

ARTICLE I

LEGAL PROVISIONS

1.1 Zoning ordinance

This Ordinance shall be known, cited, and referred to as the Zoning Ordinance of Taylortown, North Carolina.

1.2 Zoning Map

The map herein referred to, which is identified by the title, The Zoning Map of Taylortown, North Carolina, shall be known as the "Zoning Map." The boundaries of each zoning district are shown on said map and shall bear the adoption date of this Ordinance and the date of any subsequent map amendments. This map may consist of one or more map sheets and the boundaries indicated thereon shall be enforced as part of this Ordinance the same as if each area were fully described in and set forth in the text. All previous versions of the zoning map shall be maintained at Town Hall upon the adoption of zoning map amendments.

1.3 Authority

This Ordinance is adopted under the authority granted by the General Statutes of the State of North Carolina, particularly Chapter 160D, and G.S. 143-214.5.

1.4 Jurisdiction

The provisions of this Ordinance shall apply within the zoning limits of the Town of Taylortown, North Carolina as shown by the Zoning Map on file with the Town Clerk in the Town Hall.

1.5 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

1.6 Severability

If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has passed this Ordinance and each article, section, clause, and phrase thereof, irrespective of fact that any one or more articles, sections, sentences, clauses or

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phrases be declared invalid by the courts.

1.7 Effective Date

This Ordinance shall be in force from and after its passage and approval.

Passed and adopted this 29th day of June 2021.

ARTICLE II

DEFINITIONS

In the construction of this Ordinance the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural number shall include the singular.
- C. The word "shall" be mandatory and not discretionary.
- D. The word "may" be permissive.
- E. The word "lot" shall include the words "parcel," "plot," and "tract."
- F. The word "building" shall include all structures regardless of similarity to buildings.
- G. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."
- H. Person. - An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

2.1 Abutting. Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

2.2 Access. A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

2.3 Accessory Building or Use. A building or use, not including signs, which is:

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

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- C. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
- D. Is not used for commercial, business, or residential purposes, with the exception of storage.

- 2.4 Advertising Device or Sign. Any advertising sign, billboard, statuary or poster which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
- 2.5 Agricultural Uses. The commercial production of crops, fruits, vegetables, livestock, poultry, and other agricultural products. For the purpose of this ordinance these uses include the use of water for stock watering, irrigation, and other farm purposes.
- 2.6 Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.
- 2.7 Apartment. A room or suite of rooms containing complete facilities intended for use as a residence by a single household or family (i.e., dwelling unit). Such dwelling unit may be located in an apartment house, duplex, or as an accessory use in a commercial building.
- 2.8 Apartment House. A building containing complete and separate living quarters for three (3) or more families, i.e. a multi-family dwelling
- 2.9 Automobile Service Station (Gas Station). Any building or land used for the dispensing, sale or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors and has no fuel pumps within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire retreading, major body work, major mechanical work, or upholstery work.
- 2.10 Best Management Practice (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

- 2.11 Block. A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.
- 2.12 Block Frontage. That portion of a block which abuts a single street.
- 2.13 Board of Adjustment /Watershed Review Board). A local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.
- 2.14 Board of Commissioners. The governing body of the Town of Taylorton.
- 2.15 Boarding House. A building other than a hotel or motel where, for compensation, meals are served, and lodging is provided.
- 2.16 Buffer. A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another. Also, an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the natural pool elevation of impounded structures and from the bank of each side of streams or rivers.
- 2.17 Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- 2.18 Building, Height of. The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.
- 2.19 Building, Principal (Main). A building in which is conducted the principal use of the plot on which it is situated.
- 2.20 Building Setback Line. A line measured parallel to the front property line in front of which no structure shall be erected.
- 2.21 Built Upon Area. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

