

ARTICLE 12. DEFINITIONS

§12.1. General

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural include the singular.
- C. The word “person” or “applicant” includes firms, associations, organizations, partnerships, corporations, trusts, trustees, estates, individuals, companies, and other similar entities.
- D. The word “structure” includes the word “building”.
- E. The word “shall” is always mandatory and not merely Directory.
- F. The word “used”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed to be used”.
- G. “Zoning map” shall mean the official Zoning Map of Lincoln County, North Carolina.
- H. The words “Board of Commissioners”, shall refer to the Board of Commissioners of Lincoln County, North Carolina.
- I. The words “Planning Board” shall refer to the Planning Board of Lincoln County, North Carolina.
- J. The words “Board of Adjustment” shall refer to the Board of Adjustment of Lincoln County, North Carolina.
- K. The words “day” or “days” shall refer to calendar days and shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the State of North Carolina, in which event it shall also be excluded.
- L. Any term not herein defined shall be as defined in Webster's New International Dictionary, most recent edition.
- M. In case of any difference of meaning or implication between the text of this UDO and any caption, illustration or table, the text shall control.

Repeat Violations**§12.2. Abbreviations**

APF: Adequate Public Facilities.

Bmps: Best Management Practices.

BOA: Board of Adjustment.

BOC: Board of Commissioners.

DBH: Diameter at Breast Height.

CLOMR: Conditional Letter of Map Revision

DIR: Director.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Ft.: Feet.

GFA: Gross Floor Area.

GPD: Gallons per Day.

LOMR: A Letter of Map Revision.

LOS: Level of Service.

Max.: Maximum.

Min.: Minimum

NCDOT: North Carolina Department of Transportation.

PB: Planning and Zoning Board or Planning Board.

R.O.W.: Rights-of-way

SNIA: Special Nonresidential Intensity Allocation.

Sq. ft.: Square Feet.

TIA: Traffic Impact Analysis.

TRC: Technical Review Committee.

UDO: Unified Development Ordinance.

USGS: United States Geologic Survey.

§12.3. Defined Terms

§12.3.1. Housing Types

The following housing types are established to provide a common terminology for housing in Lincoln County. All drawings are for illustrative purposes only.

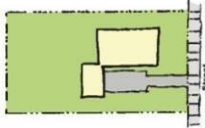

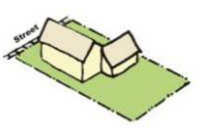
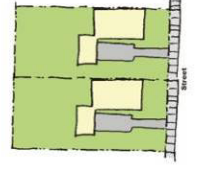

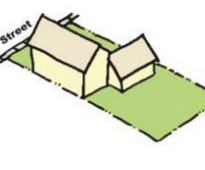
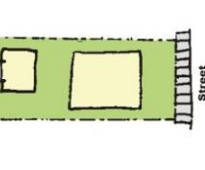
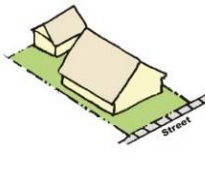
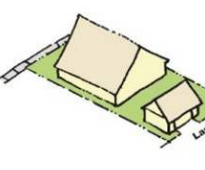
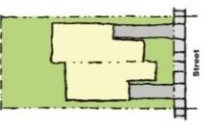

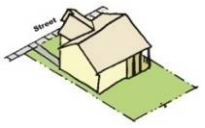
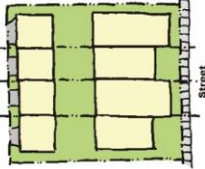
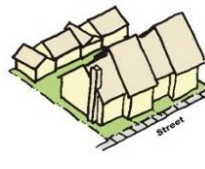
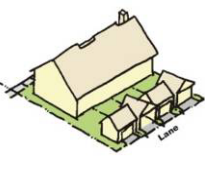
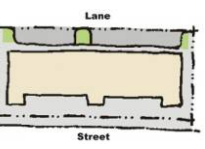
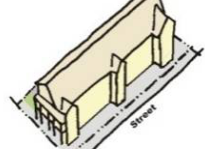
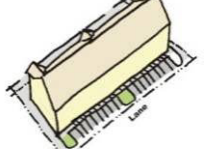
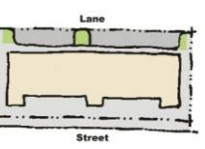
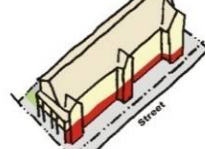
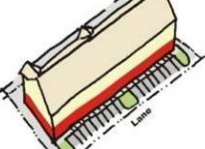
<p>Single-family Detached A detached dwelling unit located on a single lot with private yards on all four sides</p>			
<p>Zero Lot Line House A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.</p>			
<p>Alley-loaded House A detached dwelling unit located on a single lot with private yards on all four sides; however, the house is set closer to the road than a single-family detached house and parking is in the rear off an alley or lane.</p>			
<p>Two-family House Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.</p>			
<p>Townhouse Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.</p>			
<p>Multi-Family Three or more attached dwelling units in a single structure on a single lot. A multi-family can vary in height from two to five stories; individual units can be mixed vertically.</p>			
<p>Upper-Story Residential A dwelling unit located on a floor above a nonresidential use.</p>			

