

ARTICLE IX
DEFINITIONS

900 Interpretation of Certain Words or Terms – Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The words "shall" are always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

The word "used" or "occupies" as applied to any land or building shall be construed to imply that said land or building is actually "arranged" or "designed" to be used or occupied. An intended project shall be defined as one where substantial outlays of monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Mars Hill, North Carolina, and the Area of Extraterritorial Jurisdiction.

The term "Planning Board" refers to the Mars Hill Planning and Zoning Board. The terms "Board of Aldermen" or "Mayor and Board of Aldermen" refer to the legally constituted and elected governing body of the Town of Mars Hill. The term "Board of Adjustment" refers to the Zoning Board of Adjustment for the Town of Mars Hill.

Accessory Use or Building – A use or building subordinate to the principal use or building located on the same lot and used for purposes incidental to the principal use or building.

Advertising Sign – A sign that directs attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered. Such signs are further classified according to location, as follows:

- (a) on the same premises as the business, commodity, service, or entertainment advertised by the sign;

(b) off premises – remote from the business, commodity, service, or entertainment advertised by the sign; (see “Billboard”).

Agriculture – Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

Alley – A dedicated way, which affords secondary access to the side or rear of abutting property. Side yards abutting alleys shall meet the same requirements as street side yards or corner lots.

Alteration of Building – Any change in the supporting members of a building (such as bearing walls, columns, or girders), and addition or reduction of a building, any change in use, or any relocation of a building from one location or position to another.

Automobile Service Station – Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel or oil and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means.

Awning – A roof-like shelter of canvas or other material extending over a doorway, from the top of the window, over a deck, etc., in order to provide protection from the weather.

Awning Signs – A sign constructed of a fabric-like non-rigid material, which is part of a fabric or plastic awning. Awning signs constructed of a flammable substance are prohibited in the fire district.

Banner – Any sign made of flexible fabric-like material except an awning sign.

Billboard – An advertising sign used as an outdoor display for the purpose of directing attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Border – A strip along the edges of a sign that outlines the display.

Buffer – (See Landscaped Buffer).

Buildable Area – That portion of any lot which may be used for building upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard requirements for the district have been subtracted from the total area. The required front, side and rear yards shall be measured inward toward the center of said lot from all points along the respective property lines or street right-of-way as appropriate. Buildable area

shall be computed by measuring the allotted distances, perpendicular from each property line.

Building – A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels, and including tents, lunch wagons, dining cars, trailers, free-standing billboards and signs, fences, and similar structures whether stationary or movable. The term “building” shall be construed as if followed by the words “or parts thereof”. Each portion of a building separated by division walls from ground up without openings shall be considered a separate building.

Building, Height – The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten feet (10') of the street line, to the highest point of a flat roof, or to the declivity or a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building Inspector – The official of the County of Madison charged with enforcement of the North Carolina State Building Code.

Building Line – That line determined by meeting respective front, side, rear yard requirements. The required side and rear yards for individual lots shall be measured inward toward the center of the lot from all points along the respective property lines. The required front yard shall be measured inward toward the center of the lot from all points on the edge of the pavement or edge of the traveled roadway for unpaved streets.

Camp – A recreational facility providing supervised activities along with meals and/or lodging. Such facilities generally cater to children and adolescents during the summer months.

Cemetery – A parcel of land used for interment of the dead in the ground or in mausoleums.

(Town) Code – The Code of Ordinances of the Town of Mars Hill, adopted by the Board of Aldermen and any subsequent amendments.

Clinic – An establishment, housing two (2) or more offices, where medical or dental patients, who are not lodged overnight, are given examinations and treatment.

Controlled Access Highway – A roadway with four (4) or more lanes, divided by a median, with speed limits that would exceed 50 MPH, where access to and from said road is by interchange only.

Copy – (As used in conjunction with signs) – The wording on a sign surface either in permanent or removable letterform.

Cultural or Community Facilities – Facilities designed to promote cultural advancement and serve the community such as art galleries, libraries, museums, and community centers, such as YMCA and YWCA; and facilities to house civic or fraternal organizations (provided that such facilities are not operated for profit).

Day Care Center – See Nursery School.

