

Chapter 18: DEFINITIONS

18.1 Intent

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

18.2 Interpretation

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or "parcel" or "tract".
- F. The word "shall" is always mandatory and not merely directory.
- G. The word "structure" shall include the word "building."
- H. Definitions followed by the word *stormwater* are specific to the provisions of Section 6.7, Phase II Stormwater Ordinance.

Accessory Facility or Structure: An accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Alley or Alleyway: A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Amortization: The process by which nonconforming uses and structures shall be discontinued or made to conform to requirements of the Ordinance at the end of a specified period of time.

Antenna: A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.

Bay Window: A window assembly whose maximum horizontal projection is not more than two feet from the plane of an exterior wall and is elevated above the floor level of the home.

Berm: A mound of material, the purpose of which is to divert the flow of runoff water and/or to act as a visual and sound buffer to nearby properties.

Best Management Practices (BMP): A structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

BMP, Structural: A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed

site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this Ordinance.

Brownfields: Vacant or underused industrial or commercial properties where contamination, or at least the threat of contamination, has hindered development.

Buffer: An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building height: The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building, accessory: A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, secondary: A separate, detached building upon the same lot as the principal building within which a use may be related or unrelated to the principal use of the lot.

Built-upon area: That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. (*Stormwater*)

Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and twelve inches above the ground for larger sizes.

Campus-style Development: A development that includes a group of related and architecturally compatible buildings with ancillary parking, open spaces, buffers and other site features that, for purposes of cohesive site design and efficient use of land, may assume a variety of building forms, styles and arrangements. Campus-style developments shall generally be planned developed and managed as an operating unit related in its location, size and land use functions.

Certificate of Occupancy: A certificate issued by the Administrator or his designated representative certifying that all structures, their land uses, and land restrictions conform to all the requirements of the Salisbury Land Management and Development Code. This certificate is issued prior to occupying any structure or use for which a zoning permit is issued. See Section 15.04.

City: The City of Salisbury, North Carolina.

City Council: City Council of the City of Salisbury, North Carolina.

Co-location: The use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless services by two or more persons or entities.

Comprehensive Plan: A document or series of documents setting forth policies for the future of a community. It is normally the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. When adopted by a public body, it serves as a guide for many public decisions, especially land use changes.

Concentrated flow: Drainage concentrated in ditches or pipes, as opposed to spread out.

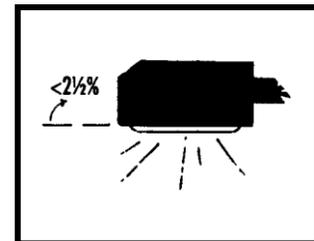
Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

Critical root zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree’s survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

Cul-de-sac: See *Street, cul-de-sac*

Cutoff Fixture:

A fixture light distribution where no more than 2.5% of a lamp’s light intensity is emitted at or above a



horizontal plane drawn through the bottom of the fixture and no more than ten percent

(10%) of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Deciduous: Those plants that annually lose their leaves.

Density: The number of housing units per unit of land. Usually density is expressed "per acre". Gross density includes the area necessary for streets, open space, and other public facilities. Net density does not include land area for dedications or public facilities.

Design Manual: The stormwater design manual approved for use in Phase II jurisdictions by The North Carolina Department of Environment and Natural Resources (NCDENR) developed by the City of Salisbury and certified by this jurisdiction and approved by The Division of Water Quality of NCDENR as at least as stringent as the stormwater design manual approved for use in Phase II jurisdictions by NCDENR for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Design Manual are to the latest published edition or revision. (*Stormwater*)

Development: Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, other than rebuilding activity that does not qualify as redevelopment. (*Stormwater*)

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Directional Fixture: An assembly that holds the lamp along with any globe, shade, or other covering surrounding the lamp that may

be adjusted to concentrate or throw light in a specific direction.

Discharging Landfill: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on-site and discharged to a receiving stream.

Double Frontage Lot: Also referred to as a "through lot", means a lot having frontage on two roads and having the right of access to both roads, but excluding corner lots.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-through window: A window or other fenestration or other device for the delivery of goods or products from a principal or accessory structure to a vehicle or pedestrian and through which compensation for such may be exchanged, including the making of change, and the order for such goods is made from a remote on-site station rather than at a window or other fenestration of other device. (This definition includes the term "drive-in window.")

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling unit: A building, or portion thereof, providing complete, independent living quarters for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

Easement, access: An easement which grants the right to cross property.

Easement, conservation: A restriction placed on a piece of property to protect the resources (natural or man-made) associated with the parcel. The easement is either voluntarily sold or donated by the landowner, and constitutes a legally binding agreement that prohibits certain types of development (residential or commercial) from taking place on the land.