Figure 86. Housing Types

General Terms**§12.3.2. General Terms**

ABUTTING. The property directly touches another piece of property.

ACCESSORY BUILDING, STRUCTURE, OR USE. A detached 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. (See §4.6)

ADEQUATE PUBLIC FACILITIES (APF) ALLOCATION. A reservation of capacity made by the Director upon a determination of adequacy.

ADEQUATE PUBLIC FACILITIES (APF) APPLICATION. An application for a determination of adequacy of public facilities.

ADEQUATE PUBLIC FACILITIES (APF) COMMITTEE. A committee formed for the purpose of determining the adequacy of public facilities in relation to new development, based on the provisions of Article 6 and applicable memoranda of understanding.

ADEQUATE PUBLIC FACILITIES (APF) SCHEDULE. A schedule maintained by the Director or the designee of a responsible agency that tracks the capacity of public facilities.

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

ADULT CABARET. Any place featuring topless dancers, go-go dancers, strippers, male or female impersonators, or entertainers displaying “specified anatomical areas” as defined by G.S. § 14-202.10, as such statute may be amended from time to time, or other similar entertainers.

ADULT CARE HOME. An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.

ADULT-ORIENTED BUSINESS. Any place defined as an “adult establishment” as defined by G.S. § 14-202.10, as such statute may be amended from time to time, including adult cabarets, and except the definition of “massage business” shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult-oriented business specifically includes, however, any massage business where massages are rendered by any person exhibiting “specified anatomical areas” and/or where massages are performed on any client’s “specified anatomical areas.” “Specified anatomical areas” are those defined by G.S. §14-202.10 as such statute may be amended from time to time.

ADVANCED FACILITY. A capital improvement proposed to be constructed, dedicated, or funded by an applicant pursuant to an approved mitigation plan.

AGRICULTURAL LABOR HOUSING FACILITIES. Housing that exists as part of a bonified agricultural operation or on the same parcel or site as the bonified agricultural operation. (See §4.6.5.A)

AIRPORT ELEVATION. The highest point of an airport’s usable landing area measured in feet from sea level. The Lincolnton-Lincoln County Regional Airport is 878 feet above sea level.

AIRPORT. The Lincolnton-Lincoln County Regional Airport.

ALTERATION. Any change, addition, or modification in construction or occupancy of an existing structure or lot.

AMUSEMENT CENTER. Any indoor place that contains three or more amusement devices of any description, including but not limited to pinball games, billiards, computer amusement (video games), and/or games of chance for the public amusement, patronage and recreation.

ANTENNA. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the angle as the height limitation slope, as established in §2.5.4.B. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES. See §2.5.4.A.

APPROVAL AUTHORITY. The Board of Commissioners, Board of Adjustment or other board or official designated by Article 8 as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

ARTERIAL. A principal or major arterial. (See §5.4.9)

ARTIST STUDIO, GALLERY. A building used for the preparation and display of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

ASSISTED LIVING RESIDENCE. Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies.

BED AND BREAKFAST. A building designed and built as a detached single-family containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

BEST MANAGEMENT PRACTICES (bmps) – Structural or non-structural methods of preventing or reducing non-point source pollution in order to achieve stormwater water quality protection goals.

BOARD OF ADJUSTMENT. A Board consisting of five members appointed by the Lincoln County Board of Commissioners as provided in G.S. § 153A-345. (See also §8.3)

BOARD OF COMMISSIONERS. The Lincoln County Board of Commissioners.

