

ARTICLE 2

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this Ordinance, certain specific words or terms are herein defined. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition, excepting; should any word or term be further or differently defined in any article of this Ordinance, that definition shall be considered superior to the definition found in this Article 2.

Section 2.1 Interpretation of Terms and Words.

All words not specifically defined herein under shall be assigned their customary definitions.

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise.
3. The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as individual.
4. The word “lot” includes “plot” or “parcel”.
5. The word “building” includes the word “structure”.
6. The words “shall”, “will” and “must” are always mandatory and not merely directory.
7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
8. The word “Map” or “Zoning Map”, or “Village of Wesley Chapel Zoning Map” shall mean the official Zoning Map of the Village of Wesley Chapel.
9. Any word denoting gender includes the female and the male.
10. The word "may" is directory and not mandatory.
11. The word "day" shall mean a normal business day unless otherwise specified.
12. The words "town", "village" and the like shall denote the incorporated Village of Wesley Chapel.

Section 2.2 Definitions of Specific Terms and Words.

Abandonment.

The intentional or unintentional cessation of use when one or more of the following conditions exists:

- a) The use is discontinued for a consecutive period of 180 days; or
- b) The premises are devoted to another use; or
- c) When the characteristic equipment and furnishings of the nonconforming use

have been removed from the premises and have not been replaced by the same or similar equipment within 30 days.

- d) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or lease.

Accessory Use or Structure. *(Rev. 09.18.2012)*

A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use. Porches, patios and decks shall be considered accessory structures unless they are to be considered an increase in heated space of the attached structure. An increase in heated space shall be considered an addition. Separate accessory structures shall not have heated space, kitchens and bathroom facilities as part of the same building, these are to be considered separate dwelling units. In-ground pools shall be considered accessory structures.

Adjacent.

Property abutting directly on the boundary of, touching, or sharing a common point.

Adult Establishment. *(Amended 12.09.02)*

Any structure, business or use of land which meets the definition of Adult Establishment as outlined in N.C.G.S. 14-202.10, and including adult video stores, adult hotel/motels, and adult lingerie modeling stores. This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in N.C.G.S. 14-202.10 and the definitions are adopted by reference. However, certain massage businesses are exempt from this definition where the employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards.

Agency.

A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

Agricultural Equipment *(Added 8.21.2012)*

Specialized vehicles and/or mechanical equipment used in the conduct of Agricultural Uses, not including simple non-motorized hand-tools.

Agricultural Plant Products. *(Added 12.13.10)*

Goods or products produced from industries classified within the following “NAICS”, North American Industrial Classification System, codes, as set forth in the 2007 NAICS Manual published by the United States of America, Executive Office of the President, Office of Management and Budget. Goods produced in other NAICS codes shall not be considered Agricultural Plant Products for purposes of this ordinance.

- 111110 Soybean Farming
- 111120 Oilseed (except Soybean) Farming
- 111130 Dry Pea and Bean Farming
- 111140 Wheat Farming
- 111150 Corn Farming
- 111160 Rice Farming
- 111191 Oilseed and Grain Combination Farming
- 111199 All Other Grain Farming
- 111211 Potato Farming
- 111219 Other Vegetable (except Potato) and Melon Farming
- 111310 Orange Groves
- 111320 Citrus (except Orange) Groves
- 111331 Apple Orchards
- 111332 Grape Vineyards
- 111333 Strawberry Farming
- 111334 Berry (except Strawberry) Farming
- 111335 Tree Nut Farming
- 111336 Fruit and Tree Nut Combination Farming
- 111339 Other Noncitrus Fruit Farming
- 111411 Mushroom Production
- 111419 Other Food Crops Grown Under Cover
- 111421 Nursery and Tree Production
- 111422 Floriculture Production
- 111930 Sugarcane Farming
- 111940 Hay Farming
- 111991 Sugar Beet Farming
- 111992 Peanut Farming
- 111998 All Other Miscellaneous Crop Farming
- 113210 Forest Nurseries and Gathering of Forest Products
- 115113 Crop Harvesting, Primarily by Machine
- 115114 Postharvest Crop Activities (except Cotton Ginning)

Agricultural Uses.

The production, keeping or maintenance, for sale or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains

and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program; and land used as pasture or in the commercial production of fish hatcheries or aquaculture.

Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Uses which shall not be deemed as "agricultural uses" include (i) zoos, (ii) kennels, (iii) riding stables and academies, (iv) non-domesticated animals, and (v) animals commonly perceived to be a threat to humans.

Airport.

An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, ultra lights, other mechanical aircraft, or other flying apparatus whether or not so designated by the Federal Aviation Authority (FAA), excluding hot air balloons.

Airstrip. *(Added 10.17.05)*

Same as "Airport," except that:

- a) air strips may be used only by the owner of the land on which the same is located; provided, however, if the airstrip is located on a bona fide farm, any airplanes engaged in crop dusting may use such airstrip in connection therewith;
- b) no flying lessons shall be conducted in airplanes flying from or to the airstrip;
- c) no commercial sales of airplanes, parts or fuel shall be conducted at the airstrip;
- d) the airstrip shall have been approved by the appropriate state and federal agencies.

All-Terrain Vehicle *(Added 08.21.2012)*

A motorized off-highway vehicle designed to travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.

Alteration.

A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Animal Grooming Facility.

An indoor facility where household pets, primarily dogs and cats are bathed, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

Animal Hospital (Indoor).

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Animal Hospital (with Outdoor Runs).

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. Outdoor runs are permitted.

Animal Kennel.

A commercial enterprise where more than six (6) dogs or other domesticated animals are groomed, bred, boarded, trained, or sold. **Occasional** breeding and offering the resultant litter(s) for sale shall not constitute the operation of a kennel.

Animal Shelter.

A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

Animal Supply Store.

A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceutical) and equipment (e.g., bridles, barbed wire) related to the keeping of horses and farm animals.

Antenna.

A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Automobile Body Shop.

Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

Automobile Detailing Shop.

An establishment primarily engaged in the hand-cleaning and waxing of automobiles. Such activities may take place both indoors and outdoors. Such Facilities are distinguished from "Auto Washes" in that there is typically no automated equipment involved with the cleaning and waxing of vehicles.

Automobile Parts Supply Store.

An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto parts sales, or the installation of such parts.

Automobile Repair Shop.

Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

Automobile Service Station.

Any building, structure, or land used for the dispensing, selling, or offering for retail sale of any automotive fuels, oils, or accessories. Service stations may perform general automotive servicing and minor repair work, which does not involve major motor repair, drive train work, or other major mechanical repair and bodywork. Conveniences stores and/or fast food restaurants may be co-located with automobile service stations, where specifically permitted.

Automobile Towing and Wrecking Service.

An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard or/as an automobile salvage yard, as otherwise defined hereinafter.

Automobile Wash, Class 1 (Self-service Car Wash).

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines (i.e. the use of chain conveyors or other devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

Automobile Wash, Class 2 (Automatic Car Wash).

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on accessory basis.

Awning.

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Bakery (Retail).

The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

Bank.

A financial business, chartered by the state or federal government, which provides financial services including, but not limited to, deposit and withdrawal of money, loan approvals and payments, and cashing and issuing checks.

Bank Teller Machine.

A machine which dispenses cash and allows the user to make bank transactions without personal contact and without entering a bank or other financial institution. Use of machines is generally not limited to specific hours of operation. Unit may be associated with a financial institution or freestanding either outdoors or within a building.

Banner.

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastic or fabric of any kind,

excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bar *(Added 05.12.08)*
See “Lounge”.

Barn.

A structure that is customarily associated with agricultural uses, as defined herein, and as distinguished from accessory buildings.

Bed and Breakfast Inn.