Dedication – The reservation for public use of an area of land, usually a strip of land, a street right-of-way or utilities easement, within which there is to be or may be located streets, sidewalks, utility systems and drainage structures or a lot intended to be used for a public purpose such as a park, playground, or other public facility.

Density – The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

Directional Sign – A sign which carries no advertising message or information, but simply the name or the logo of an establishment and information directing persons to the location of said establishment. For the purposes of this Ordinance, directional signs shall be free-standing, not over four feet (4') in height, and shall not have a surface area greater than two (2) square feet per side of sign up to a maximum of four (4) square feet in aggregate surface area. Such signs shall not be illuminated.

Dwelling – A building or portion of building arranged to provide living quarters for one or more families.

Dwelling, Accessory – A dwelling unit, either detached or non-detached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 750 square feet of gross floor space and located on a lot with an existing single family dwelling. Said units shall not exceed one per lot.

Dwelling, Single-Family – A detached dwelling, other than a mobile home, designed for or occupied exclusively by one family.

Dwelling, Two-Family – A detached building including two individual dwelling units, also known as a duplex.

Dwelling, Group – A building or portion of a building intended for occupancy by several unrelated persons. The term "group dwelling" includes, but is not limited to the terms "rooming house", "fraternity house", "sorority house", and "dormitory".

Dwelling, Multi-Family – A dwelling designed for or occupied by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

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.

Educational Facility – A facility for the education of children and/or adults including public and private elementary and secondary schools, colleges, technical institutes and universities, but excluding specialized trade schools and nursery schools.

Extraterritorial Jurisdiction – An area of land beyond the corporate limits extending for a maximum distance of one (1) mile in all directions as delineated on the Official Zoning Map of the Town of Mars Hill and described by a physical description filed with the Madison County Register of Deeds. (Reference: NC General Statutes 160A-360.)

Face of Sign – The entire surface area of a sign on which any copy could be placed.

Farm Enterprise – Activity directly associated with farming, such as roadside stands, grain elevators, and pasturing land.

Family – One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over six persons, but further provided that domestic servants employed on the premise may be housed in the principal building, not to exceed two domestic servants.

Family Care Facility – A facility which provides resident service in a private residence to six (6) or fewer individuals who are not related to the resident household. Those individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group dwellings, and family homes. Such facility shall be regulated as a family residence in this Ordinance.

Fence – A barrier intended to prevent escape or intrusion or to mark a boundary. A closed fence is one in which the opening through which clear vision is possible from one side to the other on a horizontal plane comprise thirty percent (30%) or less of the total side area of the fence. An open fence is one in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise seventy percent (70%) or more of the total side area of the fence.

Garage, Private – An accessory building or portion of a principal building used for the storage of private motor vehicles and in which no business, occupation, or service for profit is in any way connected. The term “garage” shall include the term “carport.”

Garage, Repair – Any garage which is used primarily for storage, repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles. A garage exceeding 850 square feet in area or used to store more than four (4) automobiles, shall be considered a repair garage.

Grocery Store (Major) – An establishment which deals principally in a variety of general supplies for the table and other household uses. Characteristics of this type of establishment include a building of large physical size, a high volume of business, and a wide variety of products.

Grocery Store (Convenience) – An establishment much like that described above except on a more limited scale. This type of store is distinguished by a limited selection of a variety of convenience items including table and household goods, automobile supplies and dry goods. In addition, the building in which such an establishment is housed is generally smaller and designed for easy access with an emphasis on serving the customer as efficiently as possible.

Ground Sign – A sign that is not attached to any building structure. Such signs shall include, but not be limited to, free standing signs mounted on poles and “A” frame signs.

Group Care Facility – A facility which provides resident services to five (5) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses, licensed or supervised by any Federal, State, or County Health/Welfare Agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes.

Home Occupation – Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes which does not change the character thereof; and where no person not a resident of the premises, is employed specifically in connection with the activity; and that not over 25% of the total floor space of the structure is used for the home occupation.

Hospital – An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and included related facilities such as laboratories, out-patient facilities, and staff offices which are in an integral part of the facility.

Hotel – Any building containing six (6) or more guest rooms intended to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests. The term “hotel” shall include the term “motel”.