

Identification Sign – A sign which carries no advertising message and is used to identify only the following:

- (a) The name of an institutional use or organization occupying the premises on which the sign is located;
- (b) The name, title and/or occupation or profession of the occupant of the premises on which the sign is located;
- (c) The name and the type of non-retail business occupying the premises on which the sign is located, or;
- (d) The name of the building on which the sign is located, including names and types of firms occupying the building.

Illuminated Sign – A sign that is illuminated by electric or other devices mainly for clear visibility at night.

Illumination of Signs – The lighting of a sign or exposing of a sign to artificial light either from within or without. In no instance shall the illumination of a sign interfere with adjacent traffic or disturb residential neighborhoods.

Incidental Sign – A sign which carries no advertising message, and is clearly incidental to other major advertising signs onsite, and which is used to do one or more of the following:

- (a) direct traffic flow, either vehicular or pedestrian;
- (b) indicates clearly the location of ingress or egress points;
- (c) direct certain activities to certain areas (i.e., parking, waiting, etc.);
- (d) provide other incidental information.

Junk – The term “junk” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard – The term “junkyard” shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard or similar salvage yard. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more materials within the meaning of “junk” as defined herein.

Kennel – A separate facility for the care, boarding, or breeding of more than three (3) dogs or cats, including enclosed shelters and open area.

Landscaped Buffer – A fifteen foot (15') strip of land along the perimeter of a lot. Such a buffer must be maintained as a "green" area, planted with grass, shrubs, trees, or other ornamental vegetation.

Loading Space, Off-Street – Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street parking spaces are filled.

Lot – An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Madison County, North Carolina, as maintained in the Madison County Courthouse.

The terms "lot", "lot record", "lot of record", "plot", "parcel", "property", or "tract", whenever used in this Ordinance, are interchangeable.

Lot, Corner – A lot located at the intersection of two (2) or more streets or located where one (1) street makes a sharp angle.

Lot, Double Frontage – A lot which has two (2) street frontages; however, no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.

Lot, Interior – A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

Lot Depth – The distance between midpoint of the street frontage at the front of the lot to the nearest point at the rear of the lot, measured perpendicular from the street.

Lot Width – The distance between side lot lines.

Marquee Signs – A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Mobile Home – (Definition amended by the "Manufactured Home Ordinance Amendments" adopted on February 6, 1989, Ordinance Number 81.)

Mobile Home Park – A parcel of land, at least five (5) acres in size, where mobile homes are parked for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used or intended for use as part of such mobile home park.

Mobile Home Space – A plat of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Mobile Office/Trailer – A mobile office/trailer is either a Manufactured Home or Class A – Manufactured Home as defined by the "Manufactured Home Ordinance

Amendments of 1989" adopted on February 6, 1989, Ordinance Number 81, except however, said structure shall not be equipped or furnished with residential furniture or appliances commonly associated with residential dwellings. Mobile office/trailer shall be permitted only in C-2 Highway Business District as the principal building and then only on a lot used exclusively for Mobile Home sales and services. All provisions of the Zoning Ordinance regarding principal building and the location thereon any lot shall apply to a mobile office/trailer.

Module Home – A factory-manufactured structure which is designed and built to specifications established by the U. S. Department of Housing and Urban Development, and which is transported in sections and joined at the time of erection on the site. Modular homes meeting the following standards shall be permitted for residential use in any residential district:

- (1) the unit must be placed on a continuous masonry foundation;
- (2) the unit must be at least 24 feet wide and 30 feet long;
- (3) the unit must have a pitched roof (a slope of at least 2 ½' to 12') with conventional roofing materials (asphalt or fiberglass shingles);
- (4) the unit must have conventional siding materials; and
- (5) the plans (construction drawings or technical specifications) of the unit must be approved by the Building Inspector.

Nameplate Sign – A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. When nameplates are used to identify more than one (1) occupant, each nameplate shall be attached to one (1) freestanding master identification sign.

Natural Grade – The highest elevation where the base of a sign and the ground meet.

Non-Commercial Use – The use of a lot or structure by persons for private purposes, not to include a business, occupation, or service for profit.

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 the Ordinance) that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

Nonconforming Use – A lawful use of a building or land which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Nursery School – A school designed to provide daytime care or instruction for two (2) or more preschool children, and operated on a regular basis. The term "nursery school" shall include the term "day care center".

Nursing Home – A facility where persons are housed or lodged and furnished with meals and nursing care for hire. (See Group Care Facility.)

Open Storage – The placement or storage of materials or products (such as construction materials or raw materials or products of a manufacturing process) on a lot, outside of a structure which is enclosed by walls and a roof.

Outdoor Advertising Device – A device consisting of twirlings, balloons, flags, flashing lights and other similar materials used to attract attention.

Park – A public facility for recreation, which may have commercial activities for recreational uses only.

Parking Lot – Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exemption of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use of a given lot or an accessory use to the principal use on a given lot.

Parking Space – A space within a parking lot or a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicles, excluding access drives.

Political Sign – A sign attracting attention to political candidates or issues.