BOARDING HOUSE: A detached single-family, other than a bed and breakfast, in which rooms are rented to persons not part of the immediate family.

BUFFER ZONE. See §7.5.2.

BUFFER, PARKING. See §3.4.6.B.2.

BUFFER, PERIMETER. See §3.4.6.A.

BUFFER, ROAD. See §3.4.6.B.1.

BUFFER, STREAMSIDE. See §7.5.

BUILDING COVERAGE. See §2.6.2.

BUILDING SEPARATION. See §2.6.4.

General Terms

BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property.

CALIPER. The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

CAMPGROUND. Land containing 2 or more campsites which are located, established or maintained for occupancy by people in temporary living quarters such as recreational vehicles, cabins or tents, for recreation, education or vacation purposes. A campground also includes a summer camp or other camping facilities consistent with this definition.

CAPACITY, AVAILABLE. The circumstance where public facilities have sufficient capacity, based on adopted Levels of Service, to accommodate the demand created by a proposed development.

CAPACITY, RESERVED. Capacity set aside for a specified development or use other than those set aside pursuant to an APF allocation, including development that impacts public facilities but that is exempt from the requirements of Article 6.

CAPACITY, USED. Capacity dedicated to certain existing and approved land uses, as provided in a memoranda of understanding or Article 6, as applicable, based on the LOS standards set forth herein.

CAPACITY. The demand that can be accommodated by a public facility.

CAPITAL IMPROVEMENTS PROGRAM OR “CIP”. A document adopted by the County or applicable responsible agency and accepted by the Board of Commissioners that itemizes planned capital improvements and the means of funding such improvements.

CAPITAL IMPROVEMENTS, EXISTING. Capital improvements constructed and operational at the time of an APF application.

CAPITAL IMPROVEMENTS, PLANNED. Capital improvements included on a CIP and expected to be available as provided in a memoranda of understanding or Article 6, as applicable, based on the LOS standards set forth herein.

CAPITAL IMPROVEMENTS, TOTAL. Existing capital improvements and Planned Capital Improvements.

CAPITAL IMPROVEMENTS. A physical asset, including land, that mitigates the offsite impacts of new development on public facilities, the costs of which generally are non-recurring, may require multi-year financing, and provide additional capacity needed to accommodate the demand for public facilities.

CEMETERY. A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.

CERTIFICATE OF ADEQUACY – a determination by the responsible agency that available capacity exists to accommodate a proposed development. Certificates of adequacy include a certificate of adequate water facilities (CAWF), a certificate of adequate educational facilities (CAEF), and a certificate of adequate sewer facilities (CASF).

CLUB, CIVIC. An organization of persons for specific purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

CLUB, PRIVATE. Any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private clubs does not include adult oriented businesses as defined in this section.

CLUSTER RESIDENTIAL SUBDIVISION. See §2.4.4.B and §2.4.6.

COLLECTOR. A major or minor collector. See §5.4.9.

COLLEGE. An educational institution authorized by the State to award associate, baccalaureate, or higher degrees.

CO-LOCATION. The use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

COMMON SIGNAGE PLAN. See §9.15 and §3.9.2.

COMPLEX. See §4.1.

CONDITIONAL USE PERMIT. See §9.11.

CONDITIONAL USE. See §9.11.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSTRUCTION. On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.

CONTRACTOR'S OFFICE. A facility for a building, heating, plumbing, electrical, landscape, janitorial or similar contractor. It may include overnight storage of fleet vehicles in some districts.

CONVENTIONAL RESIDENTIAL SUBDIVISION. See §2.4.4.A and §2.4.5.

COUNTY HEALTH DEPARTMENT. The Lincoln County Health Department.

COUNTY, Lincoln County, North Carolina.

CREMATORIUM. A building used for the cremation of human remains.

CROSSWALK. A public pedestrian right-of-way which cuts across a block to facilitate pedestrian access to adjacent roads and properties.

DAY CARE CENTER, ACCESSORY. A day care center facility located on the premises or adjacent to the premises of an office use, institutional use, commercial use, industrial use or group development for the primary purpose of care for the dependents of employees of such commercial, office, institutional or industrial use.

DAY CARE HOME. A place where daytime care is provided to not more than five children unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult, within an occupied residence. Children who are related by blood or marriage to the attendant adult shall not be counted as patrons of the small group day care center.