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- 2.22 Canopy, Marquee, or Awning. Any roof-like structure extended over a sidewalk or walkway.
- 2.23 Certificate of Occupancy (Watershed Protection Occupancy Permit). Official certification that a premise conforms to provisions of the Zoning Ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.
- 2.24 Club or Lodge (Legal, Private Nonprofit, Civic or Fraternal). A non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.
- 2.25 Condominium. An individual dwelling unit, or apartment, in a multi-family structure where separate dwelling units are individually owned and common property, including within the building, accessory structures, and the land itself, are jointly owned by all.
- 2.26 Convalescent Home (Nursing Home). An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule, acutely ill or who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities.
- 2.27 Country Club. A private recreational facility for use by members and their guests which has one or more forms of outdoor recreation, including golf courses, swimming pools, or tennis courts, and may also have indoor recreation, a pro shop, a lounge, a ballroom and may serve food and drink.
- 2.28 Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first).
- 2.29 Day Care Facilities. Any childcare arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included public schools; non-public schools whether or not accredited by the North Carolina State Department of Public Instruction, which

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regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods

2.30 Development. Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

2.31 Development, Existing. Those projects that are built or that have an established a vested right under the North Carolina zoning law based on at least one of the following criteria:

- A. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- B. having an outstanding valid building permit; or
- C. substantial expenditures of resources (time, labor, money) and having an approved site specific or phased development plan.

2.32 Dwelling. Dwelling. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

2.33 Dwelling, Duplex. A separate building containing complete and separate living quarters for two (2) families.

2.34 Dwelling, Multi-Family. building containing complete and separate living quarters for three (3) or more families

2.35 Dwelling, Single Family. A separate building containing complete living quarters for one family, including kitchen and bath facilities

2.36 Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

2.37 Easement. A nonprofitable interest in land owned by another that entitles its holder to a specific limited use, usually in the shape of a strip, such as a drainage or utility easement. To allow access to land locked property for ingress and egress purposes such easement shall be a minimum of eighteen (18) feet in width

2.38 Family. An individual or two or more persons directly related by blood, marriage, or adoption, and may, in addition, include non

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more than two (2) unrelated persons, other than the householder, living together in a dwelling unit. A family may also include no more than five (5) foster children in a licensed foster home.

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

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

2.40 Frontage. The length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

2.41 Garage, Private. A building used as an accessory to or a part of the main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

2.42 Home Occupation. Any occupation or profession conducted exclusively within a dwelling by one or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than twenty-five percent (25%) of the total floor area or five hundred (500) square feet, no outside or window display, that no merchandise or commodity is sold on the premises, that no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment, and providing that no more than one (1) person not a resident of said dwelling is employed in connection with the home occupation.

2.42 Homeowners Association. A legal entity that is responsible for the maintenance and control of common areas and shall be established in such a manner that:

- Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;

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- The association or similar legal entity has the power to compel contributions from the residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

- 2.43 Hotel or Motel. A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants; where rooms are furnished for the accommodation of such guests; and may have one or more dining rooms, restaurants, or cafes where meals are served.
- 2.44 Incompatible Use. A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.
- 2.45 Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
- 2.46 Inoperative Vehicle. Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.
- 2.47 Junk Yard. Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged; stored, baled, packaged, disassembled, or handled, including but not limited to, scrap iron and other metals, batteries, trash, debris, paper, rags, vehicles, rubber tires, furniture, household appliances, and bottles. A "junk yard" includes an auto wrecking yard but does not include uses established entirely within enclosed buildings or uses of a temporary nature where items for sale are exhibited outdoors no more than two (2) days per week (e.g., flea market).
- 2.48 Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
- 2.49 Lot. A parcel of land occupied or intended for occupancy by a main building or group of main buildings and accessory buildings together with such yards, open spaces, lot width and lot areas as required by this Ordinance and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purpose of this Ordinance the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

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

2.51 Lot, Interior. A lot other than a corner lot.

2.52 Lot, Through. An interior lot having frontage on two streets.

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

2.54 Lot Line. The line bounding a lot.

2.55 Lot Width. The straight line distance between the points where the building setback line intersects the two side lot lines.

2.56 Lot of Record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Register of Deeds by the owner or predecessor in title there.

2.57 Manufactured Home. 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 and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

2.58 Repealed 29 June 2021

2.59 Repealed 29 June 2021

2.60 Manufactured Office. A structure identical to a manufactured home except that it has been converted, or originally designed and

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constructed, for commercial or office use.