Easement, drainage: An easement which recognizes and documents the presence of a drainageway, guarantees the passage of stormwater runoff, and may grant the right to maintain, relocate, or in such other manner utilize the easement for the improvement of drainage and stormwater flow.

Easement, utility: An easement which grants to the city council or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.

Engineering drawings: Plans, profiles, and associated documentation of all proposed street, drainage, water and sewer improvements, prepared in accordance with the Uniform Construction Standards Manual.

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

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: A plant growing to over 20' in height at maturity that retains foliage year round that is planted to provide a dense

vegetative screen for purposes of visual mitigation between zoning districts.

Existing development: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- (a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (b) Having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or
- (c) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

Extraterritorial Jurisdiction: That land lying beyond the municipal limits of the City of Salisbury and within the extraterritorial jurisdiction boundary as delineated on the official zoning map of the City of Salisbury in accordance with G.S. 160A-360. The authority is granted to a locality to exercise zoning powers for a specified distance outside its boundaries. It is intended to protect activities on the edge of communities from being encroached on by incompatible adjacent activities.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single household unit; or A group of not more than six (6) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting

bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flag Lot: See "Lot, pipestem"

Flood fringe: The land area located between the floodway and maximum elevation subject to inundation by the base flood.

Flood, base: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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 or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Floodplain: The relatively flat area or low land adjacent to the channel of a federally designated watercourse which has been or may be covered by floodwater during a base flood event.

Floodway: The channel of a federally designated watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Foot-candle (FC): A unit of luminance amounting to one lumen per square foot.

Foot-candle Grid: A graphical representation of points placed onto a grid or layout where each point identifies the amount of luminance (light) in foot-candles or lux (one-tenth of a foot-candle). The spacing between points can vary depending on the size of the area to be lighted. For many typical outdoor layouts, a 10' x 10' spacing grid layout is used. Larger areas may utilize a 15' or 20' grid spacing. This

type layout can also indicate luminance or reflected light instead of luminance.

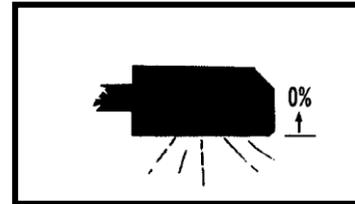
Free Standing Tower: A Tower that is not supported by guy wires and ground anchors or other means of attached or external support.

Frontage: All the property abutting on one (1) side of a street between two (2) intersecting streets measured along the street line. "Frontage along a public street" requires means of direct access by the public.

Frontage Road: A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Fueling Station: Pumps and associated storage tanks and/or mechanical equipment where fuels, oils for motor vehicles are dispensed, sold, or offered for sale.

Full Cutoff Fixture: A fixture for light distribution where no light intensity is emitted at or above a horizontal



plane drawn through the bottom of the fixture and no more than ten percent (10%) of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Greenway: Public open space featuring paths and trails of various kinds, based on natural corridors usually along rivers and streams and ridgelines as well as canals, abandoned railbeds or other public rights-of-ways, which are owned and maintained by the city and

have been designated on an officially adopted greenway or open space plan.

Ground cover: A prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground Covers are used as an alternative to grasses. On slopes, Ground Covers control erosion while eliminating the maintenance of mowing on hillsides. Many Ground Covers survive in poor soils, shade and other adverse conditions.

Handicapped person: As used in family care definition, a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

Hazardous material: Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

High-density project: Any project that exceeds the low density threshold for dwelling units per acre and built-upon area.
(Stormwater)

IESNA: Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Impervious surface: Improvements including street pavement, driveways, gravel areas, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Isolux Lighting Plan: A demonstration or topographic of light distribution over a given area.

Lamp: The component of a luminaire that produces the actual light (bulb).

Land disturbing activity: Any use of the land by any person(s) in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

Landscaping: Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping requirements are included in Ordinances for a number of reasons. They preserve natural features of a site for ecological and environmental reasons. They make land more attractive for residential and other uses. They can screen from view unattractive uses such as junk yards, parking lots, or gravel pits. Lastly, they can act as buffers, visually separating different types of uses.

Larger common plan of development or sale: Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or

surveyor markings) indicating that construction activities may occur on a specific plot. (*Stormwater*)

Light Spillage: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located and desired as measured at the border.

Lot: A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot" or "parcel."

- (a) *Double-frontage lot:* A lot of the same depth as the width of a block containing two (2) tiers of lots and which is accessible from both of the streets upon which it fronts.
- (b) *Single-tier lot:* A lot which backs upon limited access highway, a railroad, a physical barrier, or a nonresidential use and to which access from the rear is usually prohibited.
- (c) *Corner lot:* A lot which has continuous frontage at two (2) intersecting streets.
- (d) *Pipestem lot* (also known as flag lot or panhandle lot): A lot which contains a relatively narrow strip that provides street access.

