

WORD AND TERM DEFINITIONS  
FOR  
SUBDIVISION AND COMMERCIAL  
REGULATIONS  
AND  
ZONING ORDINANCES  
FOR THE  
TOWN OF BELVILLE, NORTH CAROLINA  
BRUNSWICK COUNTY

Adopted by the Board of Commissioners

Town of Belville

October 15, 2002

(Amended 5/24/10)

## Word and Term Definitions

A.N.S.I. - The American National Standards Institute or its successor body.

Abandon - To cease the regular use or maintenance of a lot, building, or structure.

Abutting - Having common property boundaries or lot lines which are not separated by a street or other type of public way.

Accessory Use or Accessory Structure -- A use or structure on the same lot with, but of a nature customarily incidental and subordinate to the principal use.

Adjacent - Either abutting or being directly across a street, other public way, or body of water which does not exceed 100 feet in width.

Adult Arcade- An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

Adult Day Care Facility - An Adult Day Care Facility is a center or place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of more than five (5), but not more than fifty (50), adults eighteen (18) years of age or more, for more than four (4) hours per day, but not to exceed twenty-four (24) hours at one time. Service must be provided in a house or facility certified to meet State standards and shall be provided for the following individuals;

- a. Adults who do not need nursing care but who require complete, full-time daytime supervision
- b. Adults who need assistance with activities of living in order to maintain themselves in their own homes; and
- c. Adults who need intervention in the form of enrichment and opportunities for social activities in order to prevent deterioration that would lead to institutionalization.

Adult Bookstore - An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Business - An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

Adult Entertainment Establishment - Retail or service establishments which are characterized by an emphasis on specified sexual activity and/or specified anatomical areas, including, but not limited to:

- a. Any bookstore, video store, or other establishment in which a substantial portion of its stock in trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas.
- b. Any movie theater offering movies or other displays, or any establishments offering coin-operated devices, which emphasize specified sexual activities or specified anatomical areas.
- c. Any cabaret club, tavern, theater, or other establishment that offers any entertainment emphasizing specified sexual activities or specified anatomical areas.
- d. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist physical therapy or similar professional licensed by the State. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa or similar establishment.

Adult Motion Picture Theater - An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater - A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

Alley - A roadway easement that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alter - To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders or floor joists.

Ambient Sound Level - Means the noise associated with a given environment, exclusive of a particular noise being tested, being usually a composite of sounds from many sources near and far, exclusive of intruding noises from isolated identifiable sources.

Amortization - The process of providing for a timed extinction of a use which is not in compliance with Belville's Zoning and Subdivision ordinances.

Animal Hospital/ Veterinary Clinic - A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

Apartment - *See Dwelling*

Arboretum - A place for the scientific study and public exhibition of trees, shrubs, and plants, including unique features such as butterfly rooms.

A-scale (dBA) - Means the sound level in decibels measured using the A-weighted network as specified in A.N.S.I. Standard 1.4-1971 for sound level meters. The level is designated dB(A) or dBA.

Assembly - A joining together of completely fabricated parts to create a finished product.  
Automobile Wrecking Yard - The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power. Also from which parts have been or are to be removed for reuse or sale shall constitute prima-facie evidence of an automobile wrecking yard.

Block - A piece of land bounded on one or more sides by streets or roads.

Boarding House - *See Dwelling*

Boat - A vessel or watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, or paddle or other means, which is used to travel from place to place by water.

Boating Facility, Community - A private, non-profit boating facility including a dock, pier and/or launching ramp on property having water frontage; the use of which is intended to serve five or more residential lots or residential units. The right to use such a facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility.

Boating Facility, Private Residential - A private, non-profit boating facility including a dock, pier and/or launching ramp on property having water frontage; the use of which is intended to serve less than five residential lots or residential units. The right to use such a facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility.

Buffer - A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of adjacent land uses or properties from one another. A buffer may include any required screening for the site.

Buildable Area - The portion of a lot remaining after required yards and buffers, etc., have been provided.

Building - Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.

Building, Commercial - Any building used for business purposes.

Building, Detached - A building having no party or common wall with another building except an accessory building.

