

## ARTICLE IV

### DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

#### Section 401. Interpretation of Certain Terms and Words.

- 401.1 Words used in the present tense include the future tense.
- 401.2 Words used in the singular tense include the plural and words used in the plural number include the singular.
- 401.3 The word "person" includes a firm association, organization, partnership, corporation, trust and company, as well as an individual.
- 401.4 The word "lot" includes the words "plot" and "parcel."
- 401.5 The word "building" includes the word "structure."
- 401.6 The word "shall" is mandatory and not directory.
- 401.7 The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged or designed to be used or occupied."
- 401.8 The words "map," "zoning map" or "Granite Falls Zoning Map" shall mean the Official Zoning Map of the Town of Granite Falls, North Carolina.
- 401.9 The term "Zoning Enforcement Officer" shall include the term "Watershed Administrator."
- 401.10 The term "Zoning Permit" shall include the term "Watershed Protection Permit."
- 401.11 The phrase "date of recordation" shall mean the date on which the deed for a parcel of property was filed with the Caldwell County Register of Deeds.

#### Section 402. Definitions.

- 402.1 Accessory Family Quarters. A separate and complete dwelling unit that is contained within a single family dwelling or within an accessory structure to a single family dwelling.
- 402.2 Accessory Building. A structure incidental and subordinate to the principal structure and located on the same parcel with such principal structure. Above ground and below ground pools shall be included in this definition as well as detached canopies.
- 402.3 Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. A manufactured home shall not be considered an accessory building or use. Furthermore, in no instance shall an accessory use be placed upon a parcel which is absent of a principal use.

- 402.4 Adult day care. The provision of group care and supervision in a place other than their usual place of abode on a less than 24 hour basis to adults who may be physically or mentally disabled. The following programs are exempted from the provisions of G.S. 131D-6:
- those that care for three people or less;
  - those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility;
  - those that are required by other statutes to be licensed by the Department of Human Resources.
  - facilities operated by churches.
- 402.5 Adult day care center. A day care program operated in a structure other than a single family dwelling or a day health program operated in a structure other than a single family dwelling.
- 402.6 Adult day care home. A day care program for 2 to 6 people operated in a single-family dwelling.
- 402.7 Adult day health home. A day health program for 2 to 5 people operated in a single-family dwelling.
- 402.8 Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.
- 402.9 Alley. A public or private thoroughfare which affords only a secondary means or access to abutting property and not intended for general traffic circulation.
- 402.10 Alternative Structure. A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.
- 402.11 Antenna. Any exterior transmitting or receiving tower which radiates or captures electromagnetic waves (excluding radar signals).
- 402.12 Antenna, concealed. An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include, but are not limited to, manmade trees, clock towers, flagpoles, light structures, steeples, and similar objects.
- 402.13 Antenna, dual-band/multi-band. An antenna with separate elements for two or more commercial wireless service frequency bands (example: Cellular and PCS or Specialized Mobile Radio).

- 402.14 Automobile Repair. A facility which is operated for the purpose of repairing, maintaining and/or reconstructing automobiles.
- 402.15 Automobile Sales Lot. A land use which utilizes a parcel of property for the storage, open or concealed, and sale of new and/or used automobiles.
- 402.16 Automobile Salvage/Wrecking Yard. A lot or parcel of land on which the dismantling or wrecking of used motor vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts occurs. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale, shall constitute a prima-facie evidence of an automobile salvage/wrecking yard.
- 402.17 Automotive Car Wash/Detail Shop. A facility where either the owner of an automobile or an employee of the establishment cleans automobiles.
- 402.18 Bed and Breakfast Inn - A house, or portion thereof, where short-term lodging rooms and breakfast may be provided. The operator of the inn shall live on the premises.
- 402.19 Best Management Practices (BMP). 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.
- 402.20 Billboard. An outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service or other activity conducted, sold or offered not necessarily on the premises on which said sign is located.
- 402.21 Buffer Strip. A combination of physical space and vertical elements, the purpose of which is to separate and screen incompatible land uses from each other.
- 402.22 Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.
- 402.23 Building Height. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof, and to the deck line in the case of a mansard roof.