A use that **(i)** takes place within a building that prior to such establishment, was designed and used as a single-family residence, **(ii)** that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, **(iii)** where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and **(iv)** where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee.

Big Box Store *(Added 05.10.04)*

A retail establishment 60,000 ft.² or greater in ground floor area. The term shall not include the terms “food store,” “grocery store” or “supermarket”.

Book Store.

A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of “adult use”, as herein defined, shall not be considered a book store.

Buffer.

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Building.

A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory.

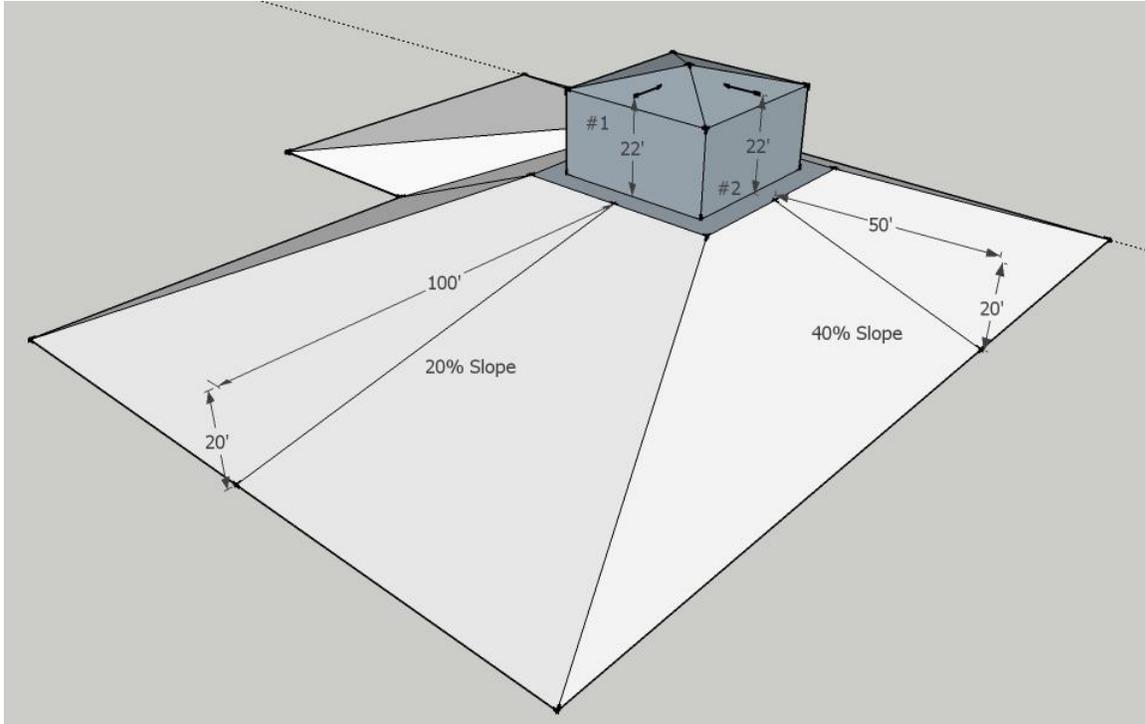
A structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

Building Front.

The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, the street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal. When the two (2) street lines are of equal length, the final plat shall be reviewed to determine which side was designated as the "front" by the original subdivider. If the plat does not provide this information, then the property owner shall be required to specify which is the front when requesting a zoning permit, and the setbacks shall be set accordingly.

Building Height. *(Amended 12.13.10)*

The vertical distance of each façade shall be measured as the distance from the lowest point of the finished grade of the facade to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and uppermost point for gable, hip, round or arch-type roof, or to the ridge for gambrel roofs, or to a point on the roof directly above the highest wall of a shed or saltbox roof, or eave of a butterfly roof. For non-residential buildings not used for agricultural purposes, Building Height shall include any additional distance greater than a twenty percent (20%) downward slope of the land, as measured perpendicular from the lowest point of the finished grade of the facade to the nearest neighboring property line. The greatest combined vertical façade distance shall be considered the Building Height.



Non-Residential example:

Building Height for Façade #1 = 22' from ground plane of façade to halfway between eaves and top of roof. No extra height is added because 20' of elevation over 100' feet is only a 20% slope.

Building Height for Façade #2 = 22' plus any extra feet above and beyond the 20% slope on that side. A 20% slope for 50' of property would be 10' of elevation. As that side of the building has 20' of elevation, any elevation beyond 10' (in this case 10' extra feet) would be added to the Building Height. Therefore the Building Height is 22' plus 10', which equals 32'.

Building, Principal.

A building in which is conducted the principal use on the lot on which said building is situated. In any Residential (R) Zoning District any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

Building Setback Line.

A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

Built-upon Area.

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts) etc. Wooden slatted decks and the water area of a swimming pool shall be considered pervious.

Bulletin Board. *(Amended 03.31.03)*

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly. Bulletin Board signs may be luminous.

Bulletin Board. (Added 08.11.2014)

A sign on the premises of a church, school, auditorium, library, museum, park, community recreation center or similar noncommercial places of public assembly, which is used to announce meetings or programs or give general user/attendee information.

Bus Terminal, Passenger.

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers going on inter-city bus trips.

Business Identification Sign.

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Business Park.

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

Business Services.

Establishments primarily engaged in rendering services (which are not listed or defined elsewhere in this Ordinance) to business establishments on a contract or fee basis. These services include, but are not limited to: advertising, claims

adjusters and computer software development.

Camping and Recreational Vehicle Park.

Land containing two (2) or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are solely used for recreation or vacation purposes. Manufactured homes shall not be permitted in any camping and recreational vehicle park.

Canopy. *(Revised 05.17.2011)*

A permanent structure other than an awning, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building. Canopy definition excludes temporary structures or structures utilizing cloth or other flexible materials.

Cemetery.

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setbacks for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to also include bona fide pet cemeteries.

Center Line.

The center line of a street right of way, as defined or surveyed by the North Carolina Department of Transportation.

Certificate of Compliance.

A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Zoning Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Certificate of Occupancy.

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Charitable Organizations.

Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

Church (or Other House of Worship).

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers which have enrollment capacities in excess of twenty-five (25) enrollees and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Columbarium.

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Common Open Space.

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved.

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Community Center.

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Conditional Use Permit (CUP).

A special authorization for a specific use - other than a permitted use within the zoning district - which is subject to any special restrictions or conditions on its location, size, extent, character of use as determined by the Village Council in order to insure consistency with the intent and character of the zoning district in

which the use is located. (See Article 6)

Construction Trailer.

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contiguous.

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

Continuing Care Facility.

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

Contractors.

General contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. Also included are heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Convalescent Center or Nursing Home.

A facility that provides nursing services and custodial care on a 24 hour basis for three (3) or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

Convenience Store. *(rev. 11.10.2014)*

A one story, retail store operating anytime between the hours of 6:00 AM and midnight containing a principal structure of less than three-thousand five-hundred (3,500) square feet of gross floor area, that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food

store"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Convenience stores may be co-located with automobile service stations, where specifically permitted.

Corner Lot. *(added 02.19.2013)*

A lot located at the intersection of two platted public or private streets and/or platted private drives acting as access to multiple lots. A lot abutting a curved street or street(s) shall be considered a corner lot if the intersection or curve interior angle is less than one hundred thirty-five (135) degrees. Lots divided by platted public or private streets, and/or platted private drives, shall have all lot setback and yard restrictions, excluding zoning use, applied to each individual plot of land as divided.

Country Club. *(Revised 05.12.08)*

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development. *Reference N.C. G. S. 18B-1000 "Residential Private Club".*

Craft Studio.

An establishment where works of art are individually crated on-premises by no more than five (5) artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushes.

Cul-De-Sac.

The turn around at the end of a dead-end street.

Customary Home Occupation.