Lot of record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Rowan County or a lot described by metes and bounds, the description of which has been so recorded.

Lot width: The distance between side lot lines measured at the building line.

Low-density project: A project that has no more than two dwelling units per acre or twenty-four percent built-upon area (BUA) for all residential and non-residential development. (*Stormwater*)

Lumen: A unit of luminous flux. The total quantity of light emitted from a light source. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the Initial lumen output ratings of a lamp.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Maintained foot-candle: Luminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Map for recordation: A plat that depicts existing property where the act of subdivision is not involved.

Marquee: A structure which is constructed and framed in steel or other durable material, extended permanently over the ground, sidewalk, or walkway, and of sufficient strength and design to carry superimposed sign structures.

Mechanical Equipment: HVAC, utility cabinets, or other equipment related to the mechanical operation of a building.

Multi-use Path: A pathway usually intended for the use of bicycles, pedestrians and other non-motorized means of conveyance. Usually 10-12 feet (for two-way travel) of a paved surface or a surface graded with a material suitable for the types of users.

Nonconforming: A lot, structure, sign, or use of land or structure, which is now prohibited under the terms of this Ordinance but was lawful at the date on which it was established or became lawful at some later date.

Nonconforming Lot: A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Structure: A structure that does not conform to dimensional, elevation, location, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Use: A use which was once a permitted use on a parcel of land or within a structure but which is now not a permitted use of that parcel or structure according to Article VIII of this Ordinance. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.

Non-Cutoff Fixture: A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.

Non-Residential: All uses which are neither single-family, two-family nor multi-family. *For the purposes of watershed or flood protection:* All development other than residential development, agriculture and silviculture.

Official maps or plans: Any maps or plans officially adopted by the city council as a guide for the development of the city and surrounding area.

One (1)-year, 24-hour storm: The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and within a duration of 24 hours. (*Stormwater*)

Outdoor Advertising Signs: A free-standing sign located outdoors that directs attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered either on the same premises as the sign or at a different location.

Outdoor Display Area: Commercial establishments that rely on outdoor sales and display areas including but not limited to

heavy equipment sales, recreational vehicle sales, automobile sales, manufactured home displays, and sales of building materials.

Outdoor Lighting: The nighttime illumination of an outdoor area or object by any man-made device located outdoors that produces light by any means.

Outparcel: A parcel of land designated on an approved commercial development site plan or determined as such by the Administrator. An outparcel shall be secondary in nature to the primary commercial development. It shall contain a single building and be independent of the total development in that its parking requirement for the use meets the standard set forth in Chapter 10, Parking, and its driveways, walkways, landscaping, and lighting are also unique to the building on the site.

Overlay district: A set of zoning requirements that is described in the Ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay district must conform to the requirements of both zones or the more restrictive of the two.

Oversized Commercial Vehicle: Oversized commercial vehicles shall include any vehicle (*except* pick-up trucks) or trailer that bears a commercial license plate; and,

1. Has more than 2 axles or 4 tires; or
2. Is designed to carry more than 15 passengers, including the driver; or
3. Weighs more than 10,000 pounds with or without load; or
4. Requires hazardous materials placards; or
5. Is more than 9 feet in height; or
6. Is more than 22 feet in length

This definition includes, but is not limited to semi-trailers, tow trucks, buses, limousines, tractors, construction equipment, delivery vans, or similar vehicles.

Owner: The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

“Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

Parcel: A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Permanent Banner: A double-sided sign constructed of exterior-grade canvas or similar grade material that is erected vertically upon the face of a building and is held taut by top and bottom brackets that are mounted perpendicular to the fronting right-of-way.

Permitted as New Development: Any land use activity or land disturbing activity that occurs as part of a ‘larger common plan of development’, as defined above, and shall not include a new use activity or new land disturbing activity on an infill parcel or lot as defined in Chapter 6 of this Ordinance.

Personal Wireless Facility: *See definition for Wireless Telecommunications Facilities in the Use Definitions.*

Planning board: The City of Salisbury Planning Board.

Planting Area: The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Portico: A roofed stoop or small porch, often supported by a colonnade, at the primary entrance into a building usually elevated above the fronting sidewalk or yard area by a staircase that is not partially or fully enclosed by a balustrade, lattice, vented louvers, or other forms of enclosure.

Preliminary plat: A draft plat of a proposed subdivision, used to determine if the proposed development is in general conformance with city standards and Ordinances.

Protected area: The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first).

Recreational Vehicle: A vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and ravel use. A recreational vehicle shall not be considered as a dwelling unit

Redevelopment: Any rebuilding activity other than a rebuilding activity that results in no net increase in built upon area and provides equal or greater stormwater control than the previous development. (*Stormwater*)

Required yard area: That space between the required yard setback lines and the lot lines from which the required yard setbacks are measured.