- 402.24 Built-upon area. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities, etc., excluding wooden slatted decks and the water area of a swimming pool.
- 402.25 Business Sign. A sign which directs attention to goods, commodities, products, services, or entertainment sold or offered upon the premises where the sign is located.
- 402.26 Canopy, Detached. A disconnected, separate roof-like structure, including protective coverings over islands at gas stations and residential carports.
- 402.27 Cellar. A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.
- 402.28 Cemetery, Commercial/Municipal. A facility not used in conjunction with a church or similar place of worship, which is being used for the burial, above or below ground, of deceased human beings or animals. This definition includes columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
- 402.29 Child day care facility. Includes any child day care center or child care arrangement which provides day care for more than five children not including the operator's own school-aged children, under the age of 13 years, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend. The following are not included: public schools; non-public schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; churches; Bible schools conducted during vacation periods; facilities licensed under Article 2 of Chapter 122C of the General Statutes; and cooperation arrangements among parents to provide care for their own children as a convenience rather than for employment. Day care facilities are separated by capacity into the following categories which determine applicable requirements and standards as established by the Commission pursuant to G.S. 110-88.
- 402.30 Child Day Care Center, Large. Any day care center that is authorized to provide care for eighty (80) or more children.
- 402.31 Child Day Care Center, Medium. Any day care center that is authorized to provide care for at least thirty (30) but no more than seventy-nine (79) children.
- 402.32 Child Day Care Center, Small. Any day care center that is authorized to provide care for a maximum of twenty-nine (29) children.

402.33 Child Day Care Home. Any day care program or child care arrangement wherein any person not excluded in G.S. 110-86(2) provides day care on a regular basis of at least once per week for more than four hours per day for more than two children under 13 years of age and fewer than six children at any one time, wherever operated, and whether or not operated for profit. The four hour limit applies regardless of the time of day and regardless of whether the same or different children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included. To determine whether a child care arrangement is a child day care home, all children shall be counted except the operator's own school-aged children and school-aged children who reside at the location of the day care home. Notwithstanding the limitation to five children prescribed above, the day care home operator may care for three additional school-aged children.

402.34 Clinic. An establishment where patients are admitted for special study and treatment by one or more licensed practitioners in medically related arts.

402.35 Club, Civic. An establishment operated by an incorporated non-profit club or non-incorporated association of persons for social, literary, political, educational, fraternal or charitable purposes or to render a service which is customarily conducted as a business. (example: Optimist, Ruritan, etc.)

402.36 Club, Commercial. An establishment, including but not limited to a cocktail lounge, discotheque, nightclub or tavern whose principal business is to serve alcoholic beverages for on-site consumption. Such facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video arcade.

402.37 Club, Private. The term "private club" shall include associations and organizations of a fraternal or social character whose membership is based upon paid membership or which are maintained in connection with a golf course or country club. This shall not include institutions operated as a business such as nightclubs, cocktail lounges, discos or dance clubs whose principal revenue is generated by the sale of alcoholic beverages consumed on premise.

402.38 Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. Cluster developments shall be developed utilizing the identical standards placed upon Planned Developments.

402.39 Co-location. The placement of additional antennas or antenna arrays on an existing or approved communications tower (or alternative structure), the

sharing of an antenna or antenna array, or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other support equipment or improvements located on the tower site.