Building Groups, Planned - More than one building on a single lot or tract developed in accordance with the provisions of the zoning ordinance.

Building, Height of - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. For purposes of this definition the term "grade" shall be construed as the average street side ground elevation at the base of a structure. Any decorative roof structure or parapet wall extending above an exterior wall line shall be included in and count toward the calculation of allowable height. The average height of a pitch roof shall be the midpoint of a vertical line extending from the top of the exterior wall to the highest point of the finished roof surface.

Building, Line - A line located a minimum horizontal distance from the right-of-way line of a street or road parallel thereto, between which and the right-of-way line no building or parts of buildings may be erected, altered, or maintained except as otherwise provided herein.

Building, Main - A building in which the principal use of the lot, on which the building is situated is conducted.

Building Setback Line - The line on the front, rear, and sides of a lot that delineates the area within which a structure may be built and maintained. Setbacks shall be figured from the right-of-way line.

Building, Site - Any lot or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.

Built-upon area - Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Car Wash - A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

Camper- A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use. A camper is not designed or intended to be used as a permanent dwelling. Campers may also include the following:

a. Travel Trailer - Any structure which:

1. consists of a single unit completely assembled at the factory and
2. is designed so that the total structure can be transported on its own chassis and
3. are not over 40 feet in length and 8 feet in width-
4. may be used as a dwelling unit.

b. Recreational Vehicle - A self-propelled vehicle or portable structure mounted on such a vehicle designed as temporary dwellings for travel, recreation, and vacation.

c. Tent - A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with ropes and pegs.

Camper Space - A plot of land within a campground designed for the accommodation of one (1) camper or tent.

Campground - Any lot where five (5) or more campers or five (5) spaces are provided for temporary occupancy according to requirements as set forth in Belville's Zoning and Subdivision ordinances. A campground shall also be known as a recreational vehicle park, or travel trailer park.

Cemetery - A place for the burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

- a. A burial park, for earth interment.
- b. A mausoleum, for burial above the ground.
- c. A columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

Cemetery, Private - As above but where the owning entity, generally an extended family, fraternal order, or religious sect, does not sell or lease grave sites of any nature.

Certificate of Zoning Compliance - A statement, signed by an administrative officer, authorized by the Belville Town Council setting forth that the building, structure or use complies with the zoning ordinance, and that the same may be used for the purpose stated herein.

Certificate of Occupancy Inspection - A required inspection by the building inspector before occupancy.

Child Day Care Center - A place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of more than five (5) children thirteen (13) years of age or less for more than four (4) hours per day, without transfer of custody.

Church - A religious institution often in the character of a church, temple, synagogue, mosque, or storefront operation, providing education, fellowship, service including outreach, worship and sanctuary, including various accessory uses structures, such as schools, day care center, Good Shepherd facilities providing without cost clothing, food, financial help, medical services, and catering to other needs such as temporary shelter for the homeless. Such accessory features also include dwelling units for one or more staff, nunneries, senior citizen housing, nursing care facilities, monastic quarters, and orphanages, all on the same lot.

Club or Private Lodge- An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a non-profit basis for the benefit of its members, and certified as a non-profit organization by the Secretary of the State of the State of North Carolina.

Collection Facility - Collection facilities are those centers and apparatus used as drop points for temporary storage of recyclable materials, such as metal, glass, plastics and/or newspapers. There are two types:

- a. Small facility - A facility typically not over 500 square feet in size which may be a mobile unit or separate containers, such as igloos, or kiosks located on host lots.
- b. Large Facility - A facility that buys or accepts recyclable materials for the purpose of storage until enough has accumulated for shipment. The facility is usually larger than 500 square and occupies a single site.

Commercial Recreational Facilities - Establishments engaged in providing indoor/outdoor amusement or entertainment services. This definition includes all uses in the following group:

Athletic Fields, Private  
Producers, Orchestras, Entertainers  
Sports Clubs, Managers, and Promoters

Racing, Including Track Operation  
Physical Fitness Facilities  
Coin-operated Amusement Devices  
Amusement Parks  
Membership Sports and Recreation Clubs  
Amusement and Recreation  
Batting Cages and Miniature Golf Course

Common Open Space - An area of open space within a development site designed and intended for the use and enjoyment of residents of the development, or the general public, if designated public.