Reserve Strip: A narrow parcel of ground, created by deed or plat, having inadequate building area for the purpose of separating a street, parking lot, proposed street, or

proposed parking lot from other adjacent properties.

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

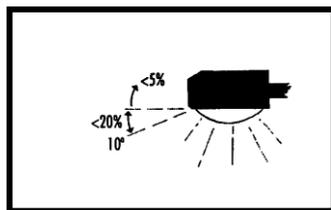
Rezoning: An amendment to or a change in the zoning Ordinance. Rezonings can take three forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels. Rezonings, like enactment of the original Ordinance, are legislative acts that cannot be delegated to administrative officials. According to state law, planning boards make recommendations and city councils approve or deny rezonings.

Right-of-way: See “Street right-of-way”

Sediment: Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural water course.

Semi-Cutoff Fixture: A fixture light distribution where no more than five percent (5%) of a lamp’s light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than twenty percent (20%) of the lamp’s light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.



Setback line: A line parallel to the property line in front of which no structure shall be erected.

Shopping center: A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. Generally is a building that contains three (3) or more separate businesses with two (2) or more dividing walls located on a parcel of land; or a group of buildings either connected or freestanding under one (1) ownership or multiple ownerships of land parcel that is designed with common parking, pedestrian movement, common entrances and exits, and used or intended to be used for the retail of goods and services to the public.

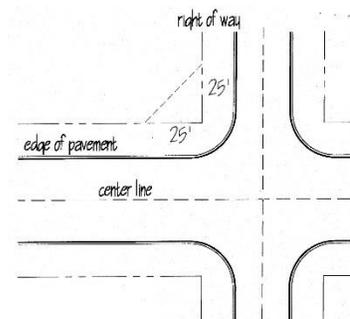
Shrub, Large: An upright plant growing 10’ to 20’ in height at maturity that is planted for ornamental or screening purposes.

Shrub, Medium: A plant growing 5’ to 10’ in height at maturity that is planted for ornamental or screening purposes.

Shrub, Small: A plant growing to less than 5’ in height at maturity that is planted for ornamental purposes.

Sight Triangle:

A triangular area formed by the intersection of the projected street lines (right-of-way lines) and a straight line connecting points on said street lines each of which is 25 feet distant from the point of intersection.



Sign: Any form of publicity or advertising, which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. [Note: For the purpose of this Ordinance, wall murals, mosaics, and other works of art shall not be considered as signs.]

Sign, Advertising: Any off-premises, off-site, poster panel, billboard, or non-point-of-sale sign.

Sign, Canopy: A sign which is suspended from, attached to, supported from, applied to, or forms part of a canopy. Also known as a canopy-suspended sign.

Sign, Changeable copy: A sign on which message copy is changed manually, or electronically, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels. A changeable copy sign shall be counted as a sign face.

Sign, Conforming: A sign which is in compliance with all the provisions of this Ordinance.

Sign, Construction: A single sign giving the name or names of building owners, architects, engineers, and/or lending institutions and principal contractors responsible for construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign, Directional: A sign containing only the name and address of a facility and information pertaining to the direction of the facility.

Sign, Directory: A sign listing the names and/or uses, or locations of more than one (1) business, activity, or professional office conducted within a building, group of buildings, or shopping center. Such a sign contains no other identifying/advertising message than that listed above.

Sign, Ground: A sign supported by a sign structure placed in the ground and which is entirely independent of any building, fence, or object other than the sign structure (which includes uprights, braces, etc.) for support. A ground sign is also known as a freestanding sign or pole sign.

Sign, Identification: A sign on the premises bearing the name of a subdivision, group housing project, or a school, college, building, park, church, or other public or quasi-public facility, but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illuminated: A sign that is illuminated by electric or other devices, mainly for clear visibility at night.

Sign, Direct (or internal) illumination: A light source which is enclosed within the sign and viewed through a translucent panel. Luminous tubing (neon lights) is one kind of direct illumination.

Sign, Indirect (or external) illumination: A light source which is placed outside of or away from the sign in a manner to illuminate the sign.

Sign, Incidental: A sign which carries no advertising message, and is clearly incidental to other major signs on site, and which is used to do one or more of the following:

- (a) Direct certain activities to certain areas; e.g., handicapped parking.
- (b) Prohibit the parking of unauthorized vehicles.
- (c) Provide other incidental information.

Sign, Information: Any on-premise sign containing no other message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic direction.

Sign, Marquee: A business sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, and/or service or entertainment offered on the premises where such sign is displayed.

Sign, Menu board: A sign intending to serve customers already on the premises through identification of products or services available. Said sign is not intended to attract attention from off the premises and its contents should not be discernible from a public street.

