

## ARTICLE 2. BASIC DEFINITIONS AND INTERPRETATIONS

### Section 2-1: Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word “person” includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The word “may” is permissive.
- (F) The word “shall” and “will” are always mandatory and not merely directive.
- (G) The word “used for” shall include the meaning “arranged for,” “designed for,” “intended for,” and “occupied for.”
- (H) The words “used” or “occupied” shall mean “intended, designed, and arranged to be used or occupied.”
- (I) The word “lot” shall include the words “plot,” “parcel,” “site,” “tract,” and “premises.”
- (J) The word “building” shall include all structures regardless of similarity to buildings, excluding fences and retaining walls.
- (K) The word “Town Commissioners” shall include “Board of Commissioners” of the Town of Lillington, North Carolina.

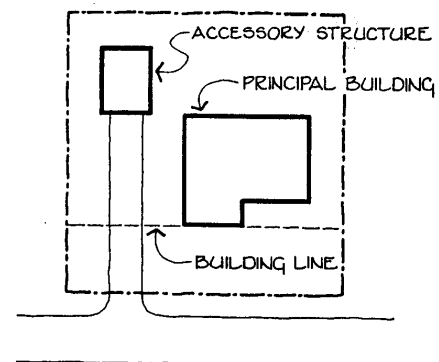
- (L) The word “Town” shall mean the “Town of Lillington,” a municipal corporation of the State of North Carolina.
- (M) The words “map,” “zoning map,” and “Lillington Zoning Map” shall mean the “Official Zoning Map for the Town of Lillington, North Carolina.”
- (N) The words “Board of Adjustment” shall mean the “Town of Lillington Board of Adjustment.”
- (O) The words “Ordinance” and “Regulations” shall mean the “Official Zoning and Subdivision Ordinance for the Town of Lillington, North Carolina.”

**Section 2-2: Definitions of Basic Terms**

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

- (1) **Abutting.** Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.
- (2) **Access.** A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.
- (3) **Accessory Building or Use.** A building or use, not including signs, which is:

- (a) Conducted or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance;
- (b) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and



- (c) Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
- (4) ***Addition (to an existing building).*** An extension or increase in the floor area or height of a structure. Additions to existing structures shall comply with the requirements for new construction, unless the addition, renovation or reconstruction does not equal fifty (50) percent of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
- (5) ***Administrator.*** The Zoning Administrator for the Town of Lillington.
- (6) ***Adoptive Home.*** A family home approved by a child placing agency to accept a child for adoption.
- (7) ***Adult and Sexually Oriented Establishments Definitions.*** For the purposes of Article 18, the following definitions shall apply.
  - (a) ***Adult Bookstore.*** An establishment which derives more than fifty (50) percent of its revenues from the offering to customers of books, magazines, sexual paraphernalia, films, or videotapes (whether for viewing off premises or on premises by use of motion picture machines or other image producing devices), periodicals or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas.
  - (b) ***Adult Cabaret.*** An establishment whose principal business purpose is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas.

- (c) **Adult Model Studio.** Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Modeling studios will not be considered adult entertainment establishments if the person appearing in a state of nudity did so in a modeling class operated:
1. By a proprietary school, licensed by the state; a college, junior college, or university supported entirely or partly by taxation; or
  2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- (d) **Adult Motel.** A hotel, motel, or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions.
  2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours.
  3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (e) **Adult Theater.** An establishment, containing a room with tiers or rows of seats facing a screen, or projection area, whose principal business purpose is the exhibition to customers of motion pictures which are intended to provide sexual stimulation or sexual gratification to such

customers and which are distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

- (f) ***Adult Video Store.*** A commercial enterprise selling or renting any of the following as more than fifty (50) percent of its gross revenues:
  - 1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
  - 2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (g) ***Escort Service.*** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (h) ***Exterior Portion.*** Any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, or window, which is visible from any public way or public property.
- (i) ***Massage Parlor.*** Any business or establishment where massage is practiced, excluding health clubs which derive more than ninety (90) percent of revenue from sport activities or sale of memberships to engage in sport activities.
- (j) ***Nudity.*** The appearance of a bare human buttocks, male genitals, female genitals, or female breast(s).
- (k) ***Peep Shows.*** A theater which presents material in the form of live show films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

- (l) ***Semi-nude.*** A state of dress in which clothing covers no more than the genitals, pubic region, areolae of the female breast, and those portions of the body covered by supporting straps and devices.
  
- (m) ***Sexual Encounter Center.*** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
  - 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
  - 3. Sadistic/masochistic flagellation or torture (real or simulated) of one person by another and/or the fettering, binding, or physically restraining one person by another.
  
- (n) ***Sign.*** Any display, design, pictorial, or other representation, which shall be constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever so that the same is visible from the outside of a regulated establishment and that is used to seek the attraction of the public to any goods, services, or merchandise available at such regulated establishment. The term sign shall also include such representations painted on or otherwise affixed to any exterior portion of a regulated establishment as well as such representations painted on or otherwise affixed to any part of the tract upon which such a regulated establishment is situated.
  
- (o) ***Specified Anatomical Areas.*** Shall include the following:
  - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolas.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. A distance of 6' shall be maintained between patrons and dancers.

(p) ***Specified Sexual Activity.*** Shall include the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
4. Flagellation or torture in the context of a sexual relationship.
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
6. Erotic touching, fondling, or other such contact with an animal by a human being.

(q) ***Sexually Oriented Establishment.*** Includes but is not necessarily limited to an adult club or cabaret used for any type presentation depicting, exhibiting, or describing “specified sexual activities” or “specified anatomical areas” for observation by patrons therein and also includes bookstores, theaters, video stores, peep shows, model studios, sexual encounter centers, massage parlors, escort services, and motels as the same are further defined herein and any other establishment which contains activities characterized by the performance, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

(8) ***Adult Care Home.*** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care

services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.