- 402.40 Commercial wireless service provider. Persons who operate radio systems requiring an FCC license and who employ those facilities to provide fixed wireless (including microwave) or mobile wireless communication services to third parties for compensation. Commercial wireless service providers include, but are not limited to, Cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, and Competitive Local Exchange Carriers (CLEC) utilizing point-to-multipoint microwave.
- 402.41 Communications tower. Any tower, pole or similar structure twenty (20) feet or more in height, used to support one or more antennas.
- 402.42 Condominium. A system of separate ownership of individual units in a multiple-unit building.
- 402.43 Congregate Housing. A structure or group of structures containing two (2) or more dwelling units and rooming units limited in occupancy and occupied by persons, their spouses, or surviving spouses, except for rooms or units occupied by resident staff personnel, providing on-site, conveniently located, shared food preparation services and major dining areas, and common recreational, social, and service facilities for the exclusive use of all residents.
- 402.44 Critical Area. Area one-half mile upstream and draining to a water supply reservoir or water intake located in a stream or river; or to the ridge line of the watershed, whichever comes first.
- 402.45 Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- 402.46 Discernible. Capable of being distinguished with the eye or mind from its surroundings as a communications tower.
- 402.47 Drinking Establishment. An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. This includes all bars, nightclubs, taverns and other similar establishments. Food sales are incidental to the sale of alcoholic beverages, representing less than fifty (50%) percent of the facility's total sales.

- 402.48 Dwelling Unit. A building or portion thereof designed, arranged or used for permanent living quarters for one family. The term "dwelling unit" shall not be deemed to include a motel, hotel or other structure designed for transient residence.
- 402.49 Dwelling, Single-Family. A building designed for and containing one (1) dwelling unit.
- 402.50 Dwelling, Two-Family. A building designed for and containing two (2) dwelling units.
- 402.51 Dwelling, Multi-Family. A building designed for and containing three (3) or more dwelling units.
- 402.52 Eating Establishment. An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises. Eating establishments shall include businesses that are referred to as restaurants, cafeterias or cafes, but that do not qualify as restaurants as defined elsewhere in this ordinance. Eating establishments shall also include lunch stands, grills, snack bars, fast-food businesses and other establishments such as drugstores, which have a lunch counter or other section where food is sold to be eaten on the premises.
- 402.53 Electric transmission towers. Metal towers used to suspend wires transporting electricity between generating plants and substations supplying electricity to distribution and feeder lines.
- 402.54 Electronic Gaming/Internet Sweepstakes. Any business enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cyber cafes. This does not include any lottery approved by the State of North Carolina or any non profit operation that is otherwise lawful under State Law (i.e. church or civic organization fundraisers).
- 402.55 Equipment enclosure. A building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories at a wireless communication facility.
- 402.56 Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (1) Building permits have been issued pursuant to NCGS 160A-417 prior to the enactment of this Ordinance or amendments so long as the permit(s) remain valid pursuant to NCGS 160A-418 and unrevoked pursuant to NCGS 160A-422.
- (2) A vested right has been established pursuant to NCGS 160A-385.1 and such vested right remains valid pursuant to NCGS 160A-385.1.

402.57 FAA. Federal Aviation Administration.

402.58 Fall zone. An area around the base of a communication tower required to be kept clear of buildings, other than equipment enclosures associated with the wireless communication facility, to contain debris in the event of a tower structure failure.

402.59 Family. One or more blood related persons or five (5) or fewer unrelated persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house or hotel as herein defined.

402.60 Farm. Any 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 which may include facilities for the sale of such products from the premises where produced. This definition shall not include agricultural industries.

402.61 FCC. Federal Communications Commission.

402.62 Fence. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

402.63 Flea Market. A building or open area in which stalls or sales areas are set aside, rented, or otherwise provided and which are intended for use by individuals for the sale of goods.

402.64 Functionally equivalent services. FCC-licensed providers of Commercial Mobile Radio Services (CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).

402.65 Governmental User. Federal, State or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.

402.66 Grade. An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

- 402.67 Gross Floor Area. The total floor area of all buildings in a project including basements, mezzanines and upper floors exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.
- 402.68 Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
- 402.69 Heliports. A landing and takeoff facility or area for a helicopter.
- 402.70 Home Occupation. Any use conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.
- 402.71 Industrial Development. 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.
- 402.72 Junk/Salvage Yard. An area where waste and/or used secondhand materials are bought, sold, exchanged, stored, processed or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. An automobile wrecking yard is also considered a junk/salvage yard.
- 402.73 Kenel, Commercial. A place or facility established to house, board on a long term or short term basis, breed, handle, train, or otherwise keep or care for dogs belonging to the owner or occupant of the property, customers, patrons, or others, or lost or strayed animals, for compensation or as a humanitarian gesture.
- 402.74 Kenel, Private. A place or facility where five (5) or more dogs over four (4) months of age are maintained by the owner or occupant of the property for the owner's personal enjoyment, hobby or sport, whether or not for compensation.
- 402.75 Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.
- 402.76 Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
- 402.77 Lot, Corner. A lot which occupies the interior angle at the intersection of two street lines which make an angle of no more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be

deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.