Sign, Monument: Any monolithic sign in which the bottom of the sign is flush with the ground.

Sign, Nonconforming: A sign erected before the effective date of this Ordinance which is not in compliance with one or more of the provisions contained herein.

Sign, Off-premise: Any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed.

Sign, On-premise: Any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed.

Sign, Painted wall: A sign, as defined in this section, which is painted on a wall.

Sign, Parapet sign: A sign erected, constructed, placed, or maintained on a building's parapet wall.

Sign, Portable sign: A sign designed or intended to be relocated from time to time, whether or not it is permanently attached to a building or structure, or is located on the ground. The term includes signs on wheels or on portable structures, such as tent signs, A-frame, or T-shaped signs and similar devices, and airborne signs.

Sign, Product sign: Any sign directly attached to a vending machine, gasoline pump, or similar apparatus which directs attention to products dispensed from that vending machine, gasoline pump, or similar apparatus.

Sign, Projection sign: A sign, other than a wall sign, which extends outward for more than twelve (12) inches from the facade of any building and is rigidly affixed to the building.

Sign, Pylon sign: An interstate, high-rise business sign used to identify an on-premise business for the interstate traveler. Such sign, which is taller and sometimes larger than the average sign, may identify a business by name or identifiable logo.

Sign, Real estate sign: A sign located on the premises and offering the premises for sale, rent, lease or development.

Sign, Roof sign: A sign erected, constructed, placed, or maintained upon the roof of any building.

Sign, Special event: A sign of a business or organization which is not part of its normal activities. Such a sign shall be limited to a business "grand opening" or "going-out-of-business sale," as well as fund-raising membership drives or events of civic, philanthropic, educational, or religious organizations.

Sign, Temporary sign: A sign which is permitted for a limited period of time.

Sign, Wall sign: A sign erected parallel to and extending not more than twelve (12) inches from the facade of any building to which it is attached, and supported throughout its entire length by the building face. It may not extend above the roof line. This type is also known as a flat sign or flat wall sign.

Sign face: The part of the sign that is or can be used to identify, advertise, or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop, surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Specimen Tree: Any healthy, existing tree over 18 inches in caliper measured at DBH, excluding Sweet Gum, Catalpa, Wild Cherry, Wild Elm, Princess, Hackberry, and Tree-of-Heaven trees found in a field or open grown condition, or along the edge of a forest stand or tree stand and displaying the root zone, canopy, and structure characteristic of the particular species.

Stoop: small uncovered platform at the entryway into a building usually elevated

above the fronting sidewalk or yard area by a staircase that is typically no wider than the overall entryway into a building.

Storm drainage facilities: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater Runoff: The direct runoff of water resulting from precipitation in any form.

Stream: A watercourse that collects surface runoff.

Street: A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street, cul-de-sac: A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Street, local: A street whose primary function is to provide access to abutting properties.

Street, private: A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street and providing the principal means of access to abutting properties or buildings.

Street, public: A dedicated and accepted public right-of-way for vehicular traffic. In the city limits, a public street shall be maintained by the City of Salisbury or the state Department of Transportation. In the city's extraterritorial jurisdiction, a public street shall be designed and constructed to the state Department of Transportation's standards, and may, or may not, have been accepted for state maintenance. Alleys are specifically excluded.

Street, reconstructed: An existing street where road subgrade will be disturbed.

Street frontage: The length of property of a single lot abutting a public right-of-way or private street.

Street right-of-way: A strip of land whose legal title has been offered for public access and is occupied or intended to be occupied by a travelway and is also available, with the consent of the appropriate governmental agency, for installation and maintenance of traffic control devices, regulatory and information signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Street Tree: A tree planted along the street, usually in a planting strip or tree well.

Street Yard: A Planting Area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Structural BMP: *See BMP, structural.*

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

Structure, accessory: A detached, subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same lot as the principal structure.

Structure, historic: Any structure that is: (1) listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the

Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places; (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Structure, principal: A structure in which is conducted the principal use(s) of the lot on which it is located.

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

Subdivision: A "subdivision" shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets.

Substantial progress (*Stormwater*): For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

- (a) *Campground or Recreational Vehicle Park:*
Land containing two or more campsites which are located, established, or

maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers which are used for recreation or vacation purposes. A 'mobile home park' shall not be deemed a campground or recreational vehicle park.

- (b) *Campsite*: Any plot of ground within a campground intended for exclusive occupancy by a cabin, recreational vehicle, or tent.
- (c) *Recreational Vehicle*: A vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and ravel use. A recreational vehicle shall not be considered as a dwelling unit

Telecommunications: The transmission and reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

Telecommunications Structure: A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities.