- (9) ***Agricultural Use.*** The use of land or waters for stock, watering, irrigation, and other farm purposes.
- (10) ***Alley.*** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.
- (11) ***Antenna.*** Equipment designed to transmit or receive electronic signals.
- (12) ***Apartment (Dwelling Unit).*** A room or suite of one or more rooms intended or held for use as a residence by a single household or family (i.e., dwelling unit). Such dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single-family home or a commercial building.
- (13) ***Apartment House.*** See Dwelling, Multi-Family.
- (14) ***Appeal.*** A request for a review of the Administrator's interpretation of any provision of this Ordinance or a request for a variance.
- (15) ***Approval Authority.*** The Board of Commissioners of the Town of Lillington, the Board of Adjustment or other board or official designated by Ordinance as authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.
- (16) ***Area of Shallow Flooding.*** A designated AO zone which is an area on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the

path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- (17) ***Area of Special Flood Hazard.*** The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.
- (18) ***Assembly.*** A joining together of completely fabricated parts to create a finished product.
- (19) ***Assisted Living Residence.*** Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. The Department of Health and Human Services may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of G.S. 131E-102. Effective October 1, 1995, there are two types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services.
- (20) ***Automobile Off-Street Parking (Commercial Lot).*** Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.
- (21) ***Automobile Service Station (Gas Station).*** Any building or land used for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires. Car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and shall be performed indoors. Fuel pumps shall not be within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire re-treading, major body work, major mechanical work, or upholstery work.

- (22) **Base Flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (23) **Basement.** That portion of a building having its floor sub-grade (below ground level) on all sides.
- (24) **Bed and Breakfast Inn.** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises (including boarding home(s) and tourist home(s)).
- (25) **Best Management Practices.** A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
- (26) **Block.** A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the county or its towns or any combination of the above.
- (27) **Block Frontage.** That portion of a block which abuts a single street.
- (28) **Board of Adjustment.** A local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Administrator or Building Inspector and to consider requests for variances from the terms of the Zoning Ordinance.
- (29) **Board of Commissioners.** The governing body of the Town of Lillington.
- (30) **Boarding House.** A building other than a hotel or motel where, for compensation, meals are served and lodging is provided.
- (31) **Bona Fide Farm.** A tract of land containing at least three (3) acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry and including facilities for the sale of such products on the premises where produced, provided that a farm shall not be construed to include commercial poultry and swine production, cattle feed lots, and fur bearing animal operations.'

- (32) **Breakaway Wall.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
- (33) **Buffer.** A fence, wall, hedge, existing natural vegetative area, or other planted area or device used to enclose, buffer, or separate one use or lot from another.
- (34) **Buildable Area.** The portion of a lot remaining after required setback yards have been delineated, and the maximum amount of impervious surface coverage has been figured for the lot or tract of land.
- (35) **Building.** Any structure having a roof supported by columns or by walls, enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, manufactured homes, and attached or unattached carports consisting of a roof and supporting members, and similar structure whether stationary or movable. The connection of two (2) 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 (1) building.
- (36) **Building, Commercial.** Any building used for business purposes.
- (37) **Building, Detached.** A building having no party or common wall with another building except an accessory building or structure.
- (38) **Building, Height of.** The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.
- (39) **Building Inspector.** The person, officer, and his authorized representatives, whom the Town Commissioners have designated as their agent for the administration and enforcement of the Town building codes.

- (40) ***Building, Main.*** A building in which the principal use of the lot on which the building is situated is conducted.
- (41) ***Building Setback Line.*** A line parallel to the property line in front of which no structure shall be erected as specified in Article 6, “Table of Area, Yard, and Height Requirements,” of the Town of Lillington Zoning Ordinance.
- (42) ***Building Site.*** Any lot, or portion thereof, upon which a building or buildings may be erected in conformance with the requirements of the Town of Lillington Zoning Ordinance.
- (43) ***Built-Upon Area.*** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (i.e., tennis courts), etc. Note: wooden slatted decks and the water area of a swimming pool are considered pervious (See ***Impervious Surface***).
- (44) ***Canopy, Marquee, or Awning.*** Any roof-like structure extended over a sidewalk or walkway.
- (45) ***Certificate of Occupancy/Compliance.*** Official certification that a premise conforms to provisions of the Zoning Ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.
- (46) ***Certify.*** Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.
- (47) ***Children’s Camp.*** A residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting.
- (48) ***Club or Lodge (Private Non-Profit, Civic or Fraternal).*** A non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases

a building, or portion thereof; the use of such premises being restricted to members and their guests.

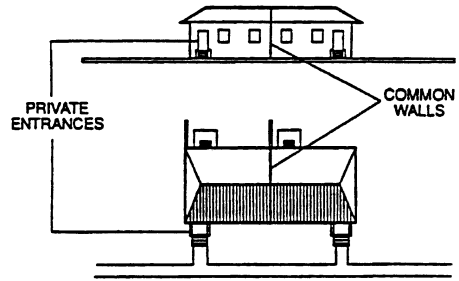
- (49) **Cluster Development.** The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. Planned unit developments and mixed-use developments are considered as cluster development for the purposes of watershed protection requirements.
- (50) **Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (51) **Conditional Use Permit.** A permit issued by the Board of Commissioners upon recommendation of the Planning Board that authorizes the recipient to make use of property in accordance with the requirements of the Town of Lillington Zoning Ordinance as well as any additional requirements imposed by the Board of Commissioners.
- (52) **Condominium.** A dwelling unit or commercial unit in which the ownership of the occupancy rights to the unit is individually owned or for sale to an individual and such ownership is not inclusive of any land.
- (53) **Contractor, General.** One who is engaged in one or more aspects of building construction and/or land development through a legal agreement.
- (54) **Contractor, Trades.** One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal and roofing work, etc.
- (55) **Convenience Store.** A one-story, retail store designed and stocked to sell primary food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples

of convenience stores are those operated by the “Fast Fare,” “BP,” and “Pantry” chains.

- (56) **Critical Area.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half ( $\frac{1}{2}$ ) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever come first); or one-half ( $\frac{1}{2}$ ) mile upstream from and draining to the intake (or other appropriate downstream location associated with the water supply) located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half ( $\frac{1}{2}$ ) mile. Local governments may extend the critical area as needed.
- (57) **Day Care Center.** Any child care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: public schools; non-public schools whether or not accredited by the North Carolina State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.
- (58) **Dedication.** A gift by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.
- (59) **Density.** The number of dwelling units per acre.
- (60) **Detention Pond.** An engineered storm water control consisting of a pond that allows for pollutants to settle and provides for the gradual release of the impounded water.