Construction - Means any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipment of buildings, roadways or utilities, including land clearing, grading, excavating and filling.

Contractor, General - One who is engaged in one or more aspects of building construction through a legal agreement.

Contractor or Subcontractor, Trades - One who accomplishes work or provides facilities under contract with another, and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal and roofing work, etc.

Corner Lot - A lot abutting upon two (2) or more streets at their intersection.

Day Care Facility - Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: public schools; non-profit schools whether or not accredited by the N.C.State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

Decibel (dB) – A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

Dedication - A gift by the owner, or a right-to-use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Dimensional Nonconformity -- A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Demolition - Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Density – The total number of residential use units per acre of land. Density is determined by dividing the number of residential use units by the total number of lot acres. The entirety of a lot is included in the calculation including, but not limited to, wetlands, ponds, and marsh.

Developer - Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development of housing, commercial or industrial projects.

Development - Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development Plan, Phased - A plan which has been submitted to the town, by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels.

Development Plan, Site Specific - A plan that has been submitted to the county by a landowner describing the type and intensity of the proposed land uses for a specific parcel or parcels of property.

Double Frontage Lots - A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.

Drive-In Restaurant or Refreshment Stand - Any place or premises used to sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may drink or eat the food, refreshments or beverages on the premises.

"Due Diligence" - Such a measure of prudence, activity, or assiduity (diligence), as is properly to be expected from and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the special case.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, food preparation and sanitation.

\*Among the types of dwelling units regulated are:

- a. Dwelling, Single Family - Also called Single Family Residence and Single Family Home. A detached residential dwelling unit, other than a manufactured home, design for and occupied by one family only.

- b. Dwelling, Two Family (Duplex) - A detached building used for or designed as a residence for two families living independently of each other.
- c. Dwelling, Multi-Family. Two or more dwellings units sharing common walls, and possibly sharing common floors and ceilings. A building used for or designed as a residence for more than two families living independently of each other.
- d. Apartment - A room or suite of rooms, each that has kitchen facilities, including a stove, sink, and refrigerator, and is designed or intended to be used, as an independent unit, on a rental basis.
- e. Townhouse - A Single Family Dwelling Unit constructed in a series of attached units with property lines separating such units.
- f. Bed and Breakfast - A form of guest lodging in which bedrooms are rented and breakfast is served. Bed and breakfast accommodations may only be provided in buildings used as a private principal residence. The term is intended to describe the offering of temporary lodging in the private home having architectural and historic interest, rather than the provision of food service or the offering of facilities for long term occupancy. The only functions permitted are the renting of guestrooms and serving of breakfasts.
- g. Boarding House - A rooming house or a structure which contains four (4) or more rooms, each of which has no kitchen facilities(stove, sink, or refrigerator), and is designed or intended to be used for residential occupancy on a rental basis.
- h. Guest Home - Any form of dwelling unit whose primary use is a permanent resident but which offers room by the night or for short duration, for re-numeration.
- i. Manufactured Home - Manufactured Home shall be defined in accordance, with the N.C. State Building Code.
- A. 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 were in effect at the time of construction and that satisfies each of the following additional criteria:
  - 1. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of

the two overall dimensions) of at least twenty (20) feet.

2. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run; the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint; the roof has an overhang (eaves) extending at least ten (10) inches from each vertical exterior wall. A site-installed gutter may be counted in the width of the eaves.

3. The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint.

4. A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.

5. The tongue, axis, transporting light, and removable towing apparatus are removed after placement on the lot and before occupancy.

6. The manufactured home is set up on the site in accordance with the standards set by the N.C. Department of Insurance.

7. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.

8. The manufactured home is oriented on the site in such a manner that the side having the main, entrance, and by design intended to be the front of the manufactured home, is generally parallel to a public street abutting the site.

B. Manufactured Home, Class B - A manufactured home that meets all of the criteria of a Class A Manufactured Home, except criteria (2), (3), (4), (5), and (8), provided, however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface/pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall

be installed under all elements of the manufactured home and be unpierced except for required ventilation and an access door.