DAY CARE. A program or arrangement where children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

DEDICATION. The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

DENSITY. See §2.6.9.

DESIGN MANUAL. North Carolina Division of Water Quality Stormwater Best Management Practices Manual dated July 2007 as amended.

General Terms

DESIGN PROFESSIONAL. A professionally certified landscape architect or engineer.

DETERMINATION OF ADEQUACY. A determination by the Director that each public facility impacted by a proposed development has available capacity, which determination may be based on an approved mitigation plan, and that a Certificate of Adequacy has been issued for each applicable public facility.

DEVELOPMENT PROPOSAL. Either of the following, or a phase thereof: (A) multi-family development, sketch plan, or preliminary plat that includes more than five proposed lots or Dwelling Units; or (B) a site plan application for a proposed nonresidential use of 2,500 square feet or more.

DEVELOPMENT, EXISTING. Those developments as of the effective date of this section that are built, or those developments having an outstanding valid building permit or a site-specific development plan or an approved site-specific or phased development plan in compliance with G.S. § 153A-344, and having expended substantial resources (time, labor, money), or meeting the court-created common law or constitutional standards of a substantial expenditure of resources (time, labor, or money) based on a good faith reliance upon having received a valid local government approval to proceed with the project.

DEVELOPMENT. The subdivision of land into two or more parcels, the construction or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining excavation, landfill, land disturbance; and any use or extension of the use of land.

DIRECTOR. See §8.6.

DISTRICT, CONDITIONAL USE. See §2.1.3.

DISTRICT, PARALLEL CONDITIONAL Zoning. See §2.1.2.

DISTRICT, GENERAL USE. See §2.1.1.

DISTRICT, OVERLAY. See §2.5.

DRIVEWAY. A private roadway located on a parcel or lot used for vehicle access.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one household and includes the following (See also §12.3.1):

ALLEY-LOADED HOUSE;
APARTMENT;
SINGLE-FAMILY DETACHED;
TOWNHOUSE;
TWO-FAMILY HOUSE;
UPPER-STORY RESIDENTIAL; and
ZERO LOT LINE HOUSE.

EASEMENT. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

ELECTRONIC GAMING OPERATION: Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computer and gaming terminals, to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have finite pool of winners. The term includes but is not limited to Internet sweepstakes, video sweepstakes or cybercafés. This definition does not include any lottery endorsed, approved or sponsored by the State of North Carolina, or arcade games of skills.

ESSENTIAL GOVERNMENT SERVICES. Services owned, managed, or operated in the interest of a governmental entity that provides a function critical to the health, safety, and welfare of the public. Essential government services may include but are not limited to schools, water and sewer services, emergency services, publicly-owned housing, fire protection services, and law enforcement services.

FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment and in accordance with NCGS 168-21(2).

FAMILY. One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants; or a number of persons not exceeding six, 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.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOD FRINGE AREA. That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, that is, within the 100-year floodplain.

FLOODPLAIN. Any normally dry land area that is susceptible to being inundated by waters of the one percent annual chance flood, which is the 100-year flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the velocity waters of the regulatory flood.

FLOOR AREA, GROSS. See §2.6.5.

FOUNDATION PLANTINGS. Plantings located along a building wall to provide a transition between the ground surface and the building wall.

FRONTAGE. The dimension of a property that is adjacent to a road.

FUNERAL HOME. A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this UDO, includes a funeral chapel.

GAS STATION WITH CONVENIENCE RETAIL. A building used for the sale of gasoline products that also offers for sales prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverage, and pastries may be included in the food items offered sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

GROUND COVER. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

GUEST ROOM. A room or suite used as living accommodations for one or more paying visitors.

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS MATERIAL. Any substance listed as such in: SARA Section 302, “Extremely Hazardous Substances”, CERCLA “Hazardous Substances”, or Section 311 of CWA (oil and hazardous substances).

HEIGHT. See §2.6.6.

General Terms

HOME OCCUPATION, CUSTOMARY. See §4.6.5.E.

HOME OCCUPATION, RURAL. See §4.6.5.F.

HOME OFFICE, CONVENIENCE. See §4.6.5.G.

HORIZONTAL SURFACE. A horizontal plane 100 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL. An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

HOTEL/MOTEL. A building containing one or more guest rooms, for overnight guests, and containing registration facilities, on-site management, cleaning services and combined utilities.

HOUSEHOLD. One or more persons occupying a single dwelling unit.