Portable Sign – A sign which rests on the ground or other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

Poster – Any sign made of a rigid or semi-rigid, non-durable material, such as paper or cardboard, other than advertising copy applied to a permanent sign structure.

Principal Building – A building on which is conducted the principal use of the parcel on which it is situated.

Product Information Sign – An on-premises, advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

Professional Office – The office of persons performing professional services such as doctors, lawyers, accountants, real estate brokers, and insurance salesmen.

Projection Sign – A sign projecting out from and attached to, the exterior wall of any building, and forming an angle of thirty (30) degrees or more to said wall.

Property Line - The legally established boundary of a lot, which boundary shall be considered coincident with any abutting public street right-of-way line unless the metes and bounds description contained in a recorded deed for a lot clearly and specifically establishes the lot boundary at some other location.

Reader Boards – A permanent sign, affixed either to the wall of a structure or to an existing free-standing identification sign, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

Real Estate Sign – Any sign pertaining to the sale, lease, or rental of land or buildings.

Religious Complex – A building or group of buildings for the purpose of religious worship including the sanctuary(s), education building(s), recreation buildings(s), child care facilities and parsonage.

Right-of-Way – A dedicated strip of land reserved for a specific use, such as for a street or utility easement.

Roof Line – The edge of the roof around the building structure where a wall intersects with the eave of the roof.

Roof Sign – A sign erected, constructed, or maintained upon the roof of the building.

Screening–Evergreen Barrier – A planting of two (2) or more rows of evergreen shrubs or trees at such intervals and with the rows so staggered as to restrict visibility through the same, said shrubs or trees to be at least four feet (4') tall when planted with no more than thirty percent (30%) open space horizontally through the width of the strip of plantings and expected to reach a height of at least eight feet (8') at maturity.

Shopping Center – A development consisting of one or more principal business structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots and which will not be so subdivided.

Sign – Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is known, including any surface fabric or other materials or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Sign Area – The area of a sign shall be determined by measuring the display and border parts of a sign structure. If the sign is composed in whole or in part of free-standing letters, devices, or sculptured matter and not mounted to a measurable surface, the sign area shall be construed to be the area of the least squares, rectangles, or circles that will enclose the letters, devices, and/or sculptured matter.

Sign Height – The vertical distance measured from the street grade of the closest point in the street the sign is located along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure.

Specialized Training School – Commercial establishment offering specialized training such as business college, barber and beauty colleges, and voice and dance schools.

Street – Any public alley, avenue, circle, highway, lane, road, street, or other public way situated within a dedicated public right-of-way and which has been accepted by the appropriate governmental agency for continuing maintenance and up-keep.

Major Thoroughfares – Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Minor Thoroughfares – Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

Residential Collector Street – A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Local Street – A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

Street Grade – The percentage of slope of the centerline of the street or highway.

Structure – Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Subdivision – All divisions of a tract or parcel of land into two (2) or more lots,

building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include 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 authorized by this Section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in the Subdivision Regulations;
- (2) The division of land into parcels greater than five (5) acres where no new street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) 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 standards of the Town as shown in the Subdivision Regulations.

Surface Area – The entire area of a sign as measured by the square, rectangle, semi-circle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves including any trim or border and excluding the background that supports the three-dimensional letters.

Suspended Sign – A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

Temporary Sign – A sign that can be used for thirty (30) days as specified by this Ordinance.

Trailer – Any vehicle or structure capable of moving or being moved, over street and highways on its own wheels or on flat beds or other carriers, which is designed to be utilized to:

- (1) provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;
- (2) serve as a carrier of people, new or used goods, products, or equipment;
- (3) be used as a selling, advertising, or display device.

Traffic Sign – A sign indicating federal, state, or city regulations for automobile, truck, bicycle, and pedestrian traffic.

Travel Trailer (Camper) – A mobile home, tent, trailer, or other self-contained vehicle, designed for recreation purposes, mounted on two (2) or more wheels and self-propelled or rigged for towing, provided such vehicle is less than thirty-two feet (32') in length.

Variance – A modification of the area regulations of this Ordinance granted by the Board of Adjustment where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Veterinarian's Office – A facility where a veterinarian supplies medical care for animals and which may include boarding facilities which are completely enclosed.

Visible – Capable of being seen without visual aid by a person of normal visual acuity.

Yard – A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, Front – A yard situated between the front building line and the front lot line extending the full width of the lot.

Yard, Rear – A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Yard, Side – A yard situated between a side building line and side lot line and extending from the required front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall be assumed to extend through the rear yard to the rear lot line.

Wall Sign – A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than thirty (30) degrees with said wall and does not project out from the wall more than twenty-four inches (24") from said wall. No wall sign shall extend above the roof line of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of sixty (60) degrees or more from horizontal shall be considered as wall space for the placement of signs.

Window Sign – Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.



Zoning District – The term applied to various geographical areas of the Town of Mars Hill for the purpose of interpreting the provisions of the Ordinance. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts are set forth in Article III of this Ordinance. The terms “district” and “zoning district” are synonymous and are used interchangeably throughout this Ordinance.