Telecommunications Tower. *See definition for Wireless Telecommunications Facilities in Use Definitions.*

Thoroughfare plan: A plan adopted by the city council for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.

Thoroughfare: Thoroughfares are those streets which generally serve through-traffic and are designated on the current edition of the officially adopted Salisbury Area Thoroughfare Plan. Thoroughfares may be further defined as major thoroughfares or minor thoroughfares.

Thoroughfare street, major: Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Thoroughfare street, minor: Minor thoroughfares collect traffic from local and other non-thoroughfare streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Townhouse dwelling: A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common area.

Travel trailer (camping trailer): A vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and being of any length or width, provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight, provided its overall length does not exceed twenty-nine (29) feet.

Uniform Construction Standards: The construction standards which are contained in

the current edition of the manual which has been officially adopted by the City Council as a written document of city construction standards.

Use, Special: A use permitted only upon approval of the Salisbury Zoning Board of adjustment. Such a use shall be permitted only in the district in which it is listed and shall not be accumulative to any other district. If property exists such that an existing use which was previously allowed by right would be allowed only as a conditional use, that use shall become nonconforming unless and until a conditional use permit is issued.

Use, permitted: A use permitted in a given district as a permitted use and so authorized by being listed, or referenced as a permitted use, by district, in article VIII, Use Requirements by District.

Use, residential: Any type dwelling unit including single-family dwelling, two-family dwelling, multifamily dwelling, rooming or boarding house, accessory buildings and structures thereof and customary home occupations.

Variance: A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

Vested rights: The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

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

Wetlands: Those areas that are inundated or saturated by surface or ground water at a

frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard: A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: An open, unoccupied space on the same lot with a principal building, extended the full width of the lot, and situated between the street and that front line of the building, projected to the side lines of the lot.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Zero lot line: A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Virtually all zoning Ordinances retain yard requirements; where zero lot line developments have been permitted, they have been handled through group development procedures, or other devised which allow for site plan review. The few Ordinances which specifically authorize the zero lot line approach do so as an exception to prevailing regulations and under clearly defined circumstances.

Zoning: A police power measure, enacted primarily by general purpose units of local

government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district. The zoning Ordinance consists of two parts: a text and a map. For the most part, this conventional definition of zoning still applies, but recent innovations in special (or conditional) use districts and overlay districts have begun to blur some of the Ordinance's neatness and clarity.

Zoning districts: A section of a city designated in the zoning Ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning map: The map delineating the boundaries of districts which, along with the zoning text, comprises the zoning Ordinance.

Use Definitions

RESIDENTIAL

Dwelling-Single Family: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974. (*LBCS F1100 and S1100*)

Dwelling-Duplex: Generally a two-unit building that is divided horizontally, and each unit has a separate entrance from the outside or through a common vestibule. Buildings are typically under one ownership. (*LBCS F 1100 and S1121*)

Dwelling-Multifamily (less than 4 units/bldg): A dwelling unit that is part of a structure containing more than one but less than four units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and triplexes (buildings under one ownership with two or three dwelling units in the same structure), as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (*LBCS S1121 and S1140*)

Dwelling-Multifamily (more than 4 units/building): A dwelling unit that is part of a structure containing more than four units. Each unit has a separate entrance from the outside or through a common vestibule. These structure may include fourplexes (buildings under one ownership with four dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and, townhouses (a type of structure that has at least three or more separate dwelling units

divided vertically, and each unit has separate entrances to a front and rear yard). (*LBCS S1121 and S1140*)

Dwelling-Secondary: A dwelling unit either detached or non-detached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 750 square feet of gross floorspace and located on a lot with an existing single-family dwelling. Said units shall not exceed one per lot.

Home Occupation: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and generally having only one or two employees.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons. (*NCGS 168-21*)

Housing Services for the Elderly: Establishments that offer a wide range of housing services for those who cannot care for themselves, such as the elderly such as retirement housing, congregate living services, assisted living services, continuing care retirement centers, and skilled nursing services. (*LBCS F1200*)

Live-Work Unit: An attached residential building type with small commercial enterprises on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

Manufactured Housing: A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at

least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. *(LBCS S1150)*

Manufactured Home Neighborhood: A subdivision of land that permits double-wide manufactured houses that are aligned on the lots in a manner similar to site built homes with their front doors facing the streets.

Manufactured Home Park: The location of two or more manufactured homes on a parcel of land shall constitute a manufactured home park.

Modular Home: 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."