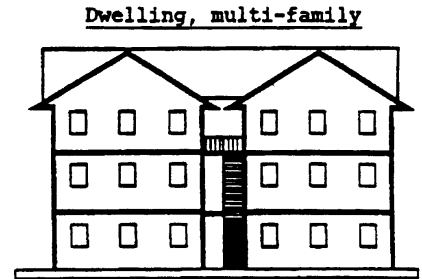
- (61) ***Developer.*** A person who is responsible for any undertaking that requires a zoning permit, conditional use permit, or sign permit.
- (62) ***Development.*** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment. This definition includes any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or that otherwise decreases the infiltration of precipitation into the soil.
- (63) ***Dimensional Nonconformity.*** A nonconforming situation that occurs when the height or size 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.
- (64) ***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. Discharging landfills require a National Pollution System (NPDES) Permit from the North Carolina Division of Water Quality.
- (65) ***Dish Antenna (or Earth Station).*** A dish antenna, or earth station, is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.
- (66) ***Dish Antenna (or Earth Station) Height.*** The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.
- (67) ***Dish Antenna (or Earth Station) Setback.*** The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.
- (68) ***District.*** Any section of the Town of Lillington and its extraterritorial jurisdiction in which zoning regulations are uniform.

- (69) **Drive-in Establishment (Drive-Thru Window).** An establishment which accommodates patrons by providing facilities to conduct business directly from their automobiles, such as banks, restaurants, etc.



- (70) **Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

- (71) **Driveway, Private.** A roadway serving two or fewer lots, building sites, or other division of land, and not intended to be public ingress or egress.



- (72) **Dwelling (Dwelling Unit).** A building, or portion thereof, designed, arranged, or used for permanent living quarters. The term “dwelling” shall not include travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

- (73) **Dwelling, Duplex.** A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

- (74) **Dwelling, Multi-Family.** A building containing three (3) or more dwelling units, except where permitted as an accessory use.

- (75) ***Dwelling, Single-Family.*** A building containing one dwelling unit only, but may include one (1) separate unit, with no separate entrance, as an accessory use to be occupied only by employees or relatives of the household.
- (76) ***Easement.*** A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.
- (77) ***Elevated Building.*** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
- (78) ***Engineered (or Structural) Storm Water Controls.*** A structural Best Management Practice (BMP) used to reduce non-point source pollution to receiving waters in order to achieve water quality protection goals.
- (79) ***Erect.*** Build, construct, rebuild, or reconstruct, as the same are commonly defined.
- (80) ***Existing Construction.*** Any structure for which the “start of construction” commenced before (date of adoption of current zoning ordinance).
- (81) ***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 criteria established under Article 19, Vested Rights, for the Town of Lillington.
- (82) ***Existing Lot.*** See *Lot of Record*.
- (83) ***Existing Manufactured Home Park or Subdivision.*** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before (date of adoption of current zoning ordinance).

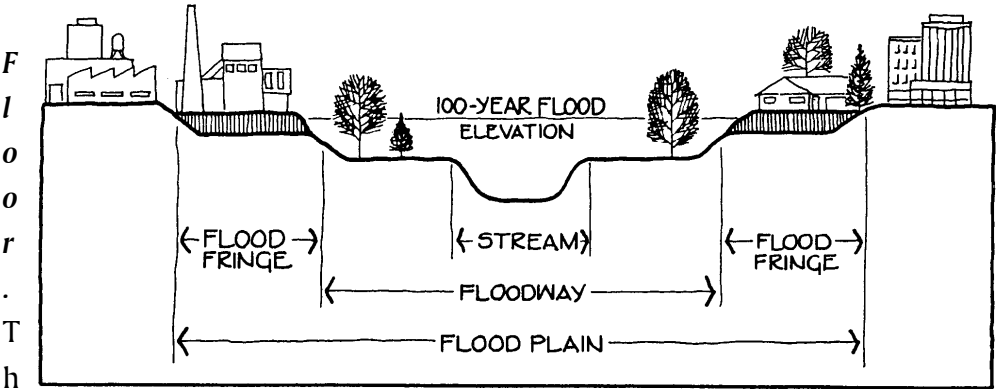
- (84) ***Expansion to an Existing Manufactured Home Park or Subdivision.*** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (85) ***Extraterritorial Jurisdiction.*** An area outside and surrounding the Town of Lillington, extending up to one (1) mile from the municipal boundary, where the Town exercises planning, zoning, and subdivision regulations.
- (86) ***Fabrication.*** The process and/or assemblage of various components into a complete or partially completed commodity. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects. The refining aspects of manufacturing and other initial processing of basic raw material such as metal ores, lumber and rubber, etc., are excluded.
- (87) ***Family.*** One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit and having a recognized head of household. For the purposes of this Ordinance, such persons may include foster children, gratuitous guests, contributing roommates, and domestic servants employed on the same premises.
- (88) ***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 (6) resident handicapped persons.
- (89) ***Family Foster Home.*** The private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship, or adoption.
- (90) ***Fence, Boundary.*** A structure serving as an enclosure, a barrier, or a boundary, usually constructed of posts joined together by wood, vinyl, wrought iron, bricks, stone, or wire.

- (91) ***Fence, Decorative.*** A structure serving as an enclosure, a barrier, or a boundary, usually constructed of posts joined together by wood, vinyl, wrought iron, bricks, or stone. Chain link or wire fencing material is prohibited.
- (92) ***Fill.*** Any material used to raise the elevation of the surface of the land, excluding a grade base and paving.
- (93) ***Flea Market.*** A commercial operation held on a regular periodic basis and patronized by individual entrepreneurs who transport a variety of merchandise to a common geographical area for the purpose of sale or trade to the general public. This definition does not include sporadic and infrequent yard sales held in residential areas.
- (94) ***Flood or Flooding.*** A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) The overflow of inland waters;
  - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (95) ***Flood Hazard Boundary Map (FHBM).*** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- (96) ***Flood Insurance Rate Map (FIRM).*** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- (97) ***Flood Insurance Study.*** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- (98) ***Floodplain.*** Any land area susceptible to be inundated by water from the base flood. As used in this Ordinance, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the “Flood Boundary

and Floodway Map” prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Town Hall.