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

Dance, Gymnastics or Martial Arts Studio. *(added 01.09.2012)*

An establishment operated for the primary purpose of providing dance, gymnastics or martial arts instruction. Dance, Gymnastics or Martial Arts Studios do not include establishments which generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Day Care Center.

A place where daytime care is provided to six (6) or more children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

Day Care Center associated with Place of Worship or School.

A day care center run by a church or school where day time care is provided to children, handicapped persons, or senior citizens. The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on a lot owned by the church or school where religious or educational activities are regularly conducted.

Day Care, Small Group. *(Added 10.17.05)*

A place where daytime care is provided to five (5) or fewer children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

Day Spa. *(added 01.09.2012)*

An establishment operated for the primary purpose of providing cosmetic and relaxation services, including tanning salons, but not including adult establishments, or health clubs. Day spas do not include establishments which generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Department Store. *(Adopted 12.08.03)*

A business which is conducted under a single owner's name wherein a variety of related or unrelated merchandise and non automotive services are housed, enclosed, exhibited and sold directly to the customer for whom the goods or services are furnished or sold. Notwithstanding the foregoing, any such business

may have various departments, services or uses that are identified by separate names and /or are owned or operated independently of the business for which the department store is named. Department stores shall close for a minimum period of six (6) continuous hours during every day or twenty-four (24) hour period. Business hours may be extended during the period from November 15 through January 2.

Developer.

A person who is responsible for any undertaking that requires a zoning permit, a special use permit or a conditional use permit.

Development.

As used in this Ordinance, development means the construction of any new building, or other structures, or impervious surface on a lot; the relocation of any existing building on a lot; or the use of a lot or tract of land for any new uses.

Development Plan.

A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this Ordinance. The development plan provides guidance for site plans.

Discount Department Store *(Added 05.10.04)*

A business which is conducted under a single business name wherein a variety of related or unrelated merchandise and non-automotive services are advertised and sold primarily at discounted prices and are housed, enclosed, exhibited and sold directly to the customer for whom the goods or services are furnished or sold. Notwithstanding the foregoing, any such business may have various departments, services or uses that are identified by separate names and/or are owned or operated independently of the business for which the discount department store is named. Discount department stores shall close for a minimum period of six (6) continuous hours during every day or twenty-four (24) hour period. Business hours may be extended during the period from November 15 through January 2. Discount Department store shall not include the terms “Food Store,” “Supermarket” or “Supercenter store”. Discount department stores that sell canned and packaged food items but not fresh produce, meats and frozen foods shall not be considered “Food Stores,” “Supermarkets” or “Supercenter stores”.

Doctor's Office.

An office facility containing space for patient waiting rooms and laboratory space

for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

Drive Thru or Drive Up Window Establishment .

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

Drugstore.

See "Pharmacy".

Dry Cleaning and Laundry Plant.

A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. Such a facility may be free-standing or combined with a dry cleaning service facility.

Dry Cleaning Services Outlet.

An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

Dwelling, Single-Family.

A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance. Modular housing as defined hereinafter is included in this definition.

Elementary and Secondary Schools.

A privately-owned or publicly owned preschool, elementary school, middle school, junior high school or high school.

Essential Services.

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public utilities. *(Rev. 06.14.2010)* Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following classes:

- a) **Class I.** *(Rev. 06.14.2010)*
Transmission and distribution lines (whether, subterranean or overhead) including electrical (to the extent located on monopole structures), water lines (2” or less); sewer gravity lines and pressure mains (less than 6”); individual home/commercial tenant underground septic tanks and drain fields, cable television and telephone lines; individual home/commercial tenant natural gas service lines; or similar utility lines. *(Rev. 06.14.2010)*

- b) **Class II.**
Booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, wireless communications, electricity, steam, water, water storage, sewer, or other similar utilities. This classification is not intended to govern apparatus and functions set out in Essential Services Class IV more particularly defined below. Transmission and distribution lines (whether subterranean or overhead) including electrical (to the extent located on non-monopole structures, such as steel lattice towers), multi-home/commercial tenant natural gas service lines, and water lines (greater than 2” and less than 6”); sewer gravity lines and pressure mains (greater or equal to 6” and less than 8”); or multi-home/commercial tenant underground septic tanks and drain fields. *(Rev. 06.14.2010)*

- c) **Class III.** Generation, production, or treatment facilities such as power plants, sewage treatment plants, or similar utilities. Transmission and distribution lines (whether subterranean or overhead) including natural gas mains, and water lines (6” or greater); sewer gravity lines and pressure

mains (8" or greater), but not including electrical transmission or distribution lines. *(Rev. 06.14.2010)*

- d) **Class IV.** Subterranean neighborhood or cabinet style switching facilities designed to handle telephone transmissions within the immediate vicinity of the Village of Wesley Chapel.

Setbacks that this Ordinance may impose on Essential Services shall not apply to electrical transmission or distribution lines. *(Added 06.14.2010)*

Extra Territorial Jurisdiction. *(Added 02.12.07)*

The legal ability of a government to exercise authority beyond the incorporated municipal limit.

Extra Territorial Jurisdiction Area. *(Added 02.12.07)*

The area outside the municipal limits, but within the Extra Territorial Jurisdiction of the Village, as may from time to time be adopted by the Village

Family.

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

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 persons, who because of age, illness, handicap or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort, as defined by NCGS, 168-21(2). All family care home facilities shall be regulated by the State of North Carolina.

Farm.

See "Agricultural Uses".

Farm Supply Store.

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Farmer's Market.

An outdoor market open to no greater than twenty-five (25) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans, sport utility vehicles and trucks of no greater than three-quarter (3/4) ton in weight capacity.

Fence.

A devise made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof. A fence is not a structure. A fence may constitute screening, in whole or in part, when it satisfies the requirements of Section 4.2.

Financial Institution.

Any building in which the principal use is a business which provides financial service involving the management of money, funds, securities, and other financial assets. Financial institutions include banks; savings and loan associations; agricultural, business, and personal credit services and credit unions; security and commodity brokerages, exchanges; and services; and other investment firms, lending companies, and credit services; any of which shall be licensed, insured or chartered by the United States of America or the State of North Carolina.

Flag.

A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flea Market.

A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve

new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation.

Flood, Flooding, Floodplain, Floodway, etc.

See specific definitions contained in Article 14.

Florist, Retail.

A retail commercial establishment where flowers or ornamental plants are sold indoors.

Food Store or Grocery Store.

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

Fraternal Lodges *(Added 05.12.08)*

See "Non-Profit Club or Lodge".

Funeral Chapel/Home.

A building used for the display of the deceased and ceremonies connected therewith before burial. The preparation or embalming of bodies; or the cremation of bodies may take place at a funeral chapel/home. Also a facility where funeral services may be held, funeral vehicles stored, and caskets and other funeral supplies may be sold.

Garage Sale.

See "Yard Sale"

Garden Supply and Seed Store.

A retail establishment at which animal feed, crop seeds and related products are

sold. The milling, grinding and storage of feed or flour at such establishments shall be prohibited. The sale of agricultural chemicals shall be limited to pre-packaged items for general retail use (as distinguished from an "animal supply store" where large quantities of agricultural chemicals are sold for agricultural purposes).

Gated Residential Development. *(Added 09.13.04)*

A residential Subdivision with a gate placed across the entrance street(s) at the outer periphery of the development in order to restrict access. Internal streets of such a development shall be private streets maintained by the homeowners' association.

Golf Course. *(Revised 10.17.05)*

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters. Miniature Golf shall not be included within this definition.

Grade of Street.

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Greenhouse.

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

Greenhouse, Commercial.

An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

Gross Floor Area.

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or

equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Ground Covers.

Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Gymnasium. *(added 01.09.2012)*

See recreational facility, indoor.

