provision whatever is made for the return of money to the player; except any table, alley, machine or other game or device which would otherwise fall within this definition shall not be exempted therefrom by reason of arrangement or provisions whereby a player may from time to time win, earn, or be awarded prizes, money, free or reduced cost play of the game or device, or other incentives or remuneration for or by reason of playing the game or device.

#### Amusement Device, Mechanical or Electronic

Any machine which, upon insertion of a coin, trade-token, or slug, or upon other

activation for payment or promise of payment in money, operates or may be operated by retail patrons as a game or contest of skill or amusement of any kind of description, and which contains no automatic payoff device for the return of money, trade-token, or slug, or which make no provision whatsoever for the return of money to the player; except any table, alley, machine or other game or device which would otherwise fall within this definition shall not be exempted therefrom by reason of arrangement or provisions whereby a player may from time to time win, earn, or be awarded prizes, money, free or reduced cost play of the game or device, or other incentives or remuneration for or by reason of playing the game or device.

A mechanical or electronic amusement device is hereby further defined to include any machine, apparatus, or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs, or directs any force, action, or image generated by, on, or in the machine.

#### Amusement Park (Amended 2-4-2016)

A commercially operated park having various devices for entertainment (as a merry-go-round and roller coaster) and usually booths for the sale of food and drink. This definition does not include limited duration events.

#### Alley

A dedicated and publicly maintained right-of-way, twenty feet or less in width, that provides a secondary means of access to abutting property and not intended for general vehicular traffic circulation.

#### Animal Hospital or Veterinary Clinic

Any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured, or disabled animals other than humans.

#### Animals, Household.

Animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include but not be limited to domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatoo, finches, toucans, mynah birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians, and aquarium fish.

#### Arcade

A series of arches supported by columns, piers, or pillars that may be freestanding or attached to a structure. An arcade may be a roofed passageway between buildings and often have a decorative purpose.

### Art Gallery.

The use of a structure or building for the display of sculpture, painting, photographs, or other artistic works for public viewing with only incidental sales.

### Auction Sales

A public sale at which items are sold one by one, each going to the last and highest of a series of competing bidders.

### Automobile Washing Establishment

A structure or portion thereof the principal use of which is the washing of automobiles or other motor vehicles.

### Awning

A covering which extends from a structure as a shelter from the weather or as a shading device. This does not include a canopy or marquee.

### Bakery

The use of a structure or building for the production of bakery products including but not limited to breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a use under "Retail," the bakery products produced must be for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, shall be considered manufacturing.

### Bank

Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

### Bank- Automatic Teller (Amended 2-4-2016)

A machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. An automatic teller machine may be a walk-up or drive-through machine. The machine may be located at or within a bank, or in other locations.

### Banquet Facility

Includes banquet facility, banquet hall, function hall, rental hall, reception or meeting hall. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, such as hosting a party,

banquet or reception, that is not open to the general public, whether or not a fee is charged. Food may be prepared onsite or brought in from off-site. Live entertainment may be featured as accessory to the meeting or banquet. Not included in this definition are banquet facilities that are incidental and customary accessory uses, such as within houses of worship (i.e. church, synagogue, mosque, etc.) and hotels.

### Banquet Facility Large

A banquet facility with a Occupancy Load as established by N.C. State Building Code section as amended for “Occupant Load” that requires the facility to have a fire sprinkler system.

### Bar

An establishment where alcoholic beverages may be obtainable within or there on and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent of the facility's total sales, the facility shall be considered an Eating Establishment. A bar may include a tavern or coffeehouse but does not include a nightclub/cabaret, game room or the display of specified anatomical areas or specified sexual activities.

### Barrier

Curbs, walls, fences, or similar protective devices designed and located to protect public right-of-way and adjoining properties from damaging effects.

### Basement/Cellar

A story partly underground but having at least sixty percent of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

### Bed and Breakfast Inn

A owner occupied dwelling unit that contains guests rooms where short term lodging rooms and meals are provided for compensation.

### Berm

A related system of earth mounds and plantings which taken as a whole, form a visual barrier (As referred to in Section 300A).

### Billboard/Off Premises Advertising Sign

Any sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location

other than the location of said sign.

### Boarding/Rooming House

A building in which rooms are provided, for compensation, with or without meals and not occupied as a single residence/dwelling unit. A bed and breakfast or hotel/motel is not considered a boarding/rooming house.

### Bollard

An upright post, a minimum of 4 inches in width, consisting of concrete, steel, or similar durable material, placed securely into the ground designated primarily to prevent vehicles from entering an area, such as a sidewalk for pedestrians, bicycles, or wheelchairs.

### Brewery

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

### Brewpub

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

### Buffer

A strip of land together with planting/screening required thereon. Both the amount of land and the type of planting/screening may be specified.

### Buildable Area

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

### Building

Any structure that encloses a space used for sheltering any occupancy.

### Building, Accessory

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

### Building, Height of

The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten feet of the street line, to the highest point of a flat roof, or to the deckline of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

### Building Inspector

The City of Asheboro officer or other designated authority charged with the administration and enforcement of the Building Code, or his duly authorized representative or agent.

### Building Line

A line which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.

### Building Permit

Permission granted by the Building Inspector for the erection, relocation, reconstruction or structurally altering any building.

### Building, Principal

A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.

### Built Upon Area

That portion of a development project that is covered by 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).

### Business Districts

OA6, B1, B2 and B3 Districts shall be considered as business districts.

### Business Services

An establishment offering primarily services to the business community and to individuals. Such services include but are not limited to advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security services, insurance agency, management consulting and public relations services, news syndicates, personnel services, art and graphics services, and real estate services.

### Camp

Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or cabins, for recreation, education or vacation purposes.

### Campsite

Any plot of ground within a camp intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

### Canopy

A structure attached to or cantilevered from a building. This may be a roof type canopy which is supported only by its flush attachment to the building, or it may be supported also by columns, braces or poles which extend to the ground. This does not include an awning.

### Car Wash

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

### Cellar/Basement

A story partly underground but having at least sixty percent of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

### Cemetery, Human

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

### Cemetery, Pet

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

### Certificate of Occupancy

A document issued by an authorized official setting forth that land, a building or structure legally complies with the City of Asheboro Building Code, this Ordinance and other pertinent local and state requirements and that the same may be used for the purposes stated therein

## Certificate of Zoning Compliance

A document issued by the Zoning Administrator certifying compliance with all terms of an approved Zoning Compliance Permit, and authorizing occupancy of a building, structure, or land. It may either be a separate document or part of the normal documents associated with a Certificate of Occupancy, Occupational License, Building Permit, or the like.