- (99) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(100)



top surface of an enclosed area in a building including basement (i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction). The term does not include the floor of a garage used solely for parking vehicles.

- (101) **Floor Area (for determining off-street parking and loading requirements).** The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or

to business or professional offices. However, “floor area” for the purposes of measurement for off-street parking space shall not include: floor area devoted to primarily storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

- (102) **Frontage.** All property abutting a street line measured along the street line.
- (103) **Functionally Dependent Facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
- (104) **Garage, Private.** A building used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles.
- (105) **Gate.** A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier and buffer as a part of the fence in which it is attached.
- (106) **Gross Floor Area.** The sum of the enclosed area on all floors of a building measured from the outside faces of the exterior walls. It includes any below grade floor areas used for habitation or storage.
- (107) **Group Care Facility.** An establishment qualified for a license by the State of North Carolina for the provision of resident services of seven (7) or more individuals of whom one or more are unrelated, and who are either handicapped, aged, disabled, or who are runaway, disturbed, or emotionally deprived children and who are undergoing rehabilitation or extended care, and who are provided services to meet their needs. For the purposes of this definition included are group homes for all ages, halfway houses, boarding homes for children, and convalescent and nursing homes. Further, this

definition includes those homes that provide services for six (6) or fewer persons who are not handicapped.

- (108) **Hazardous Material.** Any substance listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA), Oil and Hazardous Substances.
- (109) **High-Density Option.** One (1) of two (2) approaches available for development in some watershed overlay districts. Generally, the high-density option relies on density limits and engineered storm water controls to minimize the risk of water pollution.
- (110) **Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.
- (111) **Historic Structure.** Any structure that is:
  - (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the 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;
  - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior; or

- (2) Directly by the Secretary of the Interior in states without approved programs.
- (112) **Home Occupation.** Any occupation or profession carried on entirely within a dwelling by one or more occupants thereof, provided that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- (113) **Hotel or Motel.** A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants; where rooms are furnished for the accommodation of such guests; and which may have one or more dining rooms, restaurants, or cafes where meals are served.
- (114) **Impervious Surface.** A surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt, and gravel surfaces. These include, but are not limited to, streets and parking areas, sidewalks, patios, and structures that cover the land. Wood slatted decks and the water area of swimming pools are not included within this definition (See *Built-Upon Area*).
- (115) **Impervious Surface Ratio.** A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on a site by the site area.
- (116) **Improvements.** The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.
- (117) **Incompatible Use.** A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.
- (118) **Industrial Development.** For purposes of watershed regulation, any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the

purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

- (119) ***Infiltration.*** The absorption of storm water run-off into the ground. Infiltration allows for pollutants to be filtered from the water prior to its reaching the groundwater table, preventing the deposit of the pollutants directly into drinking water supplies. The absorption of water into the ground.
- (120) ***Intensive Livestock Operations.*** Any enclosure, pen, feedlot, building, or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, goats, turkeys, chickens, swine, or any combination thereof, with at any time a total of 100 animal units or more present, where their dietary needs are met primarily by means other than grazing.
- (121) ***Junk.*** Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.
- (122) ***Junkyard.*** Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A “junk yard” includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A lot containing more than three (3) inoperative vehicles shall constitute a junkyard for the purposes of this Ordinance.
- (123) ***Junked/Inoperative Motor Vehicle.*** As authorized and defined in G.S. § 160A-303.2 the term, junked/inoperative motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that (1) is partially dismantled or wrecked; (2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or (3) is more than five years old and appears to be worth less than \$100.
- (124) ***Kennel.*** A commercial operation that: (a) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may

not be run by or associated with a veterinarian), (b) engages in the breeding of animals for sale, or (c) engages in the importation of animals for sale.

- (125) ***Land Disturbing Activity.*** Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Regulations do not apply to the following land disturbing activities: (a) agriculture, (b) forestry, and (c) mining.
  
- (126) ***Landfill.*** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the NC General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.
  
- (127) ***Licensable Facility.*** A facility that provides services for one or more minors or for two or more adults. When the services offered are provided to individuals who are mentally ill or developmentally disabled, these services shall be day services offered to the same individual for a period of three hours or more during a 24-hour period, or residential services provided for 24 consecutive hours or more. When the services offered are provided to individuals who are substance abusers, these services shall include all outpatient services, day services offered to the same individual for a period of three hours or more during a 24-hour period, or residential services provided for 24 consecutive hours or more. Facilities for individuals who are substance abusers include chemical dependency facilities.
  
- (128) ***Loading and Unloading Area.*** That portion of the vehicle accommodation area used to satisfy the requirements of Article 12. It provides space for bulk pickups and deliveries, scaled to delivery vehicles and accessible to such vehicles at all times even when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

(129) **Lot.** A parcel of land occupied or intended for occupancy by a main building or group of main buildings and accessory buildings approved as a Planned Building Group, together with such yards, open spaces, lot width and lot areas as required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purposes of this Ordinance, the word “lot” shall be taken to mean a portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both.

(130) **Lot, Area of.** The parcel of land enclosed within the boundaries formed by the property lines, plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.

(131) **Lot, Corner.** A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case, the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

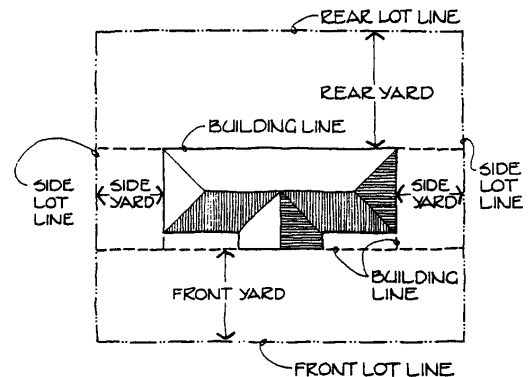
(132) **Lot, Depth.** The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

(133) **Lot, Interior.** A lot other than a corner lot with only one frontage on a street.