- C. **Manufactured Home, Class C** - A manufactured home that meets all of the requirements of a Class A Manufactured Home, except criteria (a), (b), (c), (d), (e), and (h); provided however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface, pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and an access door.

**Manufactured Home, Class D** - A manufactured home that does not meet the requirements of a Class A, Class B, or Class C Manufactured Home.

- D. **Modular Home** - A dwelling unit constructed in accordance with the standards set forth in the NC Uniform Residential Building Code, applicable to site-built homes, including Volume I -B general construction, Volume II Plumbing, Volume III Mechanical, and Volume IV Electrical. The home is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of several sections transported to the site in a manner similar to a mobile home except that the modular home meets the State Building Code applicable to site-built homes or a series of panels or room sections transported on a truck and erected or joined together on the site with a permanent foundation, with the steel frame removed.

Dynamic Braking Device - A device used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

Easement - A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Educational Facilities - Colleges, Universities, Professional Schools & Technical Institutions, Elementary & Secondary Schools, Libraries, and Museums. Kindergartens are included.

Electronic Gaming Operation – A business enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, 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.

Electronic Gaming Operations do not include:

- a. Any lottery approved by the State of North Carolina;
- b. Coin-operated machines, video games, pinball machines, and other computer, electronic or mechanical devices that are operated and played for amusement, that involve the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that:
  1. Do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, or other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or award free replays; or
  2. In actual operation, limit to eight the number of accumulated credits or replays that may be played at one time and which may award free replays or paper coupons that may be exchanged for prizes or merchandise with a value not exceeding ten dollars (\$10.00), but may not be exchanged or converted to money.

Emergency Work -Work made necessary to restore property to a safe condition\_ following a public calamity, work to restore public utilities or work required to protect persons or property from imminent exposure to danger.

Extraterritorial Jurisdiction (ETJ) – The extraterritorial jurisdiction of a municipality in\_ Brunswick County is the area one mile beyond the corporate limits in which a town may exercise the same planning, zoning, and building inspection authority as in its corporate limits. ETJ requires the approval of the Brunswick County Board of Commissioners. Exemption - A deviation from the terms of the subdivision ordinance which is approved by a simple majority of Planning Board members in attendance at the meeting at which the exemption is considered. Exemptions are allowed only when specifically provided for or allowed by the Town of Belville Subdivision Ordinance.

Expenditure - A sum of money paid out in return for some benefit or to fulfill some\_ obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

Fabrication - Manufacturing, excluding the refining or other initial processing of basic\_raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

Family - One (1) or more persons occupying a single dwelling unit, provided that all\_ members are related by blood, adoption or marriage and further provided that no more than three (3) persons in the following categories are permitted:

- a. that domestic servants employed on the premises may be housed on the premises without being counted as part of the family residing on the premises; and
- b. That a foster home as designated by the North Carolina Department of Social Services for the care of not more than five (5) children less than eight years of age be considered as family.
- c. That any child less than eighteen (18) years of age living with parent(s) or legal guardian is not to be counted as a person in the calculations hereunder. Family Care Home means an adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons.

Farm, Bona Fide - Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.1 et. seq. shall be considered a bona fide farm. Any trade of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the building inspection upon consideration of agricultural productivity and improvements, and any other necessary or available information. Under no circumstances will any parcel smaller than five (5) acres be considered either an agricultural tract or a bona fide farm.

Fence (Protective) - A structure of wood, stone, brick, block, steel, or other metal extending from the surface of the ground to a minimum height of six (6) feet, and of such materials and construction, which creates a physical barrier.

Final Plan – This plat shall contain all the information that is required on the recorded plat.

Financial Institution - A use or structure where financial, pecuniary, fiscal or monetary services are made available, including depository institutions, non-depository institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, cash checking services, bondsmen service, and pawn brokers. The word bank is interchangeable with the term financial institution.

Floating Structure - Any structure or vessel in fact used, designed and occupied as a permanent dwelling unit, business or source of any occupation or any private or social club, which floating structure or vessel is primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked on waters within county jurisdiction; whether such floating structure is self-propelled or not.