## Child Care (Amended 2-4-2016)

A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- a.) Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- b.) Recreational programs operated for less than four consecutive months in a year;
- c.) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- d.) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- d1.) Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, (ii) the parents are on the premises, and (iii) there are no more than 25 children in any one group in any one room;
- e.) Public schools;
- f.) Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by national or regional accrediting agencies with early childhood standards and that operate (i) a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site or (ii) a child care facility for more than six and one-half hours per day, but do not receive NC Pre-K or child care subsidy funding;
- g.) Bible schools conducted during vacation periods;
- h.) Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;

i.) Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and

j.) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

#### Code Enforcement Officer

The City of Asheboro officer or other designated authority charged with administration and enforcement of this Zoning Ordinance, or his duly authorized representative or agent.

#### College/University

A degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools.

Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

#### Combustible Liquid

A liquid having a flash point at or above 100 degrees F (37.8 degrees C). Combustible liquids shall be divided as follows:

Class II liquids shall include those having flash points at or above 100 degrees F (37.8 degrees C) and below 140 degrees F (60 degrees C).

Class IIIA liquids shall include those having flash points at or above 140 degrees F (60 degrees C) and below 200 degrees F (93 degrees C).

Class IIIB liquids shall include those having flash points at or above 200 degrees F (93 degrees C).

#### Commercial Developments

Developments consisting primarily of commercial uses.

#### Commercial Use (Amended 2-4-2016)

Any use permitted within the OA6, O&I, M, B1, B2, TH and B3 districts.

### Communication Facilities, Commercial

The use of land, buildings or structures for uses such as but not limited to motion picture studios; radio and television receiving antenna and dishes; radio and television studios; and radio and television transmitting and receiving facilities.

### Communication Facilities, Non Commercial

The use of land, buildings or structures for uses such as but not limited radio and television receiving antenna and dishes; and radio and television transmitting and receiving facilities not for commercial gain.

### Community Development Department/Planning Department

The unit of government of the City of Asheboro that supervises planning and redevelopment activities of the City. Also known as the Planning Department.

### Community Development Director

The individual charged with the supervision of the Community Development Department. Short title: C. D. Director.

### Community Recreational Uses

Parks and playgrounds; community centers, recreation clubs, such as Boys and Girls Clubs; swimming clubs; tennis clubs; and paddle, racquetball and handball courts.

### Conditional Use District

A district in which uses are permitted only upon the issuance of a conditional use permit which includes conditions on the manner of development. Such districts are "floating" zones since no land is mapped until its owner requests this designation.

### Conditional Use Permit

The permit required to be issued by the Asheboro City Council which establishes permitted uses within a Conditional Use District and sets forth conditions.

### Congregate Living Facility (Amended 11-6-2014)

Any building, buildings, section of a building, or distinct part of a dwelling unit, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide to individuals, for a period exceeding twenty-four hours, housing, food services, and one or more personal care services. *For purposes of this definition "Personal Care Services," means services, in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing,*

*ambulation, supervision of self-administered medication, transportation, emotional security, and other related service. Furthermore, personal care services are deemed to include on-site ancillary services to mentor and provide personal support and improve life skills of residents, including but not limited to, job training, homemaking skills, personal budgeting, parenting, personal counseling and GED programs. Personal care services do not include nursing or medical treatment.* Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional recovery facilities; or nursing, convalescent and extended care facilities. A congregate living facility is synonymous with a family care home as defined by NCGS § 168, Article 3.

#### Contractors Office

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

#### Correctional Facility

A public facility for the housing of persons convicted of a crime.

#### Country/Racquet/Tennis and Swim Clubs (Amended 2-4-2016)

The use of land or structures for recreational activities such as courses, swimming pools, tennis courts, ball fields, ball courts, and similar uses which are operated on a commercial or membership basis and not open to the general public. Customary accessory uses include snack bars, pro shops, club houses, private dining rooms, or similar facilities.

#### Crematorium

An establishment for the burning of human or animal remains.

#### Cultural Facility

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

#### Day Care Facility, Adult

Institutions for the care or instruction of non-preschool aged persons.

#### Day Care Facility (see child care)

Any child care center or child care arrangement which provides day care for more than five children, under the age of 13 years, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend. The following are not included: public schools; non-public schools whether or not accredited by the 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; Bible Schools conducted during vacation periods; facilities licensed under Article 2 of Chapter 122C of the General Statutes; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment. Day care facilities are separated by capacity into the following categories which determine applicable requirements and standards by the Child Day-Care Commission pursuant to GS110-88: Large Home, Small Center, Medium Center, Large Center. The Child Day-Care Commission shall establish the maximum capacity for each of the four categories of facilities.

#### Density (Amended 2-4-2016)

The number of residential dwelling units per acre of land determined by dividing the number of dwelling units divided by the total number of acres in the parcel to be developed.

#### Dimensional non-conformity

A non-conforming situation that occurs when the height, size, maximum 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.

#### Development

Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

#### Dormitory

A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use. Dormitories do not include kitchen facilities except a group kitchen to serve all residents.

#### Drive-In Theater

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

#### Drive-In Window

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

Drive Through (Amended 2-4-2016)

Relating to or conducting exchanges with clients who drive up to a window and remain in their motor vehicles:

Dry Cleaners

An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant

An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dry Cleaners, Small

An establishment engaged on a small scale in providing laundry, dyeing and dry cleaning services to individual customers.

Dwelling/Residence

A building designed for, or used by, one or more families for residential purposes.

Dwelling/Residence, Attached Single Family

Two or more one-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.

Dwelling/Residence, Detached Single Family

An individual dwelling unit for one family located on an independent lot containing no other dwelling units.

Dwelling/Residence, Modular

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room

sections transported on a truck and erected or joined together on the site.

Dwelling/Residence, Multiple Family

A structure containing three or more dwelling units.

Dwelling/Residence, Prefab

A dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

Dwelling/Residence, Single Family

A structure containing a single dwelling unit.

Dwelling/Residence, Two Family

A structure containing two dwelling units.

Dwelling/Residence Unit

A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for rental, lease, or other occupancy.

Dwelling within mixed use structure (Amended 2-4-2016)

A residential dwelling contained within a structure that also contains non-residential use(s).

Eating Establishment

An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.

Sit-down eating establishments are those at which food and/or beverages may or may not be served by waitresses or waiters to patrons seated at booths or tables. A sit-down eating Establishment may have walk-in/carry out service as part of its operation.

Walk-in/carry out eating establishments are those at which the customers receive but do not consume the food and/or beverages at a counter, bar, or from a drive-in window.

Drive in eating establishment are those at which food or beverages are served for consumption by customers in parked motor vehicles.

Electrical and Electronic Repair, Large

An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to large appliances, large computers, radio and television broadcasting equipment, and similar items.

#### Electrical and Electronic Repair, Small

An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to small appliances, televisions, radios, non-commercial stereo equipment, personal or mini computers, and similar equipment. As a general rule, if the item is too large to be hand carried by one or two people, it is not considered small equipment.

#### Emergency Light

A lamp or lighting device that comes on automatically when a building experiences a power outage and is designated to come on from emergency power sources such as a battery or generator

#### Enclosed

Seventy five (75) percent of the area of the perimeter is marked by a permanently constructed wall or fence. In the case of a wall, the perimeter shall be calculated from the floor to the roof.