(134) **Lot Line.** Any boundary of a parcel of land.

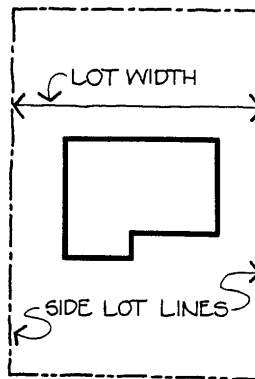
(135) **Lot Line, Front.**

- (a) If a lot has one property line which is coterminous with a street right-of-way line, such line shall constitute the front lot line;



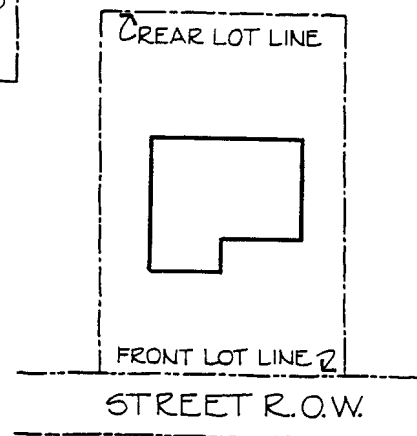
- (b) If a lot has two property lines which are also street right-of-way lines abutting different streets and those two (2) property (street right-of-way) lines form an angle between 80 degrees and 100 degrees, then the shorter of those two (2) lines shall constitute the front property line; if both lines are equal, the front property line shall be determined by the property owner if a front property line has not been designated on the final plat (minimum building lines are construed to designate the front lot line);
- (c) If a lot is not encompassed by provision (a) or (b) and no front property line is designated on the final plat, the front property line shall be designated by the Zoning Administrator.

(136) **Lot Line, Rear.** The rear lot line shall be the property line(s) which is (are) opposite the front property line. If no property line is deemed by the Administrator or his authorized agents to be opposite the front property line and no minimum building line exists on the final plat to establish a rear rear lot line; however, maintained from the perimeter which is the point of the front line. building line shall be a line connecting said apex and the mid point of the front lot line.



lot line, then there shall be no the rear yard setback shall be point (apex) on the property's furthest removed from the mid The rear yard minimum line perpendicular to a straight

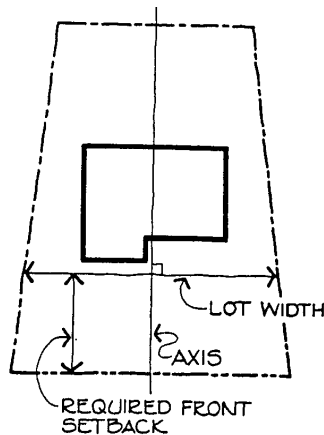
(137) **Lot Line, Side.** A boundary line which is not defined as front or rear lot line.



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

(139) **Lot of Record.** A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds by the owner or predecessor in title thereto prior to the adoption of this Ordinance and including any other freestanding Town ordinances or regulations hereby incorporated into this Ordinance.

(140) **Lot, Single-Tier.** A lot access highway, a another lot under which access from prohibited.



which backs upon a limited railroad, a physical barrier, or different ownership and to the rear of the lot is usually

(141) **Lot, Through or** than a corner lot streets. Through lots abutting two streets may be referred to as double frontage lots.

**Double Frontage.** A lot other with frontage on one or more

(142) **Lot Width.** The straight line distance between the points where the building line intersects the two side lot lines.

- (143) ***Lowest Floor.*** For floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- (144) ***Low Density Option.*** One (1) of two (2) approaches available for development in watershed overlay districts. Generally, the low-density option relies on density and impervious surface limits to minimize risk of water pollution.
- (145) ***Major Variance, Watershed Protection Overlay District.*** A variance from the minimum Statewide watershed protection rules that results in any one or more of the following: (a) the relaxation by a factor greater than ten percent (10%) of any management requirement under the low density option, or (b) the relaxation, by five percent (5%) of any stream buffer, density or built-upon area requirement under the high density option; or (c) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.
- (146) ***Manufactured Home.*** A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained herein. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established

under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq.

(147) ***Manufactured Home (Mobile Home) Class A.*** A double- or triple-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (a) The home has a length not exceeding four times its width;
- (b) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (d) A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and
- (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Class A manufactured homes are permitted within the Town's R-20 Residential zoning districts.

(148) ***Manufactured Home (Mobile Home) Class B.*** A single-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. Class B manufactured homes are permitted within the Town's R-20 Residential zoning districts.

- (149) ***Manufactured Home (Mobile Home) Class C.*** Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Class C manufactured homes are not permitted within Lillington’s planning jurisdiction.
- (150) ***Manufactured Home Lot.*** A manufactured home lot is a piece of land within a manufactured home park whose boundaries are delineated in accordance with the requirements of the Ordinance.
- (151) ***Manufactured Home Park.*** Any single parcel of land upon which two (2) or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. Manufactured home parks are referred to in this Ordinance as “MH Park(s).”
- (152) ***Manufactured Office.*** A structure identical to a manufactured home except that it has been converted, or originally designed and constructed, for commercial or office use.
- (153) ***Mean Sea Level.*** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
- (154) ***Minor Variance, Watershed Protection Overlay District.*** A variance that does not qualify as a major variance.
- (155) ***Modular Home.*** A modular home is a structure that: a) consists of a single unit completely assembled at the factory or of more than one (1) unit totally assembled at the factory and joined together at the site; b) is designed so that the total structure, or the individual units, as the case may be, can be transported on its own substructure; and c) is over thirty-two (32) feet long and over eight (8) feet wide.
- (156) ***Motor Vehicle or Vehicle.*** All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

- (157) ***Multi-family Development.*** A single building on a single lot or tract containing more than two (2) dwelling units.
- (158) ***Multi-unit Assisted Housing with Services.*** An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the Division of Facility Services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:
- (a) Emergency response system;
  - (b) Charges for services offered;
  - (c) Limitations of tenancy;
  - (d) Limitations of services;
  - (e) Resident responsibilities;
  - (f) Financial/legal relationship between housing management and home care or hospice agencies;
  - (g) A listing of all home care or hospice agencies and other community services in the area;

- (h) An appeals process; and
- (i) Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, are exempt from the regulatory requirements for multi-unit assisted housing with services programs.