LODGING

Bed and Breakfast Inn: Establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in a room rate. *(LBCS F1310)*

Hotels/Motels/Inns: Establishments providing lodging and short-term accommodations for travelers. They may offer

a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. *(LBCS F1300 and F1330)*

Rooming or Boarding House: Short or long-term accommodations that serve a specific groups or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services. *(LBCS F1320, S 1320, and S1340)*

OFFICE/SERVICE

Animal Services: Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. *(LBCS F2418 and F2720)*

Banks, Credit Unions, Financial Services: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies. *(LBCS F2200 and F2210)*

Business Support Services: These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating,

blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales. (LBCS 2424)

Child Care: A program or arrangement where three (3) 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 Home: Supervision or care provided on a regular basis within a principal residential dwelling unit by a resident of the dwelling, where, at any one time, more than two (2) children, but less than nine (9) children receive childcare.

Child Care Center in Residence: Supervision or care provided on a regular basis within a principal residential dwelling unit by a resident of the dwelling, where, at any one time, more than two (2) but no more than 15 children receive childcare.

Commercial Child Care Center: An individual, agency, or organization providing supervision or care, in a non-residential environment, where, at any one time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving child care.

Community Service Organization: A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged such as counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment, but does not include any services providing on-site

residential or accommodation services. (LBCS F6560)

Drive Thru Service: A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

Equipment Rental: Establishments renting or leasing heavy equipment without operators used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc. or, agricultural equipment without operators. (LBCS F2334)

Funeral Homes and Services: Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). (LBCS F6700-6702)

Group Care Facilities: A facility that provides resident services to more than 6 individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes. (LBCS F6520)

Government Services: Includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority. (LBCS F6200)

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

Medical Clinic: Facilities that provide ambulatory or outpatient health care such as physician offices and dentists; emergency medical clinics; outpatient family planning services; and blood and organ banks. (*LBCS F6510, F6512, and F6514*)

Outdoor Kennels: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (*LBCS F2700*)

Post Office: Establishments conducting operations of the National Postal Service. (*LBCS F4170*).

Professional Services: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician's and dentist's offices. (*LBCS F2230, F2240, F2300, F2410-2417, and F6511*)

Residential Support Facility: A building or group of buildings owned or operated by a non-profit organization intended to be used solely for temporary occupancy by patients or family members of patients being treated at a local hospital.

Residential Treatment Facility: A facility that primarily provides 24-hour supervision and Level I, II, or III therapeutic treatment as licensed by the North Carolina Department of

Health and Human Services for adults or children with behavioral disorders, or juveniles adjudicated in a court of law as delinquent. Residential treatment facilities are limited to no more than 6 clients.

Studio-Art, Dance, Martial Arts, Music, etc.: Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include: individual and group instruction and training in the arts; production rehearsal photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

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

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

RETAIL

Alcoholic Beverage Sales Store: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

Auto Parts Sales: Establishments selling new, uses, or rebuilt automotive parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops. (LBCS F2115)

Bar/Tavern/Nightclub: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant use or other permitted by right use with alcohol consumption being secondary to the primary use. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Drive-Thru Retail/Restaurants: A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include: fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

Gas Station: Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included. (LBCS F2116 and S2270)

General Retail-3,500 sf or less: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Ranging in size of 10,000 square feet or less. (LBCS F2100)

General Retail-3,501 sf – 50,000 sf: A use category allowing premises to be available for

the commercial sale of merchandise and prepared foods, but excluding manufacturing. Ranging in size between 10,001 square feet and 50,000 square feet. (LBCS F2100)

General Retail-Greater than 50,000 sf: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Greater than 50,000 square feet.

Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). (LBCS F2510, F2520, and F2530)

Shopping-Neighborhood Center: Sizes vary from 30,000 to 150,000 square feet on sites ranging from 3 to 15 acres, and have a 3-mile primary trade area radius. Typically serves immediate neighborhood with convenience shopping. Often anchored by a supermarket or drugstore. (LBCS S2510)

Shopping Center-Community Center: Usually configured as a strip center. Sizes vary from 100,000 to 350,000 square feet on sites ranging in size from 10 to 40 acres and have a 3- to 6-mile primary trade area radius. Serves a wider market than neighborhood and also offers wider range of goods, especially apparel goods. Anchors include supermarkets, super drug stores, and discount department stores. Some centers may also contain off-price retail stores selling toys, electronics, sporting goods, and home improvement and furnishings. (LBCS S2520)

Vehicle/Heavy Equipment Sales:

Establishments which may have showrooms or open lots for selling vehicles or heavy equipment. May include car dealers for compact automobiles and light trucks, bus, truck, mobile homes, motorcycle, ATV, or boat and marine craft dealers. (LBCS F2110, F2111, F2112, F2113 and F2114)

(LBCS S3800, S4400, F5110, F5210, and FS6830)

Internet/Electronic Gaming:

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games, including, but not limited to, those characterized as sweepstakes, product promotions, lotteries, games, and games using skill or dexterity, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, and whether or not the outcome may be “pre-revealed.” The term includes, but is not limited to, enterprises identifying as internet sweepstakes, video sweepstakes, or cybercafés. This definition is intended to cover, among others that meet the above definition, all business enterprises commonly or formally known as “sweepstakes” and shall apply regardless of any superficial changes to the system or method of electronic gaming or of any subterfuge or pretense on the part of the business owners or electronic gaming manufacturers. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill which are coin- or token-operated and which offer no monetary winnings. This definition is solely for the use of the City of Salisbury in regulating business entities in this jurisdiction and the City makes no determination of the legality of any such business under the North Carolina Criminal statutes, by the issuance of any type of permit or by the collection of business taxes.