Flood Plain - That area which experience has shown to be or which an expert

opinion holds likely to be, subject to high water conditions connected with tide, storm or seasonal changes, or as identified by the Federal Emergency Management Agency (FEMA) and its related documents.

Floor Area (gross) - The sum of the gross horizontal areas of the several floors of a building measured from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles.

Floor Area (net) - The total of all floor areas of a building, excluding stairwells and elevator shafts, utility and equipment rooms, restrooms, interior vehicular parking or loading, and basements when not used for human habitation or service to the public.

Floor Area Ratio (FAR) - A relationship determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Fraternities/Sororities Residential - A building or structure occupied and maintained for residential uses exclusively for college or university students who are members of a social, honorary, or professional organization which is chartered by a national, fraternal or sororal order which is so recognized by the university, college or other institutions

Frontage - All property abutting on one side of a street measured along the street line.

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

Garage Service and/or Repair - Buildings and premises for major repairs on automobile, trucks, boats, and other equipment including large engines, body work, painting, reconstruction, and provision of all typical filling station service including tow trucks.

Golf Course - A tract of land designed and laid out for the game of golf having at least nine (9) holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course shall be fifty (50) acres. The minimum area for an eighteen (18) hole golf course shall be one hundred (100) acres. Par 3 and Executive golf courses shall be a minimum of twenty (20) acres. Golf facilities not meeting these minimum requirements shall be considered commercial recreation uses. Exceptions are courses that are otherwise accepted by either the United States Golf Association or the Professional Golf Association.

Group Care Facility - A dwelling in which a person resides while receiving therapy or counseling to assist them in overcoming addiction to intemperate use of narcotics or alcohol, or in adjusting to society after or during imprisonment through such means as pre-release, work-release, or probationary programs.

Handicapped Person means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairment, emotional disturbances and orthopedic impairment but not including mentally ill persons who are dangerous to others as defined by G.S. 122 C-3(11)b.

Hazardous Materials - Any substance listed as such in the Superfund Amendments, Reauthorization Act (SARA), Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Material Treatment Facility - A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B, G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduce bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous material treatment facility to be construed to be any of the following:

- a. A facility which manufactures hazardous material from component non-hazardous material;
- b. A facility or location for the long term or perpetual storage of hazardous material; or
- c. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Manufacturing -The assembly, fabrication, or processing of goods and material using processes that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of sound, smoke, fumes, odors, glare, or health and safety hazards. Permitted uses are covered in zoning ordinances.

Home Occupations - A Commercial activity conducted within a dwelling unit located in a residential zoning district, primarily by one or more occupants thereof This activity shall be an accessory use which is clearly incidental and secondary to the residential use of the dwelling unit and shall be subject to the following restrictions:

- a. The Home Occupation shall occupy an area not to exceed twenty-five

(25%) percent of the gross floor area of the dwelling unit. All activities shall be conducted entirely within the dwelling unit are not permitted in a detached garage or other accessory structure.

- b. There shall be no external evidence of the activity such as commercial vehicles, window displays, outside storage, smoke, noise, odors or other nuisances emitted from the premises.
- c. Only one person may be employed who is not a resident of the dwelling.
- d. No display of products or signs may be visible from the street.
- e. No infrastructure demands shall be generated by the Home Occupation in greater volumes that would normally be expected with a residential use.
- f. Instruction in music, dance, and similar subjects shall be limited to two students at a time.

Home Care Unit - A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, including homes for the aged.

Homeowners Association – An association of all property owners in a subdivision or PUD to maintain the common areas and private roads.

Hotel/Motel - An establishment containing multiple guest units designed without independent cooking facilities and intended for temporary lodging, entertainment and various personal services for pay by the traveling public.

Hotel/Motel, Resort - An establishment containing multiple guest units designed with independent cooking facilities and intended for temporary lodging, entertainment and various personal services for pay by the traveling public.

Impervious Surface - Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not limited to, compacted earth, gravel, concrete, asphalt, or other paving material and all area covered by buildings or structures.

Impervious Surface % - The algebraic percent calculated to determine the percentage of built upon area on any tract(s) of land used for the purpose of actual or anticipated residential or non-residential development.