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

402.79 Lot of Record. A lot which is part of a subdivision, a plat or which has been recorded in the office of the Caldwell County Register of Deeds or a lot described by metes and bounds, the description of which has been so recorded at the County Courthouse.

402.80 Lot Width. The mean horizontal distance between the side property lines.

402.81 Major Variance (from the Watershed Requirements). A variance that results in any one or more of the following:

- (1) the complete waiver of a management requirement;
- (2) the relaxation, by a factor of more than ten (10) percent, of any management requirement that takes the form of a numerical standard;
- (3) the relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.

402.82 Manufactured Home. A structure, transportable in one (1) 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 therein. Manufactured homes are classified into three (3) categories as follows:

Class A, Manufactured Home (Modular). A single family manufactured home constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation and also meeting the Town of Granite Falls appearance criteria for the zoning district in which it is located, as determined by the Granite Falls Zoning Enforcement Officer or designee.

Class B, Manufactured Home (Double-Wide). A manufactured home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and is a multi-section unit. The home must also meet the Town of Granite Falls appearance criteria for the zoning district in which it is located, as determined by the Granite Falls Zoning Enforcement Officer or designee.

- Class C, Manufactured Home (Single-Wide). A manufactured home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. The home must also meet the Town of Granite Falls appearance criteria for the zoning district in which it is located, as determined by the Granite Falls Zoning Enforcement Officer.
- 402.83 Manufactured Home Park. Any place or tract of land maintained, offered or used for the parking of two or more mobile homes or trailer houses for rental or lease and used or intended to be used for living or sleeping quarters.
- 402.84 Marina. A commercial facility for the wet or dry storage, launching or mooring of boats, together with all accessory structures and uses.
- 402.85 Mature Vegetative canopy. The more or less continuous cover of branches and foliage which have reached their mature height formed collectively by the crowns of adjacent trees that have reached their mature height and provide concealment.
- 402.86 Minor Variance (from the Watershed Requirements). A variance that does not qualify as a major variance.
- 402.87 Mini-warehouses (self-service storage facility). A building or group of buildings that contain small, individual, compartmentalized, and controlled access stalls or lockers for storage of business and household goods.
- 402.88 Modification. The addition, removal, repositioning (other than down tilt adjustments), alteration or other material change in the number of type of antennas employed in a wireless communications facility; changes in the height, size, shape or appearance of communications towers; and increases in the number or size of equipment enclosures or other improvements at an existing or approved wireless communication facility.
- 402.89 Modular Home. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Residential Building Code, as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall consist of two or more sections transported to the site on a truck and erected or joined together on the site. (See Manufactured Home, Class A)
- 402.90 Motel/Hotel. A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation.
- 402.91 Nonconforming Structure. A structure that does not conform to the dimensional, height, elevation, location, appearance standards or other requirements of this

Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

- 402.92 Nonconforming Use. A building or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance, or as a result of subsequent amendments which may be incorporated into this ordinance.
- 402.93 Non-residential Development. All development other than residential development, agriculture and silviculture(forestry).
- 402.94 Nursing Home/Rest Home. A home for aged or ill persons in which three (3) or more persons not of the same immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.
- 402.95 Open Space. Any front, side or rear yards, courts, usable open space provided about a building in order to meet the requirements of this code.
- 402.96 Open Storage. Unroofed storage area, whether fenced or not.
- 402.97 Overlay District. A zoning district which applies supplementary or replacement regulations to the underlying zoning district.
- 420.98 Package Store. A retail establishment which primarily sells alcoholic beverages for off-premise consumption.
- 402.99 Parking Lot. Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition whether for a fee or as a service.
- 402.100 Parking Space/Stall. A storage space for a motor vehicle.
- 402.101 Person. Any individual, partnership, limited partnership, company, corporation, trust, estate, agency, association or other legal entity and their successors and assigns.
- 402.102 Planned Development (PD). A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. Such development shall be based on a plan which allows for flexibility of design not available under normal district requirements.