- (159) *NAICS Manual, North American Industry Classification System Manual.* A book published by the federal government which classifies establishments by the type of activity in which they are engaged. Uses listed in Section 4-10 are classified according to ICS groupings.
- (160) *National Geodetic Vertical Datum (NGVD).* As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
- (161) *NCGS.* North Carolina General Statute.
- (162) *New Construction.* Any structure for which the “start of construction” commenced after (date of adoption of current zoning ordinance). The term also includes any subsequent improvements to such structure.
- (163) *New Manufactured Home Park or Subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (164) *Nonconforming Lot.* See *Lot, Nonconforming.*
- (165) *Nonconforming Lot of Record.* See *Lot, Nonconforming.*

- (166) ***Nonconforming Use.*** The use of a building, manufactured home, structure, or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either on the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.
- (167) ***Non-discharging Landfill.*** A landfill facility which does not discharge leachate into a receiving stream.
- (168) ***Non-point Source Pollution.*** Pollution that enters waters mainly as a result of precipitation and subsequent run-off from lands that have been disturbed by human activities and includes all sources of water pollution that are not required to have State or local permits for discharge into a stream.
- (170) ***Non-residential Development.*** Development of any land use that is not residential in nature, including uses (such as churches) that are allowed in residential zoning districts.
- (171) ***Nuisance.*** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- (172) ***Nuisance Vehicle.*** A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
- (a) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
  - (b) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
  - (c) A point of collection of pools or ponds of water;
  - (d) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor;

- (e) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, and the like;
  - (f) So situated or located that there is a danger of it failing or turning over;
  - (g) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
  - (h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
  - (i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the governing body.
- (173) ***Nursing Home.*** A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.
- (174) ***Official Maps or Plans.*** Any maps or plans officially adopted by the Town of Lillington Board of Commissioners as a guide for the development of the Town and surrounding area.
- (175) ***Open Space.*** An area (land and/or water) generally lacking in manmade structures and reserved for the enjoyment of residents of a Planned Unit Development, or other group project. Common open spaces may contain accessory structures, and improvements necessary or desirable for religious, education, non-commercial, recreational, or cultural uses.

- (176) **Ordinance.** This Zoning and Subdivision 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.
- (177) **“Park Model” Recreational Vehicle.** A manufactured home typically built in accordance with the construction requirements of HUD National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. but because of their limited size they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, they are labeled and sold as recreational vehicles.
- (178) **Parking Area, Aisles.** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (179) **Parking Space, Off Street.** For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
- (180) **Patio Home.** A single-family detached or semi-detached unit built on a small lot which may be enclosed by walls which provide privacy.
- (181) **Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- (182) **Personal Care Services.** Any hands-on services allowed to be performed by In-Home Aides II or III as outlined in Department of Health and Human Services rules.
- (183) **Planned Building Group.** A residential project containing nine (9) or more attached dwelling units; a residential project with attached dwelling units for individual ownership; a commercial and/or institutional project located in a C-2 zoning district; a commercial and/or office-institutional project located within an O-I, PUD, LI, HI, C-1, or C-3 zoning district involving the construction of a building greater than seven thousand (7,000) square feet; a commercial and/or office-institutional project within an O-I, PUD, C-1, or C-3 zoning district

involving the construction of more than one (1) building; or a manufactured home park.

- (184) ***Planned Unit Development (PUD)***. A development constructed on a tract of at least 25 acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district in accordance with Article 11.
- (185) ***Planning Board***. The public agency usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.
- (186) ***Plat***. A map or plan of a parcel which is to be, or has been, subdivided showing the location, boundaries, and ownership of individual properties.
- (187) ***Primarily Educational Institution***. Any institution which operates one or more scholastic or vocational and technical education programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of the housing and care of children is to meet their educational needs, provided such institution has complied with Article 39 of Chapter 115C of the General Statutes.
- (188) ***Principal Building***. 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.
- (189) ***Processing***. Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.
- (190) ***Protected Area***. The area adjoining and upstream of the critical area WS-IV watersheds. The boundaries of the protected areas are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 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). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the

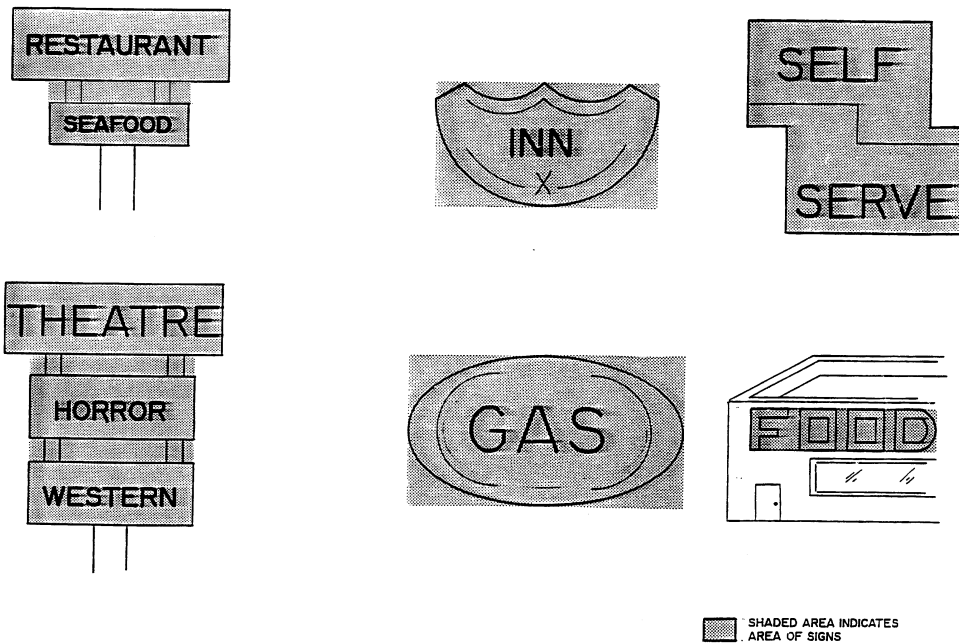
protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) or ten (10) miles.