- 2.61 Modular Structure. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. such structure must meet all requirements of the North Carolina Uniform Residential Building Code, the same as site constructed homes, and must have attached a North Carolina validating stamp.
- 2.62 Nonconforming Lot. A lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.
- 2.63 Nonconforming Use. The use of a building, manufactured home, 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.
- 2.64 Nuisance Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- 2.65 Ordinance. This the Zoning Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to the reference includes the effective date of any amendment to it.
- 2.66 Parking Lot. An area or plot of land used for the storage or parking of vehicles.
- 2.67 Parking Space. A storage space of not less than seventy (70) square feet for one automobile, plus the necessary access space
- 2.68 Planning Board. Any board or commission established pursuant to G.S. 160D-301.
- 2.69 Plat. A map showing the location, boundaries, and ownership of individual properties
- 2.70 Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.
- 2.71 Setback. The required distance between every structure and the lot lines of the lot on which it is located.

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- 2.72 Shopping Center. Two or more commercial establishments having off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.
- 2.73 Sign. Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message.
- 2.74 Sign, Identification. A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, apartment complex, church, school, park, or public or quasi-public structure, facility or development and the name of the owners or developers.
- 2.75 Sign, Flashing. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a "flashing sign". Such signs shall not be deemed to include time and temperature signs or public messages displays using electronic switching.

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- 2.76 Sign, Freestanding. Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains or any sign which projects more than five (5) feet from the side of the building to which it is attached.
- 2.77 Sign, Gross Area. The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- 2.78 Sign, Off-Premises (Billboard). A sign which directs attention to a business, commodity, service, or other message not exclusively related to the premises where such sign is located or to which it is affixed.
- 2.79 Sign, Projecting. A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.
- 2.80 Sign, Public Information. A sign, usually erected and maintained by a public agency, which provides the public with information in no way relates to a commercial activity including, but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.
- 2.81 Sign, Roof. A sign which is displayed above the eaves of a building.
- 2.82 Sign, Wall A sign attached to a wall and not projecting away from the wall more than twelve (12) inches.
- 2.83 Site Plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.
- 2.84 Site Specific Development Plan A plan of land development submitted to the town for purposes of obtaining approval of a subdivision plat, or a special use permit. In addition to requirements already established by the town (for subdivision plats and special use permits), the Plan shall describe the type of use and intensity of use planned for the specific parcel or parcels of property. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

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- 2.85 Special use permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.
- 2.86 Street. A thoroughfare which affords the principal means of access to abutting property.
- 2.85. Street Line. The line between the street right-of-way and abutting property.
- 2.86 Street, Private. Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.
- 2.87 Structure Anything constructed or erected, the use of which requires permanent location in or on the land or attachment to something having a permanent location in or on the land.
- 2.88 Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders except for repair or replacement.
- 2.89 Subdivision. The division of land for the purpose of sale or development as specified in G.S. 160D-802.
- 2.90 Subdivision regulation. A subdivision regulation authorized by Article 8 of Chapter 160D, N.C.G.S.
- 2.91 Tourist Home. Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served, such as a bed and breakfast.
- 2.92 Townhouse. An individual dwelling unit in a multi-family structure where the individual units (townhouses) are arranged in a row, share common walls, each have separate entrances from the outside and usually face the same direction, i.e rowhouses
- 2.93 Trailer. Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:
- A. Travel Trailer. A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width eight (8) feet or less or body length thirty-two (32) feet or less when equipped for road travel.
 - B. Camping Trailer. A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel,

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recreation, or vacation use

C. Tow Trailer. A structure designed to be hauled by another vehicle and to transport vehicles, boats, or freight.

2.94 Use. Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building.

2.95 Variance. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection

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

2.97 Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by vegetation or as otherwise provided herein.

2.98 Yard, Front. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, including the area of steps, eaves, and uncovered porches, but not including the area of covered porches.

2.99 Yard, Side. An open, unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or, where no rear yard is required, to the rear line of the lot.

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2.100 Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

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

2.102 Zoning Map Amendment or Rezoning. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

2.103 Zoning Regulation. A zoning regulation authorized by GS 160D

2.104 Zoning Administrator. The official charged with the enforcement of this zoning ordinance.