

ARTICLE X
DEFINITIONS

Section 1001. Generally

For the purposes of interpreting this ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meanings indicated below:

Section 1002. Interpretation of Commonly Used Terms and Words

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.

"Person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.

"Lot" includes the words "plot", "parcel", and "tract".

The word "structure" includes the word "building".

The word "shall" is always mandatory and not merely directory.

"Used", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used".

"Map", "zoning map", or "Littleton Zoning Map" shall mean the official zoning map of the Town of Littleton, North Carolina.

The words "town board", "governing body", and "Littleton Board of Commissioners" shall refer to the Board of Commissioners of the Town of Littleton, North Carolina.

The words "planning board" shall refer to the planning board of the Town of Littleton, North Carolina.

The words "board of adjustment" shall refer to the board of adjustment of the Town of Littleton, North Carolina, established by this ordinance.

Section 1003. Definition of Commonly Used Terms and Words.

"Accessory building, structure, or use" means a building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

"Abutting" means that the property directly touches another piece of property.

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

"Building" means any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals or chattels.

"Building, height of" means the vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

"Condominium" means a project meeting the requirements of the North Carolina General Statutes, Chapter 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

" Dwelling, single-family" means a building arranged to be occupied by one family, the building housing only one dwelling unit, but excluding mobile homes, and townhouses.

" Dwelling, two-family" means a building arranged to be occupied by two families, the building having two dwelling units, but excluding mobile homes, and townhouses.

" Dwelling, multifamily" means a building arranged to be occupied by more than two families, the building having more than two dwelling units, but excluding mobile homes, and townhouses.

" Dwelling unit" means a building or portion thereof designed, arranged and/or used for the living quarters for one or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.

" Family" means one or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five living together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

" Family care home" means a facility as defined in G.S. 168-21.

" Floor area, gross". Gross floor area shall be defined as the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly, or similar uses, and excluding off-street parking and loading areas.

" Home occupation" means an incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

"Kennel" means an establishment for the keeping or breeding of dogs for profit.

"Lot" means a single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this ordinance.

"Lot, corner" means a lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of 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 meet at an interior angle of less than one hundred thirty-five degrees.

"Lot coverage, maximum in percent" means the maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

"Lot depth" means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

"Lot of record" means a lot which is part of a subdivision recorded in the office of the register of deeds of Halifax or Warren County or a lot described by metes and bounds, the description of which has been so recorded.

"Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance, at the place where the access strip joins the main portion of the lot) shall not be less than eighty percent of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty percent requirement shall not apply.

"Mobile home" means a factory-assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent foundation and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. A dwelling meeting the above definition shall be considered a mobile home, even if placed on a permanent foundation.

"Mobile home park" means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

"Net acreage, acres, land area, square footage of land area" means land area with streets, right-of-ways, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

"Planned unit development" is defined in Section 710.3.

"Principal building, use or structure" means the main use of a lot or the building or structure in or on which the main use of the lot takes place.

"Roof line" means the top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

"Restaurant" means an establishment whose primary purpose is serving meals to patrons.

"Restaurant, indoor" means any restaurant except a drive-in or take-out restaurant.

"Restaurant, drive-in or take-out" means any restaurant which makes provision for curb service, outdoor service or a drive-in window, or any restaurant more than ten percent of whose average daily customers take their food or beverages out of the restaurant.

"Right-of-way, street" means a strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

"Shopping center" means any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

"Sign" means any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

"Sign, area" means the area of the smallest regular polygon composed of eight (8) lines or less, circle, half circle, ellipse or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appears on them, in which case they shall be included. Where symbols, letters, or numbers are attached separately to a structure, including a sign structure or to separate surfaces, the area between the separate items or letters, whether open or solid shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

"Sign, height" means the vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

Types of Signs

"Identification sign" means a sign which contains any or all of the following: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation and house number when located on the site of the establishment.

"Onsite advertising sign" means a sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

"Offsite advertising sign" means a sign which contains information about an establishment, business, commodity, activity or service not conducted, sold, or offered upon the premises where such sign is located and not otherwise allowed in Table 501.5.

"Ground sign" means a sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.

"Wall sign" means a sign which is attached flat to the wall or facade of a building, or to a fence or wall.

"Projecting sign" means a sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

"Roof sign" means a sign attached to and extending upward from a roof of a structure.

"Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs and swimming pools.

"Townhouse" means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

"Variance" means a relaxation of the terms of this ordinance under the specific conditions set forth in Section 707.4.2.

"Yard" means an open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this ordinance.

"Yard, front" means a yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by this ordinance to be placed in a front yard. Front and rear yard lines shall be parallel.

"Yard, rear" means a yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

"Yard, side" means a yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

"Zoning administrator" means the official charged with the enforcement of this ordinance.