#### Equipment, Heavy

Large equipment including but not limited to earth moving equipment, forklifts, tractors, large generators, and like items.

#### Equipment, Light

Equipment including but not limited to wedding supplies, party supplies, small appliances, hand tools, furniture, and like items.

#### Established Grade

The elevation of the street grade as fixed by the City.

#### 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.

#### Exterminator

A business that is engaged in the extermination of troublesome rodents and pests.

### Extraterritorial Planning Jurisdiction

The land beyond the corporate limits as delineated on the official zoning map of the Extraterritorial Planning Jurisdiction map of the City of Asheboro, recorded in the office of the Randolph County Register of Deeds, which is subject to the City of Asheboro's land development regulations pursuant to North Carolina General Statute 160A-360 (Amended 12-6-2012).

### Family

Any number of people related by blood, marriage or adoption or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

### Family Child Care Home (Amended 2-4-2016)

A family child care home is 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 Child Care Home, Large (Amended 2-4-2016)

A Child Care Home providing child care for nine (9) to twelve (12) children

### Farmers Market

A structure or structures erected for the display and sale of agricultural products and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell such products, This is not an accessory use to an existing principal use.

### Family Day Care Home

A residence within which child care and supervision is provided for no more than five children, unrelated to the caregiver, for less than a twenty-four hour period.

### Fire Escape

A fireproof stairway down an outside wall, to help people escape from a burning building.

### Flammable Liquids

A liquid having a flash point below 100 degrees F (37.8 degrees C) and having a vapor pressure not exceeding 40 lbs. per square inch (absolute) (2,068 mm Hg) at 1000 degrees F (37.8 degrees C) shall be known as a Class I liquid.

Class I liquids shall be subdivided as follows;

Class IA shall include those having flash points below 73 degrees F (22.8 degrees C) and having a boiling point below 100 degrees F (37.8 degrees C).

Class IB shall include those having flash points below 73 degrees F (22.8 degrees C) and having a boiling point at or above 100 degrees F (37.8 degrees C).

Class IC shall include those having flash points at or above 73 degrees F (22.8 degrees C) and below 100 degrees F (37.8 degrees C).

#### Flea Markets, Open Air Sales

A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use shall be considered a principle use of a lot.

#### Flex Parking Spaces

Parking spaces provided for a use that has not been stated.

#### Flood Damage Prevention related definitions: See Article 700

#### Flood Lamp

A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

#### Flood Light

A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

#### Floor Area, Gross

The sum in square feet of the horizontal areas on all floors of a building or buildings measured from the outside faces of the exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and enclosed balconies, and any below-grade floor area used for habitation, access and storage. Attic area shall be counted when used for habitation. In calculating attic space, only areas enclosed for habitation shall be counted. Open porches, balconies, patios, decks, and attached garages and/or carports shall not be considered in Floor area calculations.

#### Floor Area Ratio

The ratio of permitted floor area to the area of the lot.

Florescent Color

A brilliant color that emits or appears to emit a glow

Fraternity or Sorority Houses

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

Funeral Parlor

An establishment engaged in preparing human remains for burial and conducting funerals.

Full Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Furniture Refinishing and Repair

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

Gamerrooms

Any establishment offering the operation of amusement devices, and/or mechanical or electronic amusement devices and which derives more than **25%** of its annual revenues from such devices.

Garage, Private

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Gas Station

An establishment where gasoline or diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at such facilities but the sales shall be accessory to the sale of gasoline or diesel fuel.

### Golf Course (Amended 2-4-2016)

An area of land laid out for golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards —called also golf links. Miniature/par 3 golf courses are not included in this definition.

### Health Practitioner's Office

An establishment offering diagnostic and routine health care on an outpatient basis by licensed practitioners such as but not limited to physicians, dentists and chiropractors.

### Health/Fitness Center

An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, saunas and related accessory uses. A health fitness center is not an “adult establishment”. These uses when provided as permitted accessory uses, such as to a multi-family residential development, hotel, employees of a commercial or industrial use, or as a similar accessory use is not considered a health/fitness center.

### Health Services

The use of land, buildings and structures for uses such as but not limited to medical clinics, medical and dental laboratories, and rehabilitation centers.

### Height

The vertical distance between the lowest proposed finished grade of the structure and the highest point of the structure. Finished grade shall be determined using all applicable regulations of the City, State and Federal governments.

### Heliport

Any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

### Helistop

Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.

### Helistop, Emergency Medical

Any landing area used for the taking off or landing of helicopters for the purpose of picking up and discharging of emergency medical patients, personnel or equipment, etc.

### High Intensity Color

The pure hue of any color

### Home Occupation

An accessory use of a dwelling unit which constitutes, either entirely or partly, the livelihood of the person(s) living in the dwelling unit.

### Hospital

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services and staff offices.

### Hotel or Motel

An establishment which provides lodging for transient guests, arriving in motor vehicles, in return for monetary reward and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture and bellboy service. A typical hotel/motel consists of a number of bedrooms united under one (1) roof, but having individual entrances and with adequate parking available nearby.

### Human Scale

A scale that is achieved by using small (normal sized) windows, doors, and details. It is also conveyed by using normal floor-to-floor heights and floor-to-eave heights. Human scale avoids vast blank building walls facing streets, and breaks large building masses into smaller elements.

### Impervious

The area that is built upon

### Industrial Developments with Multi Uses and/or Structures (Amended 2-4-2016)

An industrial development with more than one principal structure and/or use on one zoning lot that will not be developed into building lots.

### Industrial Districts

I1, I2, and I3 Districts shall be considered as Industrial Districts.

### Interior Cleaning Service (Amended 2-4-2016)

A business engaged in cleaning the interior of buildings, structures or dwellings, whether or not industrial, commercial or income-producing real property, or the contents thereof.

### Junk

Includes but is not limited to old, or dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, tires, motor vehicles and parts thereof.

### Junked Motor Vehicles

The term junked motor vehicle means a vehicle that does not display a current license plate and that:

- A. is partially dismantled or wrecked; **or**
- B. cannot be self-propelled or moved in the manner in which it originally was intended to move; **or**
- C. is more than five years old and appears to be worth less than one hundred dollars (\$100).

### Junkyard

Land used for the storage or keeping or handling or display of junk, whether for profit or not.

### Kenel

An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming breeding, boarding, training, or selling of animals is conducted as a business.

### Land Excavation

Removal of five hundred cubic yards or more of sand, soil, peat, muck, clay, stone, shell and the like, for disposal off-site.

### Landfill

Land used for the disposal of waste excluding hazardous waste. Landfills are classified into two different types based upon the type of wastes received at the landfill.

- A. Sanitary Landfills - A facility used for the disposal of solid waste. Sanitary landfills are divided into two classes based on the amount of wastes received.
  - 1. Class I Sanitary Landfills are those which receive solid waste at a monthly

average of 20 tons or more of solid waste per day or 50 cubic yards or more of solid waste per day.