Hair and Nail Salons. *(Added 01.09.2012)*

Establishments operated for the primary purpose of providing hair or nail services and which do not generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Handicapped Person.

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

Hardware Store. *(Name changed and revised 10.17.05)*

A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances, etc.). Such an establishment shall be a gross floor area of no greater than fifteen-thousand (15,000) square feet. All retail stock (except plant materials) which is stored outside must be screened in accordance with the requirements of Section 4.2.

Hazardous Substance.

Any substance which may pose a danger to the public health or safety if contained in the public water supply. All substances included in the United States Environmental Protection Agency's listing of Hazardous Substances and Priority Pollutants (developed pursuant to the Clean Water Act of 1977) shall be deemed hazardous substances. Other substances may be included as the Zoning

Administrator, in his informed judgment, deems necessary.

Health Club. *(Added 01.09.2012)*

Permanent public or private health or exercise clubs where all associated principal uses are conducted within enclosed buildings, are primarily operated for the purpose of individual fitness, do not generate more than a simple majority of their income through sales of merchandise, food and/or drink, primarily provide services in exchange for membership fees and do not host spectator events or sports. Health clubs do not include facilities operated by homeowners' associations for the exclusive use of homeowners' association members and their guests. Health clubs also do not include adult establishments, country clubs, dance, gymnastics and martial arts studios, day spas, gymnasiums, indoor firing ranges, indoor recreation facilities, martial arts studios, hair and nail salons, tanning salons, or theatrical/musical venues.

Home Improvement Center. *(Name changed and revised 10.17.05)*

An establishment with a gross floor area over fifteen-thousand (15,000) square feet, which may sell various household goods, tools, and building materials, durable household goods (e.g. refrigerators, lawn care equipment, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g. nursery items, lumber goods) may be kept outdoors where the screening requirements of Section 4.2 are fully satisfied. At least seventy-five (75) percent of all indoor floor good space shall be for retail sales.

Home Decorating Center.

A commercial establishment which sells decorating items (e.g. paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

Home School.

A home school in which one (1) or more children of not more than two (2) families or households receive academic instruction from parents or legal guardians, or from a member of either household. A home school shall be considered a Customary Home Occupation.

Horse Stable.

An establishment where more than two horses are housed, bred, boarded, trained, or sold for financial remuneration.

Hospital.

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

Hotel.

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Household.

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Impervious Surface.

Any material which reduces and prevents absorption of storm water into previously undeveloped land.

Independent Living Center.

An establishment which provides living facilities to seven (7) or more persons with physical or mental disabilities (irrespective of age). Congregate meals may be provided at such facilities. However, residents are expected to provide other basic living services.

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 or commodity.

Inoperable. *(Added 08.21.2012)*

The state in which a mechanical object that for a period of more than ninety (90) days is substantially disassembled, is mechanically unfit or unsafe to be operated or moved, yet is more than fifty percent (50%) intact. Mechanical objects less than fifty percent (50%) intact are to be considered junk or scrap materials for purposes of meeting the Junk Yard definition in this Ordinance.

Interior Decorator.

A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wallpaper, and paint samples may be provided.

Junk Yard and/or Automobile Salvage Yard.

The use of more than six hundred (600) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or machinery or parts thereof.

Kennel, Animal.

See "Animal Kennel".

Large Maturing Tree.

A tree whose height is greater than thirty-five (35) feet at maturity and has a minimum caliper of two and one-half (2-1/2) inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman.

Laundromat.

A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

Learning Center. *(added 05.09.2016)*

A private entity that provides general education tutoring and college-preparatory assistance to registrants.

Library.

A municipal facility in which literary, musical, artistic, or referenced materials (as books, manuscripts, recordings, or films) are kept primarily for on site use or off site loan.

Loading Space, Off-Street.

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot.

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. Also, a parcel or tract 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.

- a. **Lot Area (Size).** The horizontal area within the legal lot lines of a lot, exclusive of the portions of the lot which lie within the street right-of-ways and any buffer required by Section 405.4 of the Subdivision Ordinance.
- b. **Lot, Corner.** A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one-hundred and thirty-five (135) degrees with each other. See Sub-sections 10.3.1 (a) and 10.3.1 (b).
- c. **Lot Depth.** The average horizontal distance between the front and rear lot lines.
- d. **Lot, Interior.** A lot other than a corner lot.
- e. **Lot Line.** A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street, or any other public space.
- f. **Lot Line Front.** The lot line separating a lot from a street right-of-way.
- g. **Lot Line, Interior.** A lot line which does not have road frontage.
- h. **Lot Line (Property Line).** The lines bounding a lot.

- i. **Lot Line Rear.** The lot line opposite and most distant from a front lot line.
- j. **Lot of Record.** A lot which is a part of a subdivision, a plat of which has been recorded at the Register of Deeds of Union County, or a lot described by metes and bounds, the description of which has been so recorded.
- k. **Lot Line, Side.** Any lot line abutting another lot which is neither the front nor the rear lot line.
- l. **Lot, Through.** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
- m. **Lot, Width.** The distance between side lot lines measured at the building setback line.

Lounge.

An establishment (e.g. bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use.

(Added 05.12.08) Please note that state law per N.C.G.S. 18B-1000 does not draw a distinction between bars and restaurants for the purpose of alcoholic beverage sales. Like a restaurant, a Lounge's total 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.

Any lounge which provides facilities or services which satisfy any portion of the definition of "adult establishment" per G.S. 14.202.10 shall be considered an "adult establishment".

Machine Shop.

A workshop in which work is machined to size and assembled.

Major Thoroughfare.

A thoroughfare so designated by the Union County Thoroughfare Plan and adopted by the Village of Wesley Chapel, as amended from time to time. Additionally, any other routes as designated by the Village of Wesley Chapel.

Manufactured Goods, Class 1.

Manufacturing or assembly of goods or products subject to the following limitations: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if any activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".

All manufacturing industries **not** listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses. Please refer to the definition of Manufactured Goods, Class 2.

Manufactured Goods, Class 2.

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if any activity is conducted at all within the use and that activity is listed as being a Class 2 use, then the entire establishment will be considered to be Class 2. Class 2 Manufactured Goods uses are not allowed in the Village of Wesley Chapel.

The following uses are considered Class 2 manufactured goods uses, and shall not be permitted in the Village of Wesley Chapel.

- a. Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- b. Pickled fruits and vegetables (SIC #2035)
- c. Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
- d. Animal feeds and pet foods (SIC #2047, 2048)
- e. Fats and oils (SIC Group #207)

- f. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
- g. Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)
- h. The following manufacturing listed under SIC #2099:
 - (1) Yeast
 - (2) Molasses and sweetening syrups
 - (3) Vinegar
- i. Tobacco products (SIC Major Group #21)
- j. Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers
- k. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
- l. Sawmills and planing mills, general (SIC #2421)
- m. Wood building and manufactured homes (SIC Group #245)
- n. Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)
- o. Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulose and other manmade fibers, except glass (SIC Group #281; SIC Group #282)
- p. Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- q. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- r. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
- s. Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
- t. Petroleum refining (SIC Group #291)
- u. Asphalt paving and roofing materials (SIC Group #295)

- v. Lubricating oils and greases (SIC #2992)
- w. Products of petroleum and coal classified under SIC #2999
- x. Tires and innertubes (SIC Group #301)
- y. Plastic products found under SIC Group #308 when resins are made at the same facility
- z. Leather tanning and finishing (SIC Group #311)
- aa. Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
- bb. Cement, hydraulic (SIC Group #324)
- cc. Structural clay products (SIC Group #325)
- dd. Pottery and related products (SIC Group #326), except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
- ee. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- ff. Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
- gg. Minerals and earths, ground or otherwise treated (SIC #3295)
- hh. Non-clay refractories (SIC #3297)
- ii. Miscellaneous nonmetallic mineral products listed under SIC Code #3299
- jj. Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)
- kk. Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)
- ll. Manufacture of other primary metal products listed under SIC #3399
- mm. Manufacture of ordnance (arms, ammunition, etc.) and accessories except