Improvements - The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil

erosion) to a lot or parcel of property.

Impulsive Sound - Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

Industry - The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of sound, smoke, fumes, odors, glare, or health and safety hazards.

Amended July 15, 2003

Inoperative Motor Vehicle - A motor vehicle which meets any one of the following criteria:

- a. Is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate. Motor vehicles which lack such an inspection certificate, or which display an expired certificate, shall be presumed to be inoperative; or
- b. Is partly dismantled or wrecked; or
- c. Cannot be self-propelled or moved in the manner in which it originally was intended to move.

Junk Yard - An establishment or place of business maintained, operated or used for storing, keeping, buying or selling of junk. The term junk shall be defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material. Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.

Kennel - An establishment wherein any person engages in business or practice, for a fee, of boarding, breeding, grooming, letting for hire, or training of more than three (3) domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one time or the selling of any three (3) individual

domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of Belville's Zoning and Subdivision ordinances, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of Belville's Zoning and Subdivision ordinances, shall be defined as the pregnancy resulting from the breeding of two domesticated animals. The following shall not constitute the operation of a Kennel as defined above and in no

way shall this provision regulate the following:

- a. The ownership of domesticated animals as household pets;
- b. The ownership of domesticated animals for hunting or tracking purposes;
- c. The ownership of domesticated animals for the purpose of exhibition at shows, obedience or field trials; and
- d. The ownership of domesticated animals for the purpose of protection or guarding of residences or
- e. commercial establishments.

Laboratory - A facility for performing physical, bacteriological, chemical, or other studies.

Lakes and Ponds - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or may result from excavation. Landowner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representatives of such owner.

Light Manufacturing - The assembly, fabrication, or processing of goods and material using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place or where the area occupied by outdoor storage of goods and material used in such processes does not exceed twenty-five (25) percent of the floor area of all buildings on the property.

Lots -

- a. Corner Lot, - A lot abutting upon two streets or road (including platted but unopened streets or roads), thus having two (2) front lines.
- b. Double Frontage Lot - A continuous (through) lot that is accessible from both streets upon which it fronts.
- c. Interior Lot - A lot other than a corner lot with only one frontage on a street.
- d. Lot - A portion of subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word lot also includes the words "plot" and "parcel".
- e. Lot Area - The parcel of land enclosed within the boundaries formed by the property lines and if applicable, plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, it extended.

- f. Lot Depth - The mean horizontal distance between front and rear lot lines.
- g. Lot Line - Any boundary of a parcel of land.
- h. Lot Line. Front - Any boundary line of a lot running along a street right-of-way line. If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines, the front lot line shall be determined by the Planning Board.
- i. Lot Line, Rear - The plot line opposite the front lot line.
- j. Lot of Record - A lot, a plat or a map which has been recorded in the office of the Registrar of Deeds of Brunswick County, or a lot described by metes and bounds, or by adjoining property owners, the description of which has been recorded in the aforementioned office.
- k. Lot Line. Side - Any lot line which is not a front or rear lot line.
- l. Lot Width - The distance between the side lot lines as measured along the front building line as specified by the applicable front yard setback in Belville's Zoning and Subdivision ordinances.
- m. Single Tier Lot - A lot which backs up on a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
- n. Through Lot or a "Double Frontage" Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Manufactured Home Park - Often known as Mobile Home Parks or House Trailer Parks, or Courts, being premises where manufactured homes are parked for living and sleeping purposes, or premises used for or set apart for the purpose of supplying parking space for mobile homes for living and sleeping purposes. Any such park created after the effective date of Belville's Zoning and Subdivision ordinances shall have a minimum of fifteen such spaces. A manufactured home park is not a manufactured home subdivision.

Marina, Commercial - Any dock or basin and associated structures commercially providing permanent or temporary harboring or storing of two (2) or more boats (pleasure and/or commercial), and providing marine services, included but not limited to retail sales for fuel, repair, convenient food stuffs, boats, engines, and accessory equipment.

Massage - Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Business - Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

Massage Parlor - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Master Plan - An overall plan of development that shows possible uses and intensity of use. Normally shown in phases or sections.