ENTERTAINMENT/RECREATION

Adult Establishment: Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as defined in NC General Statute, Section 14.210.10 (or any successor thereto).

Amusements, Indoor: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades (*coin or token operated with no monetary or winnings of value*), movie theaters, skating rinks, roller rinks, and bowling alleys. (LBCS F5320, F5380, F5390 and S3200)

Amusements, Outdoor: Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides. (LBCS F5310 and S4440)

Assembly/Meeting Facilities:

Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including fraternal halls (VFW lodges, etc) and banquet facilities. (LBCS S3800)

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

Cultural or Community Facility: Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA.

Recreation Facilities, Outdoor: Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, riding stables,

campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Theater, Movie: A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. (*LBCS S3120*)

Theater, Live Performance: Includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor; may seat 300 to 3,000 people. (*LBCS S3110*)

**MANUFACTURING/WHOLESALE/
STORAGE**

Agriculture: These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries but not including urban farms as specifically defined by this Ordinance. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories. (*LBCS F9000 and S8000*)

Laundry, Dry Cleaning Plant: A service establishment engaged primarily in high volume laundry and garment services,

including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

Manufacturing, Light: A non-residential use that may involve the use or storage of any hazardous materials or substances, or that is used for the purpose of assembling, finishing, cleaning, warehousing, wholesaling, or distributing any product or commodity. Except for the routine outdoor storage of related equipment and materials, facilities are typically completely enclosed, but may rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical.

Manufacturing, Neighborhood: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually indistinguishable from a residential or non-residential building. This shall not include uses that require deliveries by truck with more than two axles.

Manufacturing, Heavy: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances that are used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities have complex operations, some of which may be conducted not in an enclosed building and may have continuous (24 hours a day/ 7 days per week) operations.

Media Production: Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Back lots/outdoor facilities:
2. Indoor support facilities:
3. Soundstages: Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Metal Products Fabrication, Machine or Welding Shop: An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include:

1. Blacksmith and welding shops
2. Plating, stripping, and coating shops
3. Sheet metal shops
4. Machine shops and boiler shops

Mini-Warehouses: A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Research and Development (R&D): A facility for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development. Also includes laboratories for testing, analysis, and/or research. Examples of this include medical labs, soils and materials testing labs, and forensic labs.

Storage-Storage Yard: The open storage of various materials outside of a structure other than fencing, as a principal use.

Storage-Warehouse, Indoor Storage: Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Wholesaling and Distribution: Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;
4. Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

CIVIC / INSTITUTIONAL

Campground: Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services such as cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

Cemetery: A parcel of land used for internment of the dead in the ground or in mausoleums. (*LBCS S4700*)

Colleges/Universities: Comprise junior colleges, colleges, universities, and professional schools. These establishments

furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. (LBCS F6130)

Hospital: A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. (LBCS F6530 and S4110)

Public Safety Facility: A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including incarceration facilities.

Religious Institution: Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores. (LBCS F6600 and S3500)

School, Elementary & Secondary: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. (LBCS F6100)

School, Vocational/Technical: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (LBCS F6100 and F6140)

INFRASTRUCTURE

Airport: Establishments that provide air transportation for passengers or cargo using aircraft, such as airplanes and helicopters. This subcategory includes scenic and sightseeing air transportation establishments, which may involve local departure and same-day return. (LBCS F4110, S3920 and S5600)

Parking Lot (Primary Use): A stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

Parking Structure (Primary Use): A stand alone parking structure (deck) that is available for public or private use, but that is not accessory to another primary use.

Transit Station-Passenger: Facilities for ground passenger transit systems using multiple modes of transport over regular routes and on regular schedules within the city or that operated over long distances between metropolitan areas. (LBCS F4120 and S3900)

Utilities: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceed 180 ft in height. Utilities are divided into 3 classes:

Class 1 Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

Wireless Telecommunication Facility:

Equipment constructed in accordance with Section 332(c)(7) of the Communications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

Stealth: Equipment that is unobtrusive in its appearance such as the co-location on existing tower facilities; and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples,

billboards and electric transmission towers.

Tower: The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:

- Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or, Commercial or industrial satellite dishes that are less than 20 feet in height.