2. Class II Sanitary Landfills are those which receive solid waste at a monthly average of 20 tons or less of solid waste per day or less than 50 cubic yards of solid waste per day.

B. Clean Material Landfills - Land used for the disposal of only non-water soluble, non-decomposable, inert material, consisting of concrete, brick, steel, clean fill dirt and other similar material.

### Least Dimensions

The least dimension of a yard is the least of the horizontal dimensions of such yards. If two opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.

### Library

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

### Liquor Store

An establishment engaged in the retail sale of distilled alcoholic beverages for consumption off-premises.

### Limited Duration

An activity carried out for a period of not less than one day nor more than 21 days.

### Loading, Off-Street

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

### Lowest Habitable Floor

Any floor, including a basement, used for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.

### Lot

Land bounded by lines legally established for the purpose of property division. As used in this Ordinance, unless the context indicates otherwise, the term refers to a Zoning Lot.

### Lot, Corner

A lot at the junction of and abutting upon two or more streets.

Lot, Depth

The mean horizontal distance between the front and rear lot lines.

Lot, Front of

The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, the narrower side fronting on the street shall be considered to be the front of the lot. In cases the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of lots front, or if unplatted, on that which the greatest number of buildings have been erected.

Lot, Interior

A lot other than a corner lot.

Lot Line

A line that marks the boundary of a lot.

Lot Line, Interior

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot Line, Street

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

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Randolph County, or any parcel of land, whether or not part of a subdivision, that has been officially and legally recorded by a deed in said office, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lot Width

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

### Lumber and Other Building Materials Sales

An establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors, and other materials used by individuals or builders.

### Lumberyard

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

### Mail Order Business

A business in which orders for goods are received and filled by mail and no on-site retail sales occur at the business.

### Major Thoroughfare

A major thoroughfare as identified by the Thoroughfare Plan for the City of Asheboro.

### Manufactured/Mobile Home

A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and eight feet in width.

- A. Class A: A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development and also meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- B. Class B: A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban but which do not meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- C. Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

### Manufactured/Mobile Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

### Manufacturing, Processing and Assembling, Light

Activities described in Manufacturing, Processing and Assembling, Heavy conducted wholly within an enclosed structure and not employing more than 10 persons and utilizing no more than a total of 25 horsepower in power driven machines and material handling equipment.

### Manufacturing, Processing and Assembling, Heavy

The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors.

### Massagists (and related definitions)

See Chapter 111, Section 111.02, of the Asheboro City Code.

### Marquee

An ornamental structure projecting over an entrance attached to or cantilevered from a building. This does not include an awning.

### Mean Sea Level

The average height of the sea for all stages of the tide. It is used as a reference for establishing varying elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

### Meat Packing/Slaughterhouse

An industrial operation at which livestock is slaughtered and meat and other products are processed to produce food for humans and animals, industrial goods, and medical preparations.

### Medical and Dental Laboratory

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

### Membership Organizations

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

### Mental Institutions/Sanitariums (Amended 2-4-2016)

An institution providing mental health and physical care services for inpatient medical or surgical care for the mentally ill who are dangerous to others as defined in G. S. 122C-3 or the physically sick.

#### Metallic Color

A color having iridescent and reflective properties

#### Microbrewery

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

#### Minilube

The use of a structure for the express purpose of changing fluids, filters and grease in a motor vehicle.

#### Mini Warehouse

A building or group of single story buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers goods or wares, mainly excess personal property.

#### Minor Thoroughfare

A minor thoroughfare as identified by the Thoroughfare Plan for the City of Asheboro.

#### Mixed Use Residential in B3 Districts

A residential conversion of any existing structure within the B3 District. Such conversion shall maintain the ground floor for commercial use, thus creating a mixed use structure. Conversions of this type shall be permitted only upon the issuance of a Special Use Permit.

#### Mixed Use Structure

A structure, where permitted, that houses multiple uses. See note #16 of Article 200.

#### Mobile Home/Manufactured Home

A dwelling unit that is not constructed in accordance with the standards set forth in the

North Carolina State Building Code, and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and eight feet in width.

- A. Class A: A manufactured home, constructed no more than ten (10) calendar years prior to the application for a zoning compliance permit, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and also meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- B. Class B: A manufactured home, constructed no more than ten (10) calendar years prior to the application for a zoning compliance permit, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction but which do not meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- C. Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

#### Mobile Home Sales Lot (Amended 2-4-2016)

A lot that displays manufactured homes for sale. This definition also includes modular homes that meet the NC Building Code on display for sale.

#### Mobile/Manufactured Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

#### Motel/Hotel

An establishment which provides lodging for transient guests, arriving in motor vehicles, in return for monetary reward and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture and bellboy service. A typical hotel/motel consists of a number of bedrooms united under one (1) roof, but having individual entrances and with adequate parking available nearby.

#### Motor Vehicle Repair, Minor

- A. Sale and service of spark plugs, batteries, and distributor and ignition system parts.
- B. Sales, service and repair of tires, but not recapping or regrooving.
- C. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.

- D. Radiator cleaning, flushing, and fluid replacement.
- E. Greasing and lubrication.
- F. Providing and repairing fuel pumps, oil pumps, and lines.
- G. Minor adjustment and repair of carburetor.
- H. Emergency repair of wiring.
- I. Adjusting brakes and installing exchange brake shoes.
- J. Minor motor adjustment not involving removal of the head or crankcase and grinding valves.
- K. Wheel balancing.
- L. Battery recharging.
- M. Warranty maintenance and safety inspections.
- N. Other minor servicing of a similar intensity to those listed above.

#### Motor Vehicle Repair, Major

Any automotive repairs or servicing not listed under Motor Vehicle Repair, Minor. Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP.

#### Mulch

A natural or artificial layer of plant residue or other materials (i.e., leaves, straw, peat moss, rock brick rubble, stone, bark, wood chips) covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

#### Museum

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

#### National Geodetic Vertical Datum (NGVD)

A vertical control, corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

### New Construction

Structures for which the start of construction commenced on or after the effective date of this Ordinance.

### Nightclub

A business where alcoholic beverages may be sold for on-site consumption pursuant to state ABC permits, which is not part of a larger restaurant. Such use includes a bar and also includes entertainment such as dancing, comedy and other live performances excluding those that display specified anatomical areas and/or specified sexual activities.

### Nonconformity

Lots, uses of land, uses of structures, structures, or characteristics of uses, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance.

The following constitute types of nonconformities:

- A. Lots;
- B. Uses of land without structures or with minor structures only;
- C. Uses of major structures and premises;
- D. Structures; and
- E. Characteristics of use which were lawful but would be prohibited, regulated or restricted by the enactment of this Ordinance or a subsequent amendment thereto.

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

### Non-residential Districts

OA6, O&I, B1, M, B2, TH, B3, I1, I2, and I3 Districts shall be considered as non-residential districts.