Mini-Storage Facility - Small cubicles linked together in a single building or row of buildings for the purpose of renting storage space, usually on a temporary basis. This definition shall include mini-warehouse facilities.

Mixed Use - A dwelling unit or school located in a commercial or industrial zone.

Motorboat - See Watercraft.

Motorcycle - Any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include motorized bicycles, motor scooters, mopeds and the like.

Motor Vehicle - Any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

Narrow Band Sound - Sound characterized by normal listeners as having a predominant pitch or series of pitches; sound described by such listeners as "whine," "hiss," "toot" or "wail"; or a sound whose frequencies occupy an octave band or less.  
Noise control office - The town department having responsibility for the enforcement

of this chapter.

Noise Disturbance -Any sound that exceeds the decibel (dBA) level for such sound set out in this chapter. Noise disturbance shall also mean sound from the human voice or voices including but not limited to yelling, laughing, hooting, hollering, screaming, or singing between the hours of one a.m. and six a.m. which exceeds the decibel (dBA) level for such sound set out in this chapter.

Noise Sensitive Activities - Activities which should be conducted under conditions of exceptional quiet, including, but not limited to, operation of schools, libraries open to the public, churches, hospitals and nursing homes.

Noise Sensitive Area - Any area posted with noise sensitive signs and subject to the noise levels set forth in Table I of this chapter.

Non-Conforming Project - Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and/or would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Non-Conforming Situations -- A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

Non-Conforming Use -- A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a non-conforming use.)

Non-Conforming Lot -- A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot width requirements of the district

in which the lot is located.

Nursing Home - A convalescent facility having over five (5) beds meeting all the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

Official Maps or Plans - Any maps or plans officially adopted by the Town of Belville as a guide for the development of the town, consisting of maps, charts and/or texts.

Off Road Recreational Vehicle - Any motor vehicle, including road vehicles, but excepting watercraft, used off public roads for recreational purposes.

Off-site Sewage System - A sewage system (public, community, or private) serving a development.

On-Site Sewage System - A septic tank system, which is located on a lot.

Open Space - An area that is designed for either environment, scenic or recreational purposes. Open space may include but is not limited to lawn, decoration planting, walkways (including concrete walkways), active and passive recreation areas, playgrounds and wooded areas. Open space shall not be deemed to include parking lots, roadway right-of ways except for landscaped medians 12' in width or greater, transmission electric easements, utility and/or drainage easements or other surfaces designed for vehicular travel. Open space includes any areas that are owned in common for the use, enjoyment, and benefit of common owners. A maximum of 50% of the open space may be wet lands and commercial recreational areas such as golf courses.

Operating Permit - A permit issued by the Planning Department to a mobile home park or travel trailer park owner or operator upon the completion of a mobile home park or travel trailer park which conforms to the requirements of Belville's Zoning and Subdivision ordinances.

Ordinance - This ordinance, including any amendments is effective upon approval. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

Overhead Canopy - Any structure placed over, around, or near a fuel pump island or bank drive-thru and intended to provide lighting and /or protection from the elements for island users shall be considered an overhead canopy. Minimum setback distances shall be determined by measuring a straight line distance from the nearest point of the required reference boundary (i.e., street right-of way, zoning district line or property line) to the point on the ground surface which is perpendicular to the closest edge of the canopy overhead. Setback distances from street right-of-way may be reduced by one-half.

Parking Space - A graded and surfaced storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Parking space sizes shall be governed by the following:

1. Angle Parking Minimum - 8.5 feet x 20 feet (measured parallel to the vehicle)  
90 degree Parking Minimum - 9 feet x 20 feet

Parking Space, Off-Street - For the purposes of Belville's Zoning and Subdivision ordinances, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Permitted Structural Use - A structure/use meeting all of the requirements of Belville's Zoning and Subdivision ordinances for the zone district in which it is located.

Person - Any individual, including the owner of premises or tenant, association, partnership or corporation, including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of a state, including the city.