- 402.103Principal Building/Structure. A building in which is conducted the main or principal use of the lot on which said building is situated.
- 402.104Principal Use. The primary purpose or function that a lot or structure serves or is proposed to serve.
- 402.105Private business user. Persons who operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication third parties services to for compensation.
- 402.106Protected Area. Area five miles upstream and draining to a water supply reservoir, or to the ridge line of the watershed, whichever comes first; or ten miles upstream and draining to a water intake located in a stream or river, or to the ridge line of the watershed, whichever comes first.
- 402.107Recreation and Amusement Facility. A commercial facility providing recreational activities including, but not limited to, gymnasiums, amusement arcades, bowling alleys, shuffleboard courts, batting cages, miniature golf, golf driving ranges, par three golf, billiards or pool halls, dance schools or classes, skating rinks and indoor movie theaters.
- 402.108Religious Institution. A church, synagogue, temple, mosque or other place of religious worship that operates as a private, non-profit, tax-exempt institution, including any customary accessory use or structure, such as a school, day care center, or dwelling located on the same lot.
- 402.109Replacement tower. A communications tower intended to replace an existing approved tower where such replacement tower is (1) at or within 50 feet of the existing tower base, and (2) no higher than the existing tower.
- 402.110Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.
- 402.111Restaurant. An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least thirty-six (36) people.
- 402.112Screening. A fence, wall, hedge, landscaping, natural buffer area or any combination of these provided to create a visual separation. A screen may be

located at the property line or elsewhere on the site, as determined by the use to be screened.

- 402.113Setback. The minimum distance that a structure can be constructed or erected in relation to property and/or right-of-way lines, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures. Front yard setbacks shall be measured from the outermost edge of the dedicated right-of-way. In the event the lot in question does not directly abut upon a dedicated right-of-way, the front yard shall be measured from the property line or outermost edge of any access easement. In the case of a corner lot the applicant for a Zoning Permit shall state which frontage is intended to serve as the front yard.
- 402.114Sewer System, Individual. An individual septic tank system for sewage disposal. Individual sewage disposal systems must be installed and maintained in accordance with the Division of Health Services, N.C. Department of Human Services "Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina" and the regulations of the County Board of Health.
- 402.115Sewer System, Public. A system serving two or more connections. Plans for public and community sewer systems must be approved by the Division of Environmental Management, North Carolina Department of Natural Resources and Community Development. Package treatment plants are expressly prohibited.
- 402.116Shared Access. The mutual use of one or more points of ingress or egress by establishments on separate lots.
- 402.117Shared Parking. The development and use of parking areas on two or more separate properties for joint use by the businesses on those properties.
- 402.118Sign. Any form of publicity, visible from any public highway directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks, or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports.
- 402.119Sign Area. Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area, excluding architectural trim and structural members. In computing area, only one side of a double-faced sign shall be considered.
- 402.120Sign, Off-Site. A sign which directs attention to a business, commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where such sign is located. (See Billboard)