### Nuisance Vehicle

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

- A. a breeding ground or harbor for mosquitoes, other insects, rats or other pests;  
**or**
- B. a point of heavy growth of weeds or other noxious vegetation over eight (8)

- inches in height; **or**
- C. a point of collection of pools or ponds of water; **or**
- D. a point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; **or**
- E. one which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc., **or**
- F. so situated or located that there is a danger of it falling or turning over; or
- G. any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council; **or**
- H. offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that such aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness, and emotional stability of area residents; **or**
- I. used by children in play activities.

Nursing, Convalescent and Extended Care Facility

Any facility which provides nursing services as defined in the North Carolina Statutes Annotated. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill. This definition shall include any hospice inpatient facility and hospice residential care facility as defined by North Carolina General Statute §131E-176.

Obstruction

Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge conduit, culvert, building, wire, fence, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Office Development with Multi Use and/or Structures:

A development with more than one principal structure and/or use on one zoning lot that will not be developed into building lots. Uses may include business services, health services, health practitioner office, massagist (therapeutic health only), personal services, professional services, and a medical dental lab as an accessory use.

#### Off-Premises

Not located on the zoning lot with the principal use or structure.

#### Off Premises Advertising Sign/Billboard

Any sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of said sign.

#### Offstreet Loading

Loading space located on the same lot as the principal use.

#### Offstreet Parking

Parking spaces located on the same lot as the principal use.

#### Opaque (Dense):

Difficult to get through, penetrate, having parts crowded together packed tightly together, compact. Not allowing light to pass through.

#### Open

An area that is not enclosed

#### Open Air Sales, Accessory (Amended 2-4-2016)

Sales in open air that are accessory directly subordinate to the operations of the permittee engaging the principal use on the zoning lot (i.e. outdoor sales of auto parts at an auto parts store, clothing brought outside a clothing store, etc.)

#### Open Space

Open space is that area of a zoning lot not encumbered by buildings, parking, or other required improvements. Such open space may contain such required buffers, screens, lawn, and the required recreation space. Included within this open space may be open balconies, open courtyards, open atriums.

#### Open Space Ratio

The open space ratio is used to establish minimum open space requirements. The minimum of open space required shall not be less than the number of square feet in the zoning lot multiplied by the open space ratio.

### Open Storage

The storage outside of a building, or within buildings with less than three sides, of materials, supplies, merchandise, equipment, commercial vehicles (i.e. delivery vans, contractor vehicles, towing trucks, cable/utility vehicles) and like items, but excluding junk.

### Ordinance

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

### Outdoor Recreation Area

A delineated outdoor area in which the active participation in outdoor recreation occurs.

### Outdoor Recreation Lighting

Fixture(s) for light distribution for active recreation areas (including but not limited to ball fields and tennis courts). Not included in this definition are other parts of an outdoor recreation/sports facility, such as , but not limited to, parking lots, administrative offices, restrooms, concession stands, and spectator viewing areas.

### Package Store

An establishment engaged in the retail sale of non-distilled alcoholic beverages for consumption off-premises and in accordance with state ABC permits.

### Parking Area

The total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto. Walkways, planting strips, and other landscaped areas shall not be counted as gross parking space

### Parking Lot as Principal Use (Amended 2-4-2016)

The use of a zoning lot for a parking lot, without a building, located on the same zoning lot.

### Parking, Off-Street

Space located outside of any street right-of-way or easement and designed to

accommodate the parking of domestic vehicles.

### Parking Space

The off-street storage space available for the parking of motor vehicles. The minimum dimensions of a parking space shall be nine (9) feet in width and eighteen (18) feet in length, with a total area of 162 square feet exclusive of passageways and driveways appurtenant thereto and giving passage thereto.

### Parking Space, Handicapped

A parking space as defined by the N. C. Building Code.

### Person

Any natural person, firm, partnership, association, corporation, or governmental unit.

### Personal Care Services

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

### Personal Services

Services generally involving the care of a person or a person's apparel, including but not limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, dry cleaning and laundry pickup facilities, coin-operated laundry and dry cleaning facilities.

### Pervious

The area that is not built upon

### Photographic Lab Facility Commercial (Amended 2-4-2016)

A facility in which photographs, taken off-site, are processed, developed, printed and/or duplicated for individuals or businesses.

### Photographic Mini Lab Facility (one hour type) (Amended 2-4-2016)

A facility in which photographs, taken off-site, are processed, developed, printed and duplicated for individuals or businesses.

### Photography Studio- with lab for inhouse use only (Amended 2-4-2016)

A facility in which photography occurs on the premises.

Photovoltaic System

An active solar energy system that converts solar energy directly into electricity.

Place of Assembly

A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events, and including but not limited to coliseums, athletic centers, concert halls, and auditoriums.

Place of Worship (Amended 8-6-2015)

(1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Planned Development

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans which include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Planning/CD Department

The unit of government of the City of Asheboro that supervises planning and redevelopment activities of the City. Also known as the Community Development Department.

Planning Director

The individual charged with the supervision of the Planning Department.

Principal Building

A building in which is conducted the principal use of the parcel on which it is situated.

### Principal Use

The primary purpose of function that a parcel serves or is intended to serve.

### Produce sales

The display and sale of agricultural products, that is not an accessory use to an existing principal use, on an undeveloped or developed lot . Not to include flea market and open air sales or produce / farmers market.

### Professional Recovery Facility (Amended 11-6-2014)

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

### Professional Services

Services generally involves practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include but not be limited to accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as Health Practitioners. (See Health Services and Health Practitioners).

### Public Use Facility (Amended 2-4-2016)

The use of land, buildings, or structures by a public utility, railroad, or a unit of government, to provide public services, governmental or proprietary, directly to the general public. This definition includes, but is not limited to, water treatment plants or pumping stations, sewage treatment plants or pumping stations, substations, telephone exchanges, and other similar public service structures. This definition also includes police and fire stations, municipal buildings, bus terminals or similar facilities for public transportation, community centers, emergency response facilities and any other public facility providing the above services but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

### Public Notice

Public notice of a hearing means notice of the time and place thereof published once a week for two successive calendar weeks in a newspaper published in Asheboro.

### Publishing and Printing

An establishment primarily engaged in preparing, publishing, and printing of newspapers, periodicals, books and pamphlets, reports, advertisements, etc.

### Radio and Television Studio

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

### Radio and Television Receiving Antenna and Dish, Accessory

An antenna or dish designed for the above-ground reception of airborne radio or television signals and serving only the needs of the occupants of a single building or of a single residential development.

### Railroad Classification Yard (Amended 2-4-2016)

A fan-shaped network of tracks and switches where railroad cars are sorted and made up into trains for their respective destinations.

### Recreation

Any form of play, amusement, or relaxation.

### Recreation and Amusement Services

A commercial facility providing recreational activities including but not limited to swimming pools, tennis clubs, public gymnasiums, discotheques, bowling alleys, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, dance schools or classes, skating rinks, zoos and indoor movie theaters.