IMPERVIOUS SURFACE. See §2.6.3.

JUNK. A dilapidated scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, or parts thereof.

JUNKED MOTOR VEHICLE. A vehicle that does not display a current license plate and that:

- 1) Is partially dismantled or wrecked; or
- 2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- 3) Is more than five years old and appears to be worth less than one hundred dollars (\$100).

JUNK YARD. The use of more than 600 square feet of any lot or parcel for outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles, or dismantling of such vehicles or machinery or parts thereof.

KENNEL. An establishment for the keeping or breeding of dogs for profit, or having nine dogs or more on any premises.

LAND DISTURBING ACTIVITY. Any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.

LANDFILL. A disposal facility or part of a disposal facility where solid waste is placed in or on land in accordance with G.S. § 130A, Article 9. This term does not include composting facilities.

LANDSCAPE PLAN. See §3.4.2.

LANDSCAPING. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.

LEVEL OF SERVICE (LOS). An indicator of the extent or degree of service provided by a public facility, based upon and related to the operational characteristics of the facility, in comparison to the capacity of the public facility.

LIVESTOCK. All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.

LOADING AND UNLOADING AREA. A completely off-road space on the same lot for the loading or unloading of freight carriers with ingress and egress to a road or alley. (See 0)

LOCAL ROAD NETWORK. System of local roads that include arterials, collectors, local roads, and alleys. (See §5.4.9)

LOT AREA. See §2.6.7.A.

LOT OF RECORD. A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Lincoln County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT OR PARCEL WIDTH. See §2.6.8.B.

LOT, CORNER. A lot that 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 road or roads 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 135 degrees.

LOT, THROUGH OR DOUBLE FRONTAGE. A continuous or through lot of the same depth as the width of a block, and which is accessible from both of the roads upon which it fronts.

LOT, FLAG. An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the road.

LOT. See §2.6.7.A.

LOW IMPACT DEVELOPMENT (LID) – A design strategy that attempts to mimic a site's pre-development hydrology by using design techniques that store, infiltrate, filter, evaporate, and detain stormwater runoff close to the source. Other strategies include reduction of impervious surfaces, lengthening of stormwater runoff flow paths and flow time, and the preservation and protection of environmentally sensitive site features such as buffers, wetlands, steep slopes, mature trees, flood plains, woodlands, and highly permeable soils.

MANUFACTURED HOME PARK. Any plat of ground upon which three or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development, that consists of two or more sections and complies with the requirements of §4.2.8.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, that consists of two or more sections and complies with requirements of §4.2.9.

MANUFACTURED HOME, CLASS C. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, that consists of one section and complies with the requirements of §4.2.10.

MANUFACTURED HOME, CLASS D. Any manufactured home located in Lincoln County as of December 7, 1993, that was constructed prior to July 1, 1976, and complies with the requirements of §4.2.11.

General Terms

MANUFACTURED HOME, CLASS E. A manufactured home located in Lincoln County as of September 23, 2002, the roof and/or siding of which does not comply with the appearance criteria for a Class B or Class C manufactured but otherwise complies with the requirements of §4.2.12

MANUFACTURED HOME, CLASS F. A manufactured home not located in Lincoln County as of September 23, 2002, the roof and/or siding of which does comply with the appearance criteria for a Class B or Class C manufactured home, but otherwise complies with the requirements of §4.2.13.

MANUFACTURED HOME. A HUD-approved manufactured home constructed after July 1, 1976, 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 definition 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 Manufactured Home Act.

MEMORANDUM OF UNDERSTANDING. Statements of intent by the County and other responsible agencies effectuating the provisions of Article 6 through coordination of process, implementation of a financially-feasible CIP, and the timely provision of adequate public facilities.

MITIGATION PLAN. A voluntary plan, effectuated through a binding agreement, to ensure the provision of available capacity through advanced facilities, where capacity would not otherwise be adequate to support the demand resulting from a proposed development.

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

MULTI-FAMILY DWELLING. A building arranged to be occupied three or more families. This term shall include multi-family, townhouses, and upper-story residential dwelling units.

MUSEUM. Establishment for the display of art or historic or science objects.

NET ACREAGE, ACRES, LAND AREA, SQUARE FOOTAGE OF LAND AREA. Land area with roads, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

NEWSPAPER PUBLISHER. A building used for the production and distribution of newspapers, magazines and other related materials.

NONCONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of these watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules. (See §7.3)

NONCONFORMING USE. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this UDO or any amendment thereto.

NONCONFORMITY. See Article 10.

NURSING HOME. A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

OBSTRUCTION. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §2.5.4.B.

OFFICE. A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

OUTDOOR DISPLAY. See §3.10.2.

OUTDOOR STORAGE. See §3.10.3.

OUTPARCEL. Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

OWNER. Any person having charge of any real property according to the records held by the Lincoln County Register of Deeds.

PARCEL. See §2.6.7.B.

PARK. An area open to the general public and reserved for recreational, education or scenic purposes. (See §2.3.3)

PARKING AREA. An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-road parking. (See 0)

PARKING LOT. An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-road parking. (See 0)

PARKING SPACE. A designated off-road area designed to accommodate the parking of one vehicle.

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PERSONAL WIRELESS FACILITY. See for Wireless Telecommunications Facilities.

PERSONAL WIRELESS SERVICES (PWS) or PERSONAL TELECOMMUNICATIONS SERVICE (PCS). Shall have the same meaning as defined and used in the 1996 Telecommunications Act.

PERVIOUS SURFACE. Ground treatments which will allow the infiltration of water, air and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

PHASED DEVELOPMENT PROPOSAL. A development proposal wherein the proposed development will be constructed incrementally in a logical time and geographical sequence according to an approved Phasing Schedule.

PHASING SCHEDULE. A schedule that sets forth the timing of the development of a development proposal, including, but not limited to, provision of necessary public facilities, the number of units, as applicable, and their location on the site.

General Terms

PILOT PLANT. A building or operation in which processes planned for use in production elsewhere can be developed and/or tested, but not including the production of any goods on the premises primarily for sale or for use in production operations.

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

PLANNING AREA. The land located within the jurisdiction of the County.

PLANTING AREA. Areas of a site where groupings (more than one) of trees, shrubs and/or ground cover are proposed and are defined within a bed of mulch.

PLAT, FINAL. See §9.6.11.

PLAT, MINOR. See §9.6.8.

PLAT, PRELIMINARY. See §9.6.9.

PLAT. A map or plan of a parcel of land which is to be or which has been subdivided.

PRECISION INSTRUMENT RUNWAY. A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §2.5.4.A.1. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING, USE, OR STRUCTURE. The main use of a lot, or the building or structure in or on which the main use of the lot takes place.

PROHIBITED SIGN. See §3.9.7.

PROPOSED DEVELOPMENT. Development proposed pursuant to a development proposal and an APF application.

REGISTERED ENGINEER. An engineer licensed professional engineer in the State of North Carolina.

PROTECTED AREA. The area adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area are defined as extending ten miles upstream and draining to water supply or to the ridge line of the watershed, whichever comes first.

PUBLIC FACILITY. A building, facility or area owned or used by any department or branch of Lincoln County, the State of North Carolina, or the Federal Government.

PUBLIC RIGHT-OF-WAY. A dedicated and accepted public right-of-way for vehicular traffic.

PUBLIC SAFETY FACILITY. A facility operated by a public agency, a private contractor thereof, or by a private nonprofit 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. Facilities for the maintenance of equipment house at the operation site are also permitted.

PUBLIC SEWER. Lincoln County Department of Public Utilities sewer system or the City of Lincoln County public sewer system.

PUBLIC WATER SUPPLY. Lincoln County Department of Public Utilities water supply system or the City of Lincolnton public water system.

RACETRACK. A facility where vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance, at which seating space and accessory food stands may be provided, including tracks used primarily or exclusively for testing, training or practice.

RADIO OR TELEVISION STUDIO. A building used for radio (audio) or television (visual) recording and production.

RECREATION AND OPEN SPACE. See §3.3.

RECREATIONAL CLUB, PRIVATE. Any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.

RECREATIONAL VEHICLE (RV) PARK. Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

REGISTERED ENGINEER. An engineer licensed professional engineer in the State of North Carolina.

RESOURCE CONSERVATION AREA. See §7.2.

RESPONSIBLE AGENCY. The agency responsible for providing a particular public facility.

RESTAURANT. An establishment whose primary purpose is serving meals to patrons.