- (191) **Public Water Supply System.** Any supply furnishing potable water for ten (10) or more residences or businesses or a combination of residences or businesses.
- (192) **Public Sewer.** A sewage system which is owned by the Town of Lillington, by any other unit of government or authority, or by a private corporation, person, or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.
- (193) **Recreation Area or Park.** An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
- (194) **Recreational Vehicle.** A recreational vehicle is a vehicle which is: (a) built on a single chassis; (b) self-propelled or permanently towable by a light duty truck; (c) four hundred (400) square feet or less when measured at the largest horizontal projection; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles must be ready, willing and able to move off-site within 48 hours. When a recreational vehicle is located within a special flood hazard area, the local Flood Prevention Ordinance must be met. Recreational vehicles include “park model” recreational vehicles as defined by this Ordinance.
- (195) **Recreational Vehicle Parks.** Any single parcel of land upon which two (2) or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as “RV Park(s).”
- (196) **Register of Deeds.** The Register of Deeds for Harnett County, North Carolina.
- (197) **Remedy a Violation.** To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development

from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

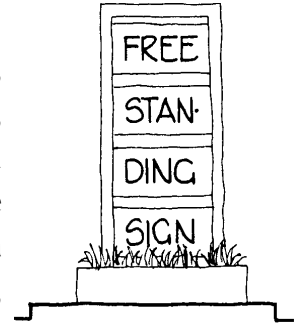
- (198) **Residential Child-Care Facility.** A staffed premise with paid or volunteer staff where children receive continuing full-time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care.
- (199) **Residential Development.** Buildings for residential use such as detached and attached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings.
- (200) **Residuals.** Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.
- (201) **Retail.** Sale of a commodity, [the sale being] to the ultimate consumer and [the commodity being] not customarily subject to sale again.
- (202) **Retention Pond Facilities.** A permanent structure that provides for the storage of runoff and is designed to maintain a permanent pool of water.
- (203) **Right-of-Way.** The property located within and adjoining the streets, roads, and highways within the Town which rights-of-way are owned by the Town or state or otherwise maintained by the Town or the state.
- (204) **Road.** See *Street*.
- (205) **Salvage Operation.** The reclamation, dismantling, or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution, or deposition.
- (206) **School.** Any public or private institution for the teaching of children and adults.
- (207) **Shopping Center.** Two or more commercial establishments planned and constructed in an integrated manner on a single site with off-street parking and loading facilities provided on the site and related in location, size, and type of shops to the trade area which the site serves.

- (208) **Sign.** Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, firm, association, profession, business commodity or product, which are visible from any public way and used to attract attention.
- (209) **Sign, Area.** The surface area of a sign shall be computed as including the entire area visible from any one point, within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign including latticework, wall work, and individual letters and spaces between letters comprising part(s) of the sign. Computations of sign area shall include only one side of a double-faced sign structure. If a sign has two sides joined at an angle of greater than 60°, the surface of both sides of the sign shall be included in the computation of area.



(210) **Sign, Flashing.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and/or color at all times when such is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign.” Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

(211) **Sign, Freestanding.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign,” is also a freestanding sign.



(212) **Sign, Identification.** A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, park, or public or quasi-public structure, facility or development and the name of the owners or developers.

(213) **Sign, Off-Premises (Billboards).** A sign that draws attention to or communicates information about a business, establishment, service, commodity, accommodation, attraction, entertainment, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

(214) **Sign, Portable.** Any sign not exceeding thirty-two (32) square feet in billboard area and not permanently attached to the property on which it is located.

(215) **Sign, Projecting.** A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

(216) **Sign, Roof.** A sign which is displayed above the eaves of a building.



(c) Planned Unit Development Plan.

Notwithstanding the foregoing, a document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall not constitute a site specific development plan.

- (222) **Skirting.** A continuous, uniform foundation enclosure constructed of vinyl, or metal fabricated for such purpose and that is un-pierced except for required ventilation or access.
- (223) **Start of Construction.** For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of poles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the 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 main building, whether or not that alteration affects the external dimensions of the building.
- (224) **State Mandate.** The minimum rules adopted by the Environmental Management Commission (EMC) for application to North Carolina's water supply watersheds, as required by the Water Supply Watershed Protection Act. The purpose of the Act, as stated in its opening paragraph is "...to protect and enhance the quality of the State's surface water supplies by establishing a cooperative program of water supply protection to be administered by local governments consistent with Statewide management requirements established by the Environmental Management Commission (EMC)."

- (225) **Storage.** A deposition of commodities or items for the purpose of future use or safekeeping.
- (226) **Storage, Self-Service.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of goods and wares.
- (227) **Stream 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 stream buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
- (228) **Street.** A dedicated and accepted public right-of-way for vehicular and pedestrian traffic which affords the principal means of access to abutting property.
- (a) **Alley.** A minor right-of-way privately or publicly owned, primarily for the service access to the back or side of properties.
  - (b) **Arterial or Major Street.** A traffic artery designed primarily to carry heavy volumes of local vehicular traffic from the intersecting minor streets.
  - (c) **Collector Street.** A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.
  - (d) **Cul-de-Sac.** A street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other.
  - (e) **Local or Minor Street.** A street, the principal purpose of which is to provide vehicular access to the properties abutting it.
  - (f) **Marginal Access Street.** A local or minor (service) street which parallels and is immediately adjacent to a major street or highway, and which provides access to abutting properties and protection from through traffic and control of intersections with major traffic streets.