### Recreation, commercial indoor

Any form of play, amusement, or relaxation used for monetary gain conducted within an enclosed structure. *(Does NOT include amusement arcades, gamerooms, or billiards or pool halls. SEE Gamerooms)*

### Recreation, commercial outdoor

Any form of play, amusement, or relaxation used for monetary gain not conducted

within an enclosed structure.

### Recreation Space

Recreation space is part of the total open space requirement, and is an exterior area for common passive or active recreation use; i.e, play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit.

### Recreation Space, Active

Land dedicated to solely to the pursuit of recreation. Active recreation space includes but is not limited to athletic fields, exercise facilities, buildings or structures for recreation activities, courses or courts, children's play areas, and dog play areas.

### Recreation Space, Passive

An undeveloped space used for recreational enjoyment that requires minimal development. The quality of the environment and "naturalness" of an area is the focus of the recreational experience in a passive recreation area. Passive recreation space includes but is not limited to barbeque areas, benches, gazebos, community gardens, and bike paths/walking trails.

### Recreation Space Ratio

The recreation space ratio is used to establish minimum recreation space requirements. The minimum recreation space required shall not be less than the number of square feet in the required open space multiplied by the recreation space ratio.

### Recreational Vehicle

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

### Recreational Vehicle Park

The provision of two or more recreational vehicle spaces on a single zoning lot.

### Recreational Vehicle (or RV) Resort

Any site or tract of land where two or more recreation vehicle sites are individually owned and occupied or intended for occupancy by RVs.

#### RV Site:

A plot of land within a resort for the placement of a single RV unit for the exclusive use of its occupants. RV sites may be subdivided (i.e. each site is shown as a separate lot on a recorded plat, and may be conveyed individually) or unsubdivided (i.e. while such sites are individually demarcated, they are commonly owned and may not be conveyed separately).

#### Recreational Vehicle (RV):

a. Motor Home:

A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on, or permanently attached to, a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

b. RV Camping Trailer with facilities:

A travel trailer, which can operate independently of connections to sewer, water, and electric systems. An RV camping trailer must contain a water flushed toilet, lavatory, shower, and kitchen facilities, all of which are connected to water storage and sewage holding tanks located within the unit. These units may also be connected to public water and sewer.

c. ANSI Park Model:

A transportable one-story unit with a body width not exceeding 12 feet and built on a single chassis where the total heated area of such unit does not exceed 400 square feet. It is designed to provide seasonal or temporary living quarters when connected to utilities necessary for the operation of installed fixtures and appliances. ANSI Park models are not allowed on a permanent foundation.

#### Recreational Vehicle Space

An area of land designated for the location of a recreational vehicle while said recreational vehicle is in use as a dwelling unit.

#### Recycling Center

A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

#### Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

#### Recycling Plant

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

### Rehabilitation Centers

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

### Repair Services

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

### Research Activity

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

### Residence/Dwelling

A building designed for, or used by, one or more families for residential purposes.

### Residence/Dwelling, Attached Single Family

Two or more one-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.

### Residence/Dwelling, Detached Single Family

An individual dwelling unit for one family located on an independent lot containing one other dwelling unit.

### Residence/Dwelling, Modular

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a

manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Residence/Dwelling, Multiple Family

A structure containing three or more dwelling units.

Residence/Dwelling, Prefab

A dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

Residence/Dwelling, Single Family

A structure containing a single dwelling unit.

Residence/Dwelling, Two Family

A structure containing two dwelling units.

Residence/Dwelling Unit

A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for rental, lease, or other occupancy.

Residential Conversion within a B-3 District

A residential conversion of any existing structure within the B3 District. Such conversion shall maintain the ground floor for commercial uses, thus creating a mixed use structure. Conversions of this type shall be permitted only upon the issuance of a Special Use Permit.

Residential Districts

R40, R15, R10, R7.5 and RA6 Districts shall be considered as residential districts.

Residential Townhouse Development

A development of a zoning lot that consists of two (2) or more dwelling units or mixed-use buildings, each of which is located on its own individual lot, plus land developed and designated for the common use and benefit of the occupants of the townhouse lots, provided an entity is designated to be legally responsible for maintenance and control of the common land areas. The individual lots within a Townhouse Development shall not be

required to meet the lot design standards of Article 200 Table 200-1 provided the zoning lot containing the Townhouse Development meets such standards.

### Retail

The use of land, buildings or structures for the sale of merchandise, new or used.

### Retail Sales, Convenience Goods

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

### Retail Sales, Shoppers' Goods

Commercial establishments that, supply the more durable and permanent needs of a community, including but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; book and stationery stores; camera and photography supplies stores; department stores; discount stores; drug stores; farm supplies stores; florists; furniture and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and crafts stores; jewelry stores; lawn and garden supply stores; mail order pickup facilities; novelty and souvenir shops; office equipment stores; optician and optical supplies stores; paint and wallpaper stores; pet shop; radio and television sales stores; sporting goods stores; supermarkets; trading stamps redemption stores; and variety stores.

### Scale

A comparison of the dimensions of various components of a building to other related elements and to human dimensions. Scale also refers to the size relationships between adjacent buildings and between buildings and adjacent open spaces.

### School

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

### School, Business

An establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commercial or service activities.

### School (Technical/Vocational) (Amended 2-4-2016)

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

### Screen

A dense, evergreen hedge or solid fence or wall used to enclose, screen, or separate certain uses as specified in this Ordinance. The design, composition, height, and location of such facilities are established in Article 300A of this Ordinance.

### Seasonal Sales Temporary

The display and sale of pumpkins, Christmas trees, etc., that is not an accessory use to an existing principal use, on an undeveloped or developed lot . Not to include flea market and open air sales or produce / farmers market.

### Service Station

An attended or unattended establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered and sales made accessory to the sale of gasoline and/or diesel fuel:

- A. Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- B. Sales, service, and repair of tires, but not recapping or regrooving;
- C. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning, flushing, and fluid replacement;
- E. Washing and polishing, and sale of automotive washing and polishing supplies;
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps and lines;
- H. Minor adjustment and repair of carburetors;
- I. Emergency repair of wiring;
- J. Minor motor adjustment not involving removal of the head or crankcase;
- K. Sale of beverages, packaged food, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal uses;

- L. Provision of road maps and other travel information to customers;
- M. Provision of restroom facilities;
- N. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts; painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

#### Shelter, Emergency:

A facility operated by a governmental unit, non profit agency, or house of worship providing, without charge, temporary sleeping accommodations, with or without meals, for families displaced by emergency events. An emergency event is one of the following:

- (a) A natural disaster, which includes by way of illustration and not limitation, earthquakes, fires, floods, tornados, hurricanes, and extreme weather conditions.
- (b) Man-made disaster, which includes by way of illustration and not limitation the release of hazardous or toxic substances into the environment and wide-spread infrastructure failures such as the failure of a water, sewer, or electrical utility.
- (c) Civil emergency, which includes by way of illustration and not limitation riots and other events where public safety authorities are unable to maintain public order or afford adequate protection for lies or property and
- (d) Community disorders, which includes temporary housing for individuals who have experienced or were threatened with physical, sexual, and/or emotional abuse.