- vehicles and guided missiles (SIC Group #348)
- nn. Power, distribution and specialty transformers (SIC #3612)
- oo. Electrical industrial carbon and graphic products (SIC #3624)
- pp. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)

- qq. Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes (SIC #3711, 3713; SIC #3715; SIC #3716), except the manufacture of components for, and the assembly of sanctioned racing vehicles (i.e. stock cars)
- rr. Railroad equipment (SIC #3743)
- ss. Motorcycles (SIC #3751) except bicycles and bicycle parts
- tt. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- uu. Under SIC #3792 - camping trailers
- vv. (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
- ww. Under SIC #3861 - all photographic supplies but not photographic equipment
- xx. Under SIC #3952 all inks, paints, oils, enamels, and crayons
- yy. Carbon paper and inked ribbons (SIC #3955)
- zz. Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)
- aaa. Mining (all of SIC Division B)

Manufactured Home. *(Revised 08.21.2012)*

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 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 home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer

voluntarily files a certification required by the Secretary of HUD, complies with the standards established under the Act, and built on or after June 15, 1976.

The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within the text of this Ordinance, when the term single family dwelling is used it shall not include a manufactured home. A structure that would otherwise be characterized as a manufactured home except that it is not used or held ready for use as a dwelling unit (e.g. is used as an office or some other business use) shall not be regarded as a manufactured home.

Manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code.

Manufactured Home, Class A.

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- a) The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- b) The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- c) The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- d) All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- e) The exterior siding consists predominantly of vinyl or aluminum horizontal siding whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction

- f) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with NC Building Code and Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- g) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- h) The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling. All criteria shall be satisfied before occupancy.

Manufactured Home, Class B.

A manufactured home that meets all of the criteria of a Class A manufactured home, except the limiting width criteria.

Massage Parlor *(Added 01.09.2012)*

See Day Spa for massage businesses which do not meet the definition of Adult Establishment, otherwise see Adult Establishment.

Medical Center.

A facility housing the offices of three (3) or more doctors where out-patient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be permitted.

Memorial Sign or Plaque.

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Menu Board for drive-through restaurant sign *(Added 05.21.07)*

A sign associated with drive-through windows, which must be internally

illuminated, oriented toward drive-through traffic and indicates information that is essential for the efficient intake of orders from customers.

Mini-Mart, Express Fuel.

A one-story retail store containing less than three-thousand (3,000) square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items in contrast to a "food store". A "mini-mart" is different from a "convenience store" in that it may be open twenty-four hours. A convenience store may not be open between the hours of midnight and 6:00 AM.

Mini-Warehouse, Class 1 *(Added 10.17.05)*

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Access to storage areas is typically provided to lessees on a self-service basis. No outdoor storage shall be allowed in conjunction with the facility. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operation with material handling on site. A single caretaker's office may be included and may provide packaging and storage related materials. No car or truck rental shall be allowed on site.

Mini-Warehouse, Class 2 *(Added 10.17.05)*

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Access to storage areas is typically provided to lessees on a self-service basis. Outdoor storage shall be allowed in conjunction with the facility. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's office may be included and may provide packaging and storage related materials. No car or truck rental shall be allowed on site.

Minor Thoroughfare.

A thoroughfare so designated by the Union County Thoroughfare Plan and adopted by the Village of Wesley Chapel, as amended from time to time. Additionally, any other routes as designated by the Village of Wesley Chapel.

Mobile Home *(Added 08.21.2012)*

Portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation and built before June 15, 1976. This term shall also include park trailers.

Mobile Vendor *(added 02.08.2010)*

A person who sells retail merchandise, food or beverages, to the public from any vehicle, which is designed to be readily movable and located within the boundaries of the Village. Mobile vendor vehicles may include pushcarts, mobile kitchens, hot dog carts, pretzel wagons, or similar vehicles. Foods are limited to prepackaged food unless the unit is equipped and approved to handle food preparation. All vendors shall comply with all applicable State and County Health Department requirements.

Modular Home. *(Revised 08.21.2012)*

A dwelling unit constructed in accordance with 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, completely enclosed foundation. This unit may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (except that a modular home meets the North Carolina State Building Code) or a series of panels or room sections transported on a truck and erected or joined together on the site.

Motel.

An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motorcycle *(Added 08.21.2012)*

A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters, mopeds and motor-driven bicycles.

Net Floor Area.

Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding there from common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.

Net Tract Area or Net Acreage.

The residual acreage of a project after the amount of rights-of-way, open space, and public property have been deducted from the “Gross Tract Area”.

Nightclub. *(Added 05.12.08)*

See “Lounge”.

Nonconforming Lot.

Any lot of record which does not meet the minimum yard or area requirements established in these regulations on the Effective Date of this Ordinance.

Non-Conforming Project.

Any structure, development, or undertaking that is incomplete on the Effective Date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign.

A sign that, on the Effective Date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Structure.

Any structure lawfully existing on the Effective Date of this Ordinance, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Non-Conforming Use.

Any use of 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.

Non-Profit Club or Lodge *(Revised and name changed 05.12.08)*

A building or site used by a non-profit or not-for-profit membership organization for recreational or social purposes. Includes Service Organization Meeting Facilities (e.g., Union Hall, Boy Scout Hut, Elks Lodge, Masonic Lodge).

Nursery.

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

Nursing Home.

See "Rest Home"

Open Air Storage.

An unroofed area for the storage of bulk materials or discarded items whether fenced or not but not including items and non-bulk materials openly displayed for the purpose of retail sale.

Open Space.

Land area open to the sky and unoccupied by a principal or accessory building. Open space may be used for vegetation, landscaping, roads, sidewalks, recreation - including roofed, open air facilities - or the preservation of historic, cultural, or natural features or amenities. Common areas so designated on plats shall be considered as open space and subject to the limitations thereof. Private open space is open space that is owned by a corporation, individual, or home owner's association. Public open space is open space owned by a governmental jurisdiction.

Open Storage.

A unroofed storage area, whether fenced or not.

Operable *(Added 08.21.2012)*

The state in which a mechanical object that is mechanically fit and safe to be operated or moved or for a period of more than ninety (90) days is substantially disassembled, is mechanically unfit or unsafe to be operated or moved, yet is more than fifty percent (50%) intact.

Outparcel.

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Owners.

See "Property Owners".

Paintball, Airsoft or Laser Gun Facility *(Added 01.09.2012)*

See recreation facility, indoor and recreational facility, outdoor

Parapet.

That portion of a building wall or false front that extends above the roof line.

Parking Bay.

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking, Off-Street.

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in this Ordinance.

Parking Space.

A storage space of not less than nine (9) feet and twenty (20) feet for one (1) automobile and having access to a road, but not located within a road right-of-way.

Permit, Building.

Written permission issued for the construction, repair, alteration or addition to a structure.

Personal Service Establishments.

An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops.

Pharmacy.

A retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of fifteen-thousand (15,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but such stores shall not be deemed to be pharmacies.

Place of Worship.

A building primarily used by a non-profit organization for organized religious services and supporting uses.

Plat.

A map or drawing depicting the division of land into blocks, parcels, tracts, sites, or other divisions.

Post Office.

A local branch of the U.S. Postal Service handling the mail for the local area.

Pre-School Facility.

An educational facility for pre-school children aged two to six years whose major purpose is to provide educationally-oriented classes and activities, as opposed to child care. Such classes shall be limited in time to five (5) hours or less per day.

Principal Use.

The primary or predominant use on any lot.