- (229) **Street ROW Line.** The line between the street right-of-way and abutting property.
- (230) **Street, Private.** Any road or street which is not publicly owned and maintained, and is used for access by the occupants of the development, their guests, and the general public.
- (231) **Structure.** A walled and roofed building, a manufactured home, a gas or liquid storage tank, or other manmade facility or infrastructure that is principally above ground.
- (232) **Subdivider.** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- (233) **Subdivision.** All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:
- (a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
  - (b) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
  - (c) the public acquisition by purchase of strips of land for the widening or opening of streets;
  - (d) 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 no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards contained in Article 6 of this Ordinance;
  - (e) the division of a tract into plots or lots used as a cemetery.

- (234) **Subdivision, Major.** All subdivisions shall be considered major subdivision except those defined as minor subdivisions.
- (235) **Subdivision, Minor.** A minor subdivision is a tract to be subdivided which is five (5) acres or less in size, and five or fewer lots result after subdivision:
- (a) all of which front on an existing approved street;
  - (b) not involving any new public streets, right-of-way dedication, or requiring any new street for access to interior property;
  - (c) not requiring drainage improvements or easements, other than rear and side lot line easements, to serve the applicant's property or interior properties;
  - (d) not involving any utility extensions; and
  - (e) not requiring any easements, other than rear and side lot line easements.
- (236) **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its undamaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement."
- (237) **Substantial Improvement.** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during (the life of building) (a 12-month, one year period), in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with

existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

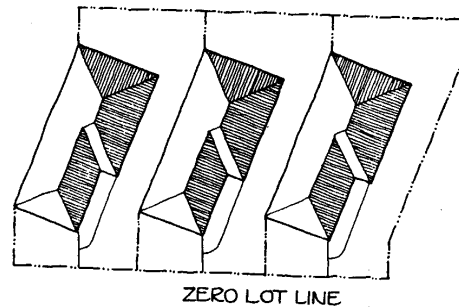
- (238) ***Substantially Improved Existing Manufactured Home Parks or Subdivisions.*** Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.
- (239) ***Telecommunication Tower.*** A tower facility, including, but not limited to, radio and television transmission towers or similar utilities, microwave towers, and mobile telephone or radio towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes that are under one hundred (100) feet in height and that, at a height of fifty (50) feet above the base, have a maximum horizontal measurement of eighteen (18) inches nor shall it include any tower erected by a public authority for public safety or emergency service communication purposes.
- (240) ***Therapeutic Foster Home.*** A family foster home where, in addition to the provision of foster care, foster parents who receive appropriate training provide a child with behavioral health treatment services under the supervision of a county department of social services, an area mental health program, or a licensed private agency and in compliance with licensing rules adopted by the Commission.
- (241) ***Tourist Home.*** Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served.
- (242) ***Tower.*** Any structure whose principal function is to support antenna.
- (243) ***Town.*** The Town of Lillington, North Carolina.
- (244) ***Town Board of Commissioners or Town Board.*** The Board of Commissioners of the Town of Lillington, North Carolina.

- (245) **Town Manager.** The chief administrator of the Town (NCGS 160A-148).
- (246) **Townhouse for Individual Ownership.** A dwelling unit having a common or party wall with another dwelling unit. Each attached dwelling unit is characterized by its own subdivided lot of record which is conveyed with the dwelling unit when purchased.
- (247) **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 offspring or other adverse health effects.
- (248) **Tract.** A tract is a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Harnett County Register of Deeds.
- (249) **Trailer.** Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:
- (a) **Travel Trailer.** A vehicular, portable building built on a wheeled chassis to include towable recreational vehicles (see definition 176), designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width of eight (8) feet or less or body length thirty-nine (39) feet or less when equipped for road travel.
  - (b) **Camping Trailer.** A folding building manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
  - (c) **Tow Trailer.** A non self-propelled vehicle designed to be hauled by a self-propelled vehicle and used to transport vehicles, boats, freight, or other materials.

- (350) **Use.** The purpose for which land or structure thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.
- (251) **Use-By-Right.** A use which is listed as an unconditionally permitted activity in this Ordinance.
- (252) **Variance.** A variance is a relaxation of the terms of the Zoning and Subdivision Ordinance where such variance will not be contrary to the public interest, which will not create a nuisance, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space, and relaxation or waiving of a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. Variances will not be granted for non-conforming lots or uses.
- (253) **Violation.** Failure of a structure, use, or other development to be fully compliant with all applicable regulations contained in this Ordinance.
- (254) **Visible.** Capable of being seen without visual aid by a person of normal visual acuity.
- (255) **Warehouse.** A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.
- (256) **Water Dependent Structure.** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

- (257) **Watershed.** The entire land area contributing surface drainage to a specific point (i.e., the water supply intake).
- (258) **Wheel Bumpers.** Any device, concrete or otherwise constructed, which prohibits vehicles from driving beyond the front end of a parking space.
- (259) **Wholesale.** Sale of a commodity for resale to the public for direct consumption.
- (260) **Yard.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by vegetation or as otherwise provided herein.
- (261) **Yard, Front.** A yard extending across the full width of the lot, from the front line of the building to the front line of the lot; the front yard shall include the area of steps and eaves, but shall not include the area of covered or uncovered porches.
- (262) **Yard, Rear.** A yard extending across the full width of the lot, from the rear line of the lot to the rear line of the main building; the rear yard shall include steps and eaves, but shall not include the area of covered or uncovered porches.

- (263) **Yard, Side.** An open, unoccupied space (except for encroachments permitted by Note 2, page 80) on the same lot with a building, between the building and the side line of the lot, extending through from the front building line to the rear yard or, where no rear yard is required, to the rear line of the lot.



- (264) **Zero Lot Line.** A concept used in planned developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold along with the ground underneath, and perhaps, a small yard or patio area. Such commercial or residential units are grouped in buildings with two (2) or more units per building, usually including common walls or a single unit per building. With zero lot line, the minimum requirements for setbacks are not met and construction takes place right up to

the lot line. However, the minimum requirements for lot area must conform to the requirements of the district.

- (265) **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 conditional uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts: text and a map.
- (266) **Zoning Certificate.** A certification by the Administrator or his authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situated in the extraterritorial jurisdiction of the Town, fully meets the requirements of this Ordinance.
- (267) **Zoning Vested Right.** A right pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.