#### Sight Distances

The triangular area formed by the intersecting streets pavement edges and a straight line connecting points on said street pavement edges, each of which is thirty-five (35) feet in distance from the point or intersection. (Where two (2) state maintained streets intersect, regulations of N. C. DOT shall apply.)

#### Signs:

##### Sign (Amended 8-6-2015)

Any structure designed to inform or attract the attention of persons not on the premises on which the device is located, including one which directs attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered.

Signs, Area  
Free-standing Pole or Pylon

The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign.

Sign, Area  
Monument

Sign area shall be computed by calculating the total area encompassed by the sign, using any regular geometric figure, including advertising area, backdrop, frame, and any structural or decorative elements, from finished grade to the top of the sign. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

Sign, Awning/Canopy (Amended 8-6-2015)

A sign designated on a canopy or awning

Sign, Banner (Amended 8-6-2015)

A temporary sign of lightweight fabric, posterboard, paper, cloth, canvas, vinyl, plastic or other similar material without frame located in open air on any building, existing sign, or other structure. National flags, state or municipal flags, or the official flag of any institution or business, or signs painted or engraved on any canopy or awning structure shall not be considered banners.

Sign, Changeable copy - Electric (Amended 8-6-2015)

A sign such as an electronically or electrically controlled public service such as time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lampbank. Changeable copy signs are not classified as flashing signs.

Sign, Entrance & Exit (Amended 8-6-2015)

Signs directing and guiding traffic on private property, but which bear no advertising matter.

Sign, Flashing, Pulsating, Rotating, Occulting (Amended 8-6-2015)

Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, including beacons, rotating discs, and other devices which resemble traffic lights, traffic signs, emergency vehicle flashing lights. Changeable copy signs are not classified as flashing signs.

Sign, Freestanding Monument (Amended 8-6-2015)

A sign on which the face of the sign is permanently mounted on an enclosed base and with a frame within which the advertising is contained.

Sign, Freestanding Pole or Pylon (Amended 8-6-2015)

A sign erected which is wholly independent of any building for support and is supported by one or more upright braces or posts placed directly upon or in the ground. All such signs must be permanently affixed to or constructed upon the lot where they are located.

Sign, Height (Amended 8-6-2015)

Sign Height shall be computed as 1) the distance from the base of the sign at finished lot grade or 2) from the crown of the nearest adjacent street to which the sign is oriented, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sign, Identification (Amended 8-6-2015)

A sign which carries no advertising message, and is used to identify the name of an institution, organization, title and/or occupation or profession, the name of a building and the firms located within.

Sign, Incidental (Amended 8-6-2015)

A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as "no admittance, telephone, parking, etc." Incidental signs

are used in conjunction with equipment or other functional elements of a use or operation.

Sign, Marquee (Amended 8-6-2015)

A sign affixed to a Marquee.

Sign, Nonconforming (Amended 8-6-2015)

A lawfully constructed sign not in compliance with a provision of the Asheboro Zoning Ordinance, specifically Article 500, as of the effective date of its adoption.

Signs, Number of

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of units, or where there is a reasonable doubt about relationship of elements, each element or light shall be considered to be a single sign. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of these same sign structure, then this shall be considered to be a single sign.

Sign, Obsolete

Signs identifying business establishments no longer in existence, products no longer being sold, and/or services no longer being rendered.

Sign, Off-premise Advertising (Billboards) (Amended 8-6-2015)

A commercial sign which directs attention to a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located.

Sign, Offpremise Church Directional

A sign which provides directions to a church not located on the premises where the sign is located.

Sign, Offpremise Directional

A sign which bears no advertising message providing directions to an establishment or establishments not located on the premises where the sign is located.

Sign, Outdoor Inventory Sales

A temporary on premise sign advertising a business that maintains ninety-five (95%) of its standard inventory outdoors.

Sign, Place of Worship Directory or Identification (Amended 2-4-2016)

A sign used to announce meetings or programs to be held on the premises of a place of worship.

Sign, Political (Amended 8-6-2015)

A sign supporting a political candidate or organization. A Temporary, civic sign or sign with any advertising is not considered a political sign.

Sign, Portable (Amended 8-6-2015)

A sign which rests on the ground and which is designed or constructed in such a manner that it can be moved or relocated without involving any substantial structural or support changes. This definition includes, but is not limited to trailer and mobile type portable signs.

Sign, Projecting

A sign projecting out from, and attached to, the exterior wall of a building, and forming an angle of thirty (30) degrees or more with said wall.

Sign, Real Estate

A sign located on the premises and offering said premises for sale, rent, lease, or development.

Sign, Roof

A sign erected, constructed, or maintained upon the roof of any building and extending above the highest portion of the roof line.

Sign, Subdivision Name Markers

A sign identifying the name of a subdivision provided the location of such marker is outside the intersection sight triangle and the normal maintenance limits. In non-residential districts such markers may include a listing of the occupants of the subdivision.

Sign, Suspended

A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surfaces.

Sign, Temporary (Amended 8-6-2015)

A sign permitted for a limited duration of time. Sign types may include, by way of illustration and not limitation, A-frame, T-Frame, Banner, Pennant, streamer, balloon or other windblown devices.

Sign, Temporary Civic/ Philanthropic

A temporary sign displaying the civic organization's current activities, programs, etc. Philanthropic means receiving or distributing philanthropic or non-profit funds. Civic relates to a citizen, city, citizenship or community affairs that occur within the City of Asheboro and its environs.

Sign, Wall

A sign affixed to the surface of, and whose plane is parallel to the plane of, the exterior wall of the building; or which forms an angle of less than thirty (30) degrees.

Sign, Window (Amended 8-6-2015)

Any sign that is placed inside a window or upon the window panes or glass

Sign Painting (Amended 2-4-2016)

A business that engages in painting, printing, or design of signs for businesses, organizations and individuals.

Shelter, Emergency

A facility operated by a governmental unit, non-profit agency, or house of worship providing without charge, temporary sleeping accommodations, with or without meals, for individuals, and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, extreme weather conditions, or the release of hazardous or toxic substance(s) into the environment.

Slaughterhouse

An establishment where animals are killed, butchered and prepared for further processing.

Solar Collector

Any solar structure or equipment that absorbs and accumulates solar radiation for use as a source of energy. A solar collector may be roofmounted or ground mounted.

Solar Energy

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

### Solar Farm

A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

### Solid Waste

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

### Special Purpose Lot (Amended 8-6-2015)

A lot legally created to accommodate a unique non-residential use, that upon approval by the Zoning Administrator in accordance with this Ordinance, is not required to possess the typical lot size, area, width, and road frontage mandated by the underlying zoning district.

### Special Use

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

### Special Use Permit

The grant of permission by the City Council for certain property uses.

### Stable

A building in which horses or cattle are sheltered and fed.

### Start of Construction

- A. The first placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading or filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of

accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure.