Private Club. *(Added 05.12.08)*

As outlined in N.C. G.S. 18B-1000, an establishment authorized by the ABC Board to serve up to 100% alcohol that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. This definition does not include Country Clubs, Non-Profit Clubs, or Lodges.

Premises.

A parcel of real property with a separate and distinct number or designation shown on a of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

Private Road.

See "Road, Private".

Produce Stand.

The sale of any form of agricultural or horticultural products at an individual retail stand on the property under the same ownership as the lot upon which the produce is grown.

Property Owners.

Those individuals, corporations, associations, etc. listed as owner(s) of land within the Village on the records of the Union County Assessor's Office.

Public Safety Station. *(Added 10.17.05)*

A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters

for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

Recreation, Active. *(Added 03.14.2011)*

Recreation which is not passive recreation.

Recreation, Passive. *(Was Passive Recreation; Revised and name change 03.14.2011)*

Passive recreation is non-motorized activity which makes use of open space and natural amenities yet does not significantly impact the natural, cultural, scientific, or agricultural qualities of a site and requires only minimal visitor facilities and services directly related to safety. Passive recreation does not include organized/sponsored sporting activities, firearm-based activities or motorized uses.

Recreation Facility, Indoor. *(Was Recreation Center, Revised and name change 03.14.2011, rev. 01.09.2012).*

Permanent public or private establishments operated for the primary purpose of providing individual and team sporting facilities, where fifty percent (50%) or more of associated principal use square footage is conducted within enclosed buildings, and which may conduct organized competition, sponsored competition and/or spectator events. Indoor recreation facilities do not include facilities operated by homeowners' associations for the exclusive use of homeowners' association members and their guests. Indoor recreation facilities also do not include country clubs, dance and gymnastics studios, day spas, indoor firing ranges, theatrical/musical venues, or indoor sporting facilities which generate a simple majority of their income through sales of merchandise, food and/or drink.

Recreational Facility, Outdoor. *(Revised 03.14.2011)*

Public or private outdoor recreation facilities used for active and/or passive recreation, where fifty percent (50%) or more of associated principal use square footage is conducted outdoors. The term shall not include the terms "racetrack", "outdoor firing range", "stadiums", "amusement park", "country club" or "golf course".

Recreational Uses, Accessory.

A recreational facility (e.g. swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club, etc.

Recreation Vehicle. *(Revised 08.21.2012)*

A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. A recreation vehicle shall not be considered as being a single-family dwelling.

A. Motor home.

A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or an LP gas supply.

B. Travel trailer.

A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

C. Fifth-wheel trailer.

A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

D. Camping trailer.

A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another

vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

E. Truck camper.

A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

Recycling Station.

A center located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

Rental Center.

A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. this shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

Residential Development.

Buildings on individual plats within a planned subdivision for use as detached single-family dwellings, including associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Rest Home (Home for the Aged).

A licensed facility that provides basic living needs to seven (7) or more elderly or disabled in-house residents who need assistance in meeting their day to day basic needs. Congregate meals are served on site to residents and 24-hour in-house services are provided. May also be referred to as “nursing homes” or “continuing care facilities”.

Restaurant. *(Revised 05.12.08)*

As outlined in N.C. G.S. 18B-1000, 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 36 people.

Restaurant, Fast Food.

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoors calling station. Fast food restaurants may be co-located with Automotive Service Stations, where specifically permitted.

Restaurant, Drive-in/ Drive-Through *(revised 02.08.2010)*

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises or for delivery. Unlike a fast food restaurant, a drive-in / drive-through restaurant does not contain any indoor customer dining areas. Drive-in / drive-through restaurants can have orders taken from customers from centrally located drive-in windows, from an individual outdoor calling station or pre-orders taken by electronic means, and shall be associated with a principal building.

Riding Academy.

An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and the general public may, for a fee, hire horses for riding.

Road, Frontage.

A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

Road, Private.

Any right-of-way having a width of forty (40) feet or greater used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.

Road, Public.

A public right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the Effective Date of this

Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Union County Register of Deeds Office.

Road Right-of-Way.

An area of land occupied or intended to be occupied by a road, including areas offered for dedication for such purposes, areas claimed by the State for such purposes, or actually used for such purposes.

Roof Line. *(Revised 05.17.2011)*

The highest point of the main roof structure, which shall not include cupolas, chimneys, pylons, steeples, parapets or other minor projections.

Rural Home Occupation.

A rural home occupation is a non-residential use conducted in an accessory structure by the owners of the lot upon which it is located. The principal building shall be the residence of the owners of the lot.

Satellite Dish.

A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

Schools.

See "Elementary and Secondary Schools."

Schools, Vocational.

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

Schools for Arts, etc.

A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not necessarily of primary importance.

Screening.

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site. (See Section 4.2.)

Second-Hand Shop.

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A "pawn shop" shall not be considered as being a "second-hand shop".

Septic Tank Disposal Operating Service.

A base of operations for a septic tank cleaning service, but shall not include the disposal of septic tank waste.

Service Stations.

See "Automobile Service Stations".

Setback.*(rev. 02.19.2013)*

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance. Setbacks shall be measured from edge of pavement of a NCDOT maintained street, NCDOT maintained right-of-way, NCDOT proposed right-of-way or platted right-of-way, whichever is farthest from the centerline of a public or platted private street. Setbacks along unplatted private roads and drives shall be measured from property lines. Setbacks distances shall be established in Article 5 or from recorded final subdivision plats with deed-restricted setbacks, whichever is lesser.

a) Setback, Front

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

b) Setback, Rear

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

c) Setback, Side

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

d) Setback, Sign *(rev. 02.19.2013)*

The shortest horizontal distance from the nearest point (leading edge) of the sign or its supporting member to the nearest property line, edge of pavement of a NCDOT maintained street, NCDOT maintained right-of-way, NCDOT proposed right-of-way or platted right-of-way, whichever is farthest from the centerline of a public or private platted street. Setbacks along unplatted private roads and drives shall be measured from property lines.

Shopping Center.

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shrub.

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of 5-6 feet within a three year period after planting. If shrubs are to be planted as part of a required Screen, such shrubs will be limited to the following varieties:

- | | |
|---------------------------|--|
| a) Nelly R. Stevens Holly | f) Tea Olives |
| b) Burford Holly | g) Eleagnus |
| c) Wax Myrtle | h) Ligustrums |
| d) East Palatka Holly | i) Japanese Black Pines |
| e) Savannah Holly | j) Junipers |
| | k) Any other variety of shrub, listed in Article 17, which has the capacity to provide an equivalent amount of growth and opacity. |

Sidewalk / Special Sales Events *(added 02.08.2010)*

A temporary event where a commercial business, religious institution, non-profit organization, charitable organization, or public entity engages in the sponsoring of a promotion or activity for the purpose of selling or offering merchandise, food and/or entertainment beyond the normal retail or display space of the sponsoring entity.

Sight Distance Triangle.

The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being fifteen (15) and seventy-five (75) feet from the point of intersection as shown on the following figures for a four-way intersection and a tee intersection.

Sign. *(All sign definitions revised 05.17.2011)*

Any object, display or structure, or part thereof, situated outdoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, or political subdivision thereof, works of art which promote or identify a product, business, or organization; scoreboards located on athletic fields, and religious symbols used by tax-exempt religious organizations.

A. Sign, Animated

A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

B. Sign, Area

The entire face of a sign including the advertising surface but not including framing, trim, molding, or supporting structure. In computing area, the side of a double-faced sign with the largest advertising surface shall be considered.

C. Sign, Attached

An on-premises sign affixed by permanent mount or mechanism or painted on the wall of any building and affixed to the building throughout its entire dimension. Painted signs are limited to lettering, graphics, and or logos indicating goods, identity, or services specific to the business or enterprise conducted within the structure or building. A painted work of art or mural that is not associated with or identifies a product, business or organization and is not considered an attached sign. A window sign is not considered an attached sign. A projecting sign is not considered an attached sign.