RIGHT-OF-WAY. An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

ROAD. A dedicated and accepted public right-of-way for vehicular traffic. Includes the following (See also §5.4.9):

PRINCIPAL ARTERIAL;
MINOR ARTERIAL;
MAJOR COLLECTOR;
MINOR COLLECTOR;
LOCAL; and
ALLEY.

ROOF LINE. 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 equipment structures.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL, PUBLIC OR PRIVATE. A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.

SCHOOL, TRADE, OR BUSINESS. An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.

SCREENING. The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

General Terms

- SELF-STORAGE FACILITY.** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
- SIGN.** Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public. (See §3.9.3 for individual sign types)
- DETACHED SINGLE-FAMILY.** A building arranged to be occupied by no more than one family. This term shall include single-family detached, zero-lot line and alley-loaded dwelling units.
- SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.** The development of single-family detached dwellings, including single-family detached, zero lot line houses, and alley-loaded houses.
- SITE AREA.** See §2.6.7.C.
- SITE PLAN, MAJOR.** See §9.7.2.B.
- SITE PLAN, MINOR.** See §9.7.2.A.
- SITE PLAN.** A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, roads, uses, and principal site development features proposed for a specific parcel of land. (See §9.7)
- SITE SPECIFIC DEVELOPMENT PLAN.** A plan of land development submitted to the County for purpose of obtaining one of the following zoning or land use permits or approvals: subdivision plat, site permit, conditional use permit, conditional use zoning district or variance; provided, notwithstanding the foregoing that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.
- SITE.** See §2.6.7.C.
- SOLAR FARM.** A solar photovoltaic facility whose primary purpose is to generate power for off-site use, typically to sell to energy companies.
- STATE.** The State of North Carolina.
- STORAGE, PRIVATE.** A structure used for storage, consistent with the type of storage allowed in a residential accessory structure. The structure must be residential in character and must be owned and used solely by the owner of the property on which it is located. The structure cannot be rented. The structure shall not be used in any manner that would not be allowed in the zoning district in which is located. This structure shall become an accessory structure immediately following the placement of a principal residential structure on the property.
- STREAM, INTERMITTENT.** A watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.
- STREAM, PERENNIAL.** A watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.
- STRUCTURE.** An object, including a mobile object, constructed or installed by a man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

SUBDIVISION, FAMILY. See §9.6.6.C.

SUBDIVISION, MAJOR. See §9.6.6.B.

SUBDIVISION, MINOR. See §9.6.6.A.

SUBDIVISION. See §9.6.

TATTOO PARLOR/BODY PIERCING ESTABLISHMENT. An establishment whose principal business activity is placing ink under the skin using needles that result in the coloration of the skin, and/or creating an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TELECOMMUNICATIONS. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TOP OF BANK. Top of bank shall mean the landward edge of the stream channel during high water, bank full conditions at the point where water begins to overflow onto the floodplain.

TRANSITIONAL SURFACES. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

THOROUGHFARE PLAN. The most recent map approved by the Board of Commissioners that indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE, MAJOR WATERSHED. See §9.18.6.C.2.

VARIANCE, MINOR WATERSHED. See §9.18.6.C.1.

VARIANCE. See §9.18.

VEHICULAR USE AREA. All open areas and recreation and open spaces on the land which are designated, used, required or intended to be used for storage, parking, maintenance, service, repair, display, circulation, or operation of vehicles, including automobiles, buses, trailers, trucks, boats, and motorcycles. This definition is intended to include areas used or intended to be used for driveways to such vehicular use areas but does not include improvements to public right-of-ways, roads, highways, and alleys.

VETERINARIAN, ANIMAL HOSPITAL. A building used for the care and treatment of small animals, including household pets.

WAIVER. See §9.6.9.F.

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

WATERSHED. The entire land area contributing surface drainage to a specific point (i.e., the water supply intake).

General Terms

WIRELESS TELECOMMUNICATIONS FACILITY. Includes a “telecommunications tower” and “tower” and “telecommunications site” and “personal wireless facility.” A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the County’s siting, building and permitting authority, excluding those used exclusively for the County’s fire, police or exclusively for private, non-commercial radio and television reception and private citizen’s bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this UDO.

YARD, REAR. See §2.6.10.B.

YARD, ROAD. See §2.6.10.B.

YARD, SIDE (INTERIOR). See §2.6.10.B.

YARD, SIDE (ROAD). See §2.6.10.B.

ZONING VESTED RIGHT. A right pursuant to G.S. § 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.