- B. For a structure without a basement or poured footings, the start of construction shall be the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than mobile home parks, or the affixing of any prefabricated structure to its permanent site.
- C. For mobile home parks, which are equipped with concrete pads on which mobile homes are to be placed, "start of construction" means the date on which the pouring of the pads commences. For mobile home parks which are not equipped with concrete pads, "start of construction" means the date on which installation of utilities and final site grading are completed.

### Story

The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

### Street

A thoroughfare which affords the principal means of access to abutting property.

### Street Line

The street line is the dividing line between the street and the lot, as established by the City of Asheboro; also called the "right-of-way line".

### Street, Private

A roadway, not dedicated to the public, providing primary access to adjacent properties and meeting the regulations of the City of Asheboro for private street development.

### Street, Public

*Effective October 10, 2005 to December 31, 2006:* A right-of-way that has been offered for dedication to the public for access to adjacent properties.

*Effective January 1, 2007:* A right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina.

### Structural Alteration

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

## Structure

Anything built or constructed which requires location on the ground or attachment to something having a fixed location on the ground. For purposes of this ordinance, this definition does not include retaining walls or fences.

## Structure, Accessory

A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Dumpsters and their required screening are not to be considered accessory structures.

## Structure, Principal

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

## Structure, Temporary

A structure which is placed on a zoning lot for a specific time period which is not intended to be a permanent structure; neither principal nor accessory.

## Subdivision, Major

For the purpose of this Ordinance, "subdivision" means all division of a tract or parcel of land into two or more lots, building sites, or other division for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

1. The combination or re-combination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City, as shown in its subdivision regulations;
2. the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
3. the public acquisition by purchase of strips of land for widening or opening of streets; and
4. the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where resultant lots are equal to or exceed the standards of the County, as shown in this Ordinance.

For the purpose of this Ordinance, the following definition also shall not be included in the above definition of a "subdivision".

*The conveyance of land to heirs for the purpose of dividing real estate among said heirs. (This exclusion results from the North Carolina Court of Appeals decision in Claude A. Williamson, Jr., and wife Angela C. Williamson VS. Dorothy A. Avant (21 N.C. App.211).\**

#### Subdivision, Minor

For the purpose of this Ordinance, "Minor Subdivision" shall mean the division of one existing tract of land into parcels, whether contiguous or not. No new streets or street extensions shall be included in a "Minor Subdivision".

#### Taxi Stand (Amended 2-4-2016)

A location in which taxi cabs, as regulated by the City Code, are stored for dispatch to locations for customer-pick up. A taxi stand may also include the necessary office and administrative functions associated with this use.

#### Technical Schools

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

#### Telecommunication Tower

Any structure which is designed for the support of one or more antennas, including monopole towers, self-supporting lattice towers, and guy towers. Towers included in this definition are television and radio transmission towers, microwave towers, common-carrier towers, personal communications service towers, cellular towers, and the like.

#### Transfer Station

A use of land where nonhazardous or nontoxic waste such as residential, commercial or industrial is temporarily deposited for the purpose of a break in bulk and further shipment to a landfill or other appropriate destination. (8/02)

#### Transparency

Having the property of transmitting light without appreciable scattering so that bodies lying beyond are clearly seen.

#### Travel Park

An area intended and equipped for the temporary parking of vehicles and tents designed for travel, recreational and vacation dwellings.

### Travel Trailer

A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a manufactured home.

### Truck Terminal

Uses primarily devoted to the storage, sorting, or breaking of bulk products or distributing or delivery of parcels, post or other goods.

### Use

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

### Use, Accessory

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

### Use, Principal

The primary use and chief purpose of a lot or structure.

### Used Merchandise

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

### Variance

A relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

### Vehicle

A land operated means of transportation for persons or objects, including but not limited to cars, trucks, buses, motorcycles, motor scooters, motor homes, and trailers. Domestic motor vehicles, commercial vehicles, and recreational vehicles are included within this definition.

### Vehicle, Commercial

Any vehicle, licensed by any state of the United States or Mexico or Province or Territory of Canada, other than domestic vehicles, as defined in this Ordinance, or over one ton in weight or 20 feet in length.

### Vehicle, Domestic

Any vehicle, licensed as a commercial vehicle by any state of the United States or Mexico or Province or Territory of Canada.

### Vehicles, Junked Motor

The term junked motor vehicle means a vehicle that does not display a current license plate and that:

- A. is partially dismantled or wrecked; **or**
- B. cannot be self-propelled or moved in the manner in which it originally was intended to move; **or**
- C. is more than five years old and appears to be worth less than one hundred dollars (\$100).

### Vehicle, Nuisance

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

- A. a breeding ground or harbor for mosquitoes, other insects, rats or other pests; **or**
- B. a point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; **or**
- C. a point of collection of pools or ponds of water; **or**
- D. a point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; **or**
- E. one which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc., **or**
- F. so situated or located that there is a danger of it falling or turning over; or

- G. any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council; **or**
- H. offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that such aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or, promotion of the comfort, happiness, and emotional stability of area residents; **or**
- I. used by children in play activities.

Vehicle Towing Storage Facility:

The use of land or buildings to park, store and maintain vehicles associated with vehicle towing. This includes storage of towed vehicles while awaiting proper disposition of these vehicles and storage of vehicles engaged in vehicle towing (i.e. tow trucks). A vehicle towing yard does not include a vehicle towing operation.

Vehicle Towing Operation:

A vehicle towing operation is solely designated for administrative activities associated with vehicle towing. A vehicle towing operation does not include a vehicle towing storage facility.

Vehicle Towing Operation and Storage Facility:

The use of land or buildings for both a vehicle towing storage facility and a vehicle towing operation.

Vocational School

An establishment in which is offered, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating.

Warehouse

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both. This definition shall be deemed to include the indoor storage of vehicles.

Warehouse, Mini

A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the

storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

### Wholesale Distribution

Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

### Yard

An open space unoccupied and unobstructed by any structure or portion of a structure provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein., and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

### Yard, Front

A yard extending between the side lot lines across the portion of a lot adjacent to a street. \

### Yard, Rear

A yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots and corner lots.

### Yard, Side

A yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line.

### Yard Sale

The sale of residential household items or personal possessions which have been incidentally accumulated during normal residential use of the property by a person residing on the premises where the sale is conducted, but not including items purchased for resale, or items transported to the premises solely for sale. The term includes, but is not limited to, sales commonly known as "garage", "patio", "driveway", "lawn", "attic", or other general sale of like nature.

### Zoning Compliance Permit

A permit issued by the Zoning Administrator authorizing the recipient to make use of property in accord with the requirements of this Ordinance. This permit may either be a separate document or part of the normal permits associated with Certificates of Occupancy,

Occupational License applications, Building Permits, or the like.

Zoning Districts

Areas of land or water, whose boundaries are indicated on the Official Zoning Atlas, within which all properties are regulated by the general regulations of this Ordinance and the specific regulations of the individual district.

Zoning Lot

A lot or combination of lots shown on an application for a Zoning Compliance Permit.