D. Sign, Awning

A sign attached to or painted or printed onto an awning.

E. Sign, Banner

A temporary sign made of a flexible material.

F. Sign, Billboard

A large outdoor sign typically found in high traffic areas and presenting large advertisements primarily oriented towards passing vehicular traffic.

G. Sign, Campaign or Election

A sign that advertises a candidate or issue to be voted upon on an upcoming, defined, election day.

H. Sign, Canopy

A sign attached to or painted or printed onto a canopy. For the purposes of this Ordinance, the advertising portion of the canopy will, for measuring purposes, be considered an attached sign.

I. Sign, Changeable Copy

A sign or portion of a sign that is devoted to and designed for manually or automatically changeable copy text and graphics. Changeable copy signs do not include time, date and/or temperature signs and electronic message board signs as hereinafter defined. Changeable copy signs shall be Monument Signs.

J. Sign, Construction Announcement

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

K. Sign, Directional

A temporary sign fronting on a road containing only directional arrow/description and/or mileage to related circumstances.

L. Sign, Electronic Message Board

A sign, or portion of a sign, Electronic Reader Boards, Electronic Message Center Signs, Tri-Panel Message Systems, or Commercial Electronic-Variable Message Signs (CEVMS) that displays an electronic image, time, date, temperature, moving or changeable text, and/or video, and uses Light Emitting Diode (LED), Liquid Crystal Display (LCD) or Cathode-Ray technology. Variable display signs utilizing incandescent or florescent backlit illumination or any type of externally lit illumination shall be considered Changeable Copy signs. Electronic Message Signs are not considered flashing signs.

M. Sign, Flashing

A sign that uses an intermittent or flashing light source or windblown and/or mechanically moved reflective material to attract attention.

N. Sign, Ground

An advertising sign made of permanent material, not including canvas, cardboard or plastic sheeting, and permanently affixed to the ground.

O. Sign, Handwritten

Any Sign that is prepared by non-mechanical means and without the use of a printing device.

P. Sign, Historical Federal or State

A sign describing a historical building, event, landscape or person and developed as part of a Federal or State historical preservation/identification effort.

Q. Sign, Historical Local

A sign describing a historical building, event, landscape or person and developed as part of a local historical preservation/identification effort recognized by Federal, State or Local government or non-profit (as designed by the Internal Revenue Service) entity.

R. Sign, Height

The height of an on-premises freestanding sign shall be measured from the average grade of the site where the sign is located to the top of the highest attached component of the sign, the sign face, sign structure and any other appurtenance. Any change in a site's grade specifically designed to increase a sign's height shall be included as part of the sign's height.

S. Sign, Identification

A sign that displays only the occupant family name and/or address, associated with a property.

T. Sign, Illuminated - External

A sign that features artificial illumination from a light source and provides light directly onto the sign face, or portions of the sign face, where light is then reflected back to the viewer.

U. Sign, Illuminated - Internal

A sign that features artificial illumination from a light source located behind the sign face and transmits light through the sign face or portions of the sign face to the viewer. Also known as backlit illumination. Exposed neon tubing,

incandescent lighting and non-changing light emitting diode lighting shall not be considered an internally illuminated sign.

V. Sign, Incidental

A permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public or a permanent sign affixed to permanent outdoor product storage enclosures. Entrance, parking and one-way signs, building numbers, addresses, private parking signs, no trespassing signs, dangerous animal, identification, event, instructional and seasonal signs are considered incidental. Signs used in conjunction with equipment or other functional elements for a use or operation, including, non-restaurant drive-through window menu boards, and signs on automatic teller machines and gas pumps are considered incidental. Incidental signs shall not provide advertising of products, businesses or organizations beyond identification of the primary associated business or organization. Product storage enclosure signs are permitted to provide commercial identification or advertising for products, businesses or organizations associated with enclosure content only.

W. Sign, Inflatable

A sign that is fully or partially inflated through the use of a mechanical device.

X. Sign, Internal

A temporary sign providing advertising for products and services provided on-premise of outparcels developed as B1 Zoning or part of a B-2 Conditional Use Permit and not visible from any public roadway.

Y. Sign, Menu Board

A sign displaying the bill of fare of a drive-in or drive-through restaurant.

Z. Sign, Monument

A free-standing ground sign with a sign (support) structure that completely surrounds the sign face and is constructed of masonry material other than cinder-block. Monument sign faces shall be surfaced with stucco, painted wood, or masonry material other than cinder-block. Monument signs may be backlit or externally illuminated and must comply with Section 4.10.

AA. Sign, Neon

An illuminated sign containing glass tubes filled with neon gas that form letters,

symbols or other shapes.

AB. Sign, Off-Premises

A sign not located on the premises where a business, service, commodity or product or that exists or is conducted, sold, offered, maintained and/or provided.

AC. Sign, On-Premises

A sign that references information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed, and pertaining only to the name of the business, type of product sold, manufactured, or assembled, and/or service, activity, or entertainment offered on said premises, including business identification and occupancy signs.

AD. Sign, Official Government, Emergency and Safety

Any temporary or permanent sign erected and maintained for any government, public safety or division of government, for purposes other than signs placed on the premises of a publicly owned building or structure or other land use designed to identify the land use to the public. Speed limit signs, city limit and welcome signs, street name signs, and traffic signs are considered official signs. Conversely, a sign placed on public buildings, libraries, schools or public safety buildings which identifies said buildings, shall not be considered an official sign.

AE. Sign, Permit

A permit issued by the Zoning Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

AF. Sign, Pole

A ground sign erected and maintained on a free-standing frame, mast, post or pole and not attached to any building, but not including monument signs.

AG. Sign, Political

A temporary sign used in connection with a local, state, or national election or referendum.

AH. Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising. A sandwich board sign as defined by and in conformance with this ordinance is not considered a portable sign.

AI. Sign, Professional name plate

A sign that displays only the name and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

AJ. Sign, Projecting

Any sign other than an attached, awning, canopy or window sign, which is permanently affixed to a building, extending beyond the façade plane and oriented towards any direction other than flush with the building façade.

AK. Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

AL. Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

AM. Sign, Sandwich Board

A single or double-faced moveable sign that is intended to be used on a sidewalk or pedestrian way in front of the business for which the commercial message is intended.

AN. Sign, Temporary

Any sign erected and maintained for a specific and limited period of time. Any sign not permanently affixed to a building or footings as well as banners and any sign made of flexible materials shall be considered a temporary sign.

AO. Sign, Under Canopy

A fixed sign mounted underneath a canopy and attached to canopy structure or fixed product storage enclosures underneath canopy.

AP. Sign, Vehicular

Signs painted onto motorized vehicles and attached accessory vehicular equipment, magnetic signs, or attached consumables delivery signs, where the primary purpose is to advertise a product or used to direct people to a business or activity. Vehicular signs shall not include banners or other signs not permanently affixed to the vehicle, such signs shall be prohibited.

AQ. Sign, Window

A sign, other than a projecting sign, to include design elements placed inside or outside the window, used to advertise, announce, or identify a person or entity, or communicate information of any kind, or to draw attention to the business or use.

Stealth Tower.

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers, as permitted under Article 13 of this Ordinance. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

Storage, Open-Air.

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no wall and screened in accordance with the requirements of Section 4.2.

Stream.

A body of water flowing in a natural surface channel. Flow may be continuous or may only occur during wet periods.

Street.

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

Street Property Line.

The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

Street Right-of-Way.

An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

Structure.

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

Structure, Principal.

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

Subdivision. *(Amended 1.5.06, 10.18.2011)*

The division of a tract of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this Ordinance: (i) 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 minimum standards set forth in this Ordinance, (ii) the division of land into parcels individually greater than ten (10) acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening streets; or (iv) 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 minimum standards of the Village of Wesley Chapel as shown in the Subdivision Ordinance and the Zoning Ordinance.