- 402.121 Sign, On-Site. A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached. (See Business Sign)
- 402.122 Sign, Portable. A portable sign is any sign that is intended to be readily relocated or which is not permanently affixed to a structure or to the ground. This shall include signs on wheels, trailers, truck trailers, truck beds, A-frames or any other device which is capable of or intended to be moved from one location to another. This does not apply to signs or lettering on vehicles in operation during the normal course of business, however it would apply to those that are parked or located for the primary purpose of displaying said sign.
- 402.123 Single Family Residential Development. Any development where: 1) no building contains more than one dwelling unit; 2) every dwelling unit is on a separate lot; and 3) where no lot contains more than one dwelling unit.
- 402.124 Site Specific Development Plan. A plan which has been submitted to the Town describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals: 1) a planned development plan, 2) a subdivision plat, 3) a conditional use permit, or 4) a zoning compliance permit. Unless otherwise expressly provided by the Town such plan shall include the approximate boundaries of the site; significant topographical features; the approximate location of any proposed structures; the approximate dimensions, including height, of any proposed structures; the approximate location of existing and proposed infrastructure on the site, including but not limited to water, sewer, roads and pedestrian walkways.  
A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.  
Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels or property shall constitute a site specific development plan.
- 402.125 Special Use Permit. A Special Use Permit is a permit issued by the Board of Adjustment after said Board has held a public hearing. Special Use Permits may be issued within any of the use districts outlined in this Ordinance. For example within an R-20A District an NB-SU permit may be issued for a site-specific development proposal for any use permitted by right within the NB District. The development proposal authorized by a Special Use Permit shall comply with all provisions of the corresponding district. Additional conditions may be attached to any Special Use Permit. Non-compliance with approved conditions would constitute a revocation of the Special Use Permit.

402.126Story. That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

402.127Street (Road, Lane, Way, Terrace, Drive, Circle, Court etc.). A dedicated, recorded and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

402.128Street Orientation. The direction of the architectural front façade of a building in relation to the street.

402.129Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

402.130Structure, Temporary. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and produce stands.

402.131Structural Alterations. Any change on the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any structural change in the roof, or dimensions or the rooms therein.

402.132Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether public or private) or a change in an existing street, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not 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 the standards of these regulations; and
- b. The division of land into parcels of ten acres or more where no new street is involved.

402.133Surfacing Material. A material whose natural characteristics provide a hard, non-flexible, rigid and relatively flat groundcover. Concrete and asphalt (including porous asphalt and concrete) are examples of surfacing materials. Gravel shall not be considered a surfacing material.

- 402.134 Tower base. The foundation, usually concrete, on which the communications tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower.
- 402.135 Tower height. The vertical distance measured from the tower base to the highest point on a communications tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.
- 402.136 Tower site. The land area which contains, or will contain, a proposed communications tower, and related equipment enclosures and other improvements.
- 402.137 Variance. The term "variance" shall mean a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.
- 402.138 Veterinary Clinic/Hospital. A facility whose practitioners are licensed by the State of North Carolina to treat diseased or injured animals.
- 402.139 Visible. Capable of being seen by the unaided eye in daylight.
- 402.140 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.
- 402.141 Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)
- 402.142 Watershed Administrator. An official designated by the Town of Granite Falls responsible for administration and enforcement of this Ordinance. The duties of the Watershed Administrator may also be performed by the Zoning Enforcement Officer or other designated personnel.
- 402.143 Water System, Public. Water supply systems serving ten (10) or more connections are classified as a public water supply by State law. Plans and specifications must be approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

402.144 Water System, Semipublic. Water supply systems serving from two (2) to nine (9) connections, inclusive. This system may be regulated by the County Board of Health, and plans should be approved by the Caldwell County Health Department.

402.145 Water System, Individual. A drilled or bored well or spring which serves a single connection. Individual water supply systems should be located, constructed and operated in accordance with the Division of Health Services, North Carolina Department of Human Resources.

402.146 Wireless communication facility. Equipment at a single location used by a private business user, governmental user or commercial wireless service provider to transmit, receive or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, telecommunications towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filter or other electronic equipment; together with all associated cabling, wiring, equipment enclosures and other improvements.

402.147 Yard. An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

402.148 Yard, Front. An open space on the same lot with a principal building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

402.149 Yard, Rear. An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

402.150 Yard, Side. An open, unoccupied space situated between the side line of the building and adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

402.151 Zoning Administrator. Town of Granite Falls official charged with the responsibility of enforcing this ordinance.

402.152 Zoning Permit. Permit issued by the Zoning Administrator indicating that a proposed use is in compliance with requirements of this ordinance.

*(Pages 20 Through 25 Are Reserved For Future Use)*