Subdivision, Major.

Any subdivision other than a minor subdivision.

Subdivision, Minor.

Any subdivision that does not result in the creation of more than three (3) lots out of a single tract since the Effective Date of this Ordinance, and does not involve an area larger than six (6) acres as well as any subdivision (regardless of the number of lots) which does not include any floodplains or wetlands, nor require the construction of new streets, roads, public water or sewer facilities, sidewalks, or similar facilities.

Supercenter Store *(Added 05.10.04)*

A retail establishment 60,000 ft² or greater in ground floor area that contains both a discount department store and a complete food store or supermarket (i.e. containing the variety and amounts of fresh produce, meats, frozen foods, canned and packaged foods and other products typically found in food stores and supermarkets). The term shall not include discount department stores that sell

canned and packaged food items but not fresh produce, meats and frozen foods.

Supermarkets.

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Unlike convenience stores, gasoline sales are not permitted.

Telecommunication Towers and Facilities.

A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as “stealth” locations, may be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunications facility. This definition does not include ham radio operations, radio broadcast towers or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

Tenant *(Added 05.17.2011)*

Any occupant of a habitable structure.

Tenant, In-line *(Added 05.17.2011)*

An occupant of a separately-metered space located within a non-residential multi-tenant building.

Toxic Substance.

Any substance or combination of substances (including disease causing agents), or assimilation into any organism, 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.

Tract.

The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Trailer. *(Added 08.21.2012)*

Vehicles used for the transportation of property or persons, and not considered Recreational Vehicles, without motive power and designed for being drawn by a motor vehicle, and so constructed that either none or only part of their weight or their load rests upon or is carried by the pulling vehicle.

Tree, Large Maturing.

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height of more than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree.

Tree, Small Maturing.

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height less than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree.

Truck Stop.

A facility typically offering multiple services to the traveling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops.

Truck Terminal.

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Use.

The specific purpose for which land, a building, or a portion of a building is designed, arranged, intended, occupied, or maintained. The term “permitted use” or its equivalent shall not be deemed to include a nonconforming use.

Use, Principal.

The primary or predominant use of any lot.

Variance.

A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this Ordinance, he could not otherwise legally do.

Variety Store. *(Added 10.17.05)*

A business engaged in the retail sale of a variety of personal, family, and household need merchandise in the low and popular price ranges. Sales usually are made on a purchase-and-carry basis. A variety store generally does not carry a complete line of merchandise, is not departmentalized, does not sell used or second-hand items, building materials, or expensive items such as furniture and major appliances, does not carry its own charge services, and does not deliver merchandise. Outdoor storage and displays of merchandise are not allowed. This definition excludes adult establishments, flea and craft markets, department stores, discount department stores, and big box stores.

Vehicle Accommodation Area.

That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (including all spaces and aisles).

Vehicle, Commercial.

A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.

Vehicle, Inoperable. *(Revised 08.21.2012)*

A vehicle that for a period of more than ninety (90) days is substantially disassembled and for any reason is mechanically unfit or unsafe to be operated or moved upon a public street, highway, or public vehicular area, yet is more than fifty percent (50%) intact. Vehicles less than fifty percent (50%) intact are to be considered junk or scrap materials for purposes of meeting the Junk Yard definition in this Ordinance.

Vehicle, Motor *(Added 08.21.2012)*

Any operable commercial or passenger vehicle. Does not include recreational vehicles, farm equipment, motorcycles or all-terrain vehicles.

Vehicle, Operable *(Added 08.21.2012)*

A vehicle that is mechanically fit and safe to be operated or moved upon a public street, highway or public vehicular area or has not for a period of more than ninety (90) days been substantially disassembled or for any reason mechanically unfit or unsafe to be operated or moved upon a public street, highway, or public vehicular area, yet was more than fifty percent (50%) intact.

Vehicle, Passenger.

An automobile, van, sports utility vehicle or pick-up truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

Wall, Building.

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

Warehouse.

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel.

Water, Public.

Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

Wholesale Sales Operation.

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Administrator may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Wooded Area.

An area of contiguous wooded vegetation where trees are at a density of at least one six (6) inch or greater caliper tree per each 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard.

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

Yard, Front. *(Revised 02.19.2013)*

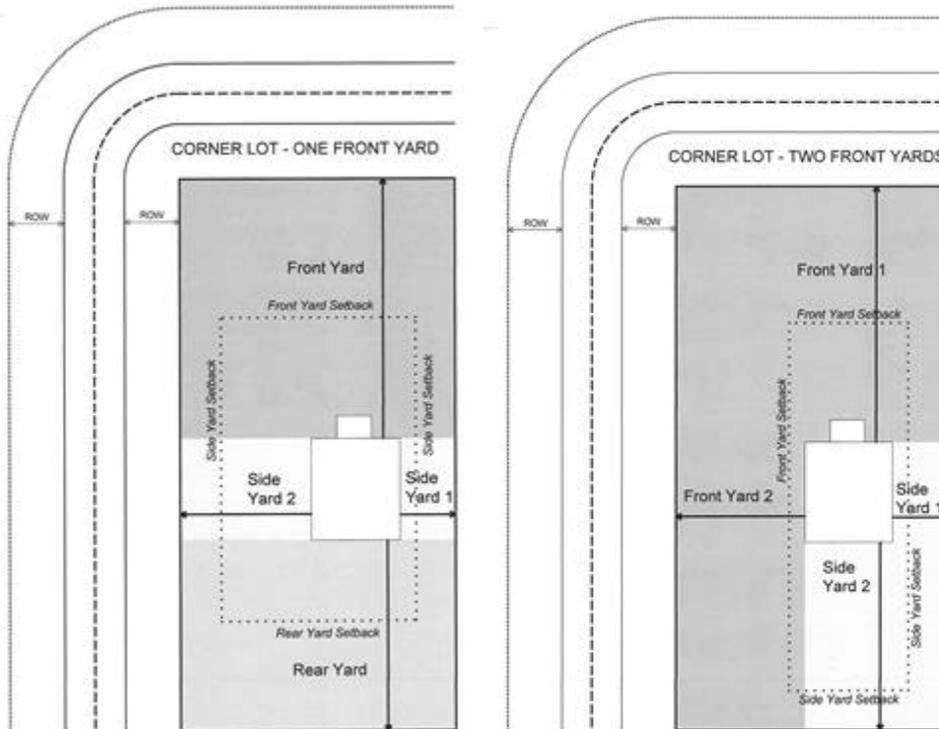
The area measured from the front property line, to the front facades of the principal building, projected to the side lot lines. On corner lots, the front yard shall be determined by the property owner and shall be surveyed and recorded at the property owner's expense. On corner lots, the property owner shall also have the option to designate two front yards, which shall be surveyed at the property owner's expense. Should the property owner choose not, or be unable, to designate and survey front yard preference, the front yard shall be designated by the Zoning Administrator in response to any Zoning Permit application, although shall not be surveyed or recorded.

Yard, Rear. *(Rev. 02.19.2013)*

The area measured from the rear property line, to the rear facade of the principal building, projected to the side lot lines. On corner lots where the property owner has designated two (2) front yards, only side yards shall be designated adjacent to the front yards. Rear yards shall not be designated adjacent to any front yard(s).

Yard, Side. (Rev. 02.19.2013)

The area measured from the side property line, to the side facade of the principal building, projected to the rear and front yard lines, or projected from front yard line to other side lot line, in the case of corner lots designated to have two (2) front yards.



Yard Sale.

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. For purposes of this Ordinance, attic and garage sales, and the like shall be considered yard sales.

Zoning Permit.

A permit issued by the Zoning Administrator or his designee that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.