Personal Service Establishments - An establishment primarily engaged in providing services to individuals and/or businesses and staff support services to businesses, and which may provide a combination of services, office, and retail uses, such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, computer services. Personal Services include the following list of uses (including groups and all subcategories not elsewhere listed):

- Barber shops
- Beauty shops
- Business Services
- Carpet and upholstery cleaning
- Coin-operated laundries and cleaning
- Dry-cleaning plants, except rug
- Health club
- Laundry, cleaning and garment services
- Miscellaneous Personal Services/Shops
- Miscellaneous repair shops
- Photographic studios
- Refrigeration service and repair
- Shoe repair and shoeshine parlors
- Spa

Physical Characteristics of Sound - The steady, impulsive or narrow band property of a sound, the level of the sound and the extent to which it exceeds the background sound level.

Pier, Residential, Private - A dock, pier, launching ramp and /or supportive boating activity extending from a residential lot into water adjacent thereto; the use of which shall be limited to members of the family of the owner or his tenant and /or their invited guests.

Plainly Audible - Any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible rhythms.

Planning Board - A commission appointed by the Belville Town Council for the following purposes; (a) to develop and recommend long-range development plans and policies; (b) to advise the Board of Commissioners in matters pertaining to current physical development and zoning for the towns planning jurisdiction.

Planned Building Group - A group of two or more buildings or two or more manufactured\_homes located on a single parcel of land.

Planned Unit Development (PUD) - A residential, commercial or combination of residential and commercial projects located on land under unified control, planned as a whole, and programmed series of units or stages of development according to comprehensive and detailed plans. Also with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

Plat - A map or plan of a parcel of land which is to be, or has been, subdivided, or any existing parcel of land with a map or plan in existence.

Powered Model Vehicle - Any self-propelled airborne, waterborne or land borne model plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

Preliminary Plan - this plan shall contain all the information required for approval of the plan by the planning board.

Private Water Supply --A water supply furnishing water to a development with fourteen\_(14) or less service connections as mandated by State Law.

Processing - Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.

Processing Facility - An enclosed facility or building that uses power-driven machinery to prepare recyclable materials for shipment. Machinery used in the processing of the materials includes shredders, balers, bickers and can compactors.

Professional Offices - An establishment primarily engaged in providing; engineering, architectural, and surveying service; accounting, auditing, and bookkeeping services; public relations services; medical services; legal services; real estate services; the service of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

Public Building - Public buildings shall include local, state or federal government office facilities, including such as libraries and post offices.

Public or Community Sewage System - A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, water and sewer authority, a county or municipality, or a public utility.

Public (Community) Water System- A system for the provision to the public or piped water for Human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Two (2) or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve fifteen (15) or more persons is a public water system. Public (community) water system must meet standards and approval of the North Carolina Department of Human Resources, Water Supply Branch, as mandated by State Law.

Public/Semi-Public Utilities and Facilities - An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, or similar structures used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable, television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Public Right-of-Way - Any street, avenue, highway, boulevard, alley, easement or public space, which is owned by or controlled by a public governmental entity.

Public Space - Any real property, including any structure thereon, which is owned or controlled by a governmental entity.

Pure Tone - Any sound, which can be distinctly heard as a single pitch or set of single pitches.

Quarrying - A place where minerals as defined in the N.C. General Statutes in Article 7 Chapter 74 are excavated for building or other purposes. Quarries are characterized by any of the following:

- a. Industrial or dimension stone is excavated
- b. Dewatering
- c. The use of explosives

- d. The excavated material is processed prior to sale or delivery off site
- e. Stone faces are left in reclamation
- f. Reinjection wells may be used.

Real Property Boundary - An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Receiving Land Use - The use or occupancy of the property, which receives the transmission of sound.

Residential Property - Any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

Residential Development - Buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Restaurant - A public or private enterprise designed in whole or in part to accommodate and cater to the consumption of food and/or drink, as regulated by the ABC law, either for on site or off site consumption, and can be conducted within enclosed space or as open air activity.

Retail - Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Retention Pond - The surface collection, storage, and reduction of storm water runoff for the purpose of providing infiltration of runoff into the soil.

Runoff - That portion of rain water or snow melt that flows off land surfaces and/or impervious surfaces directly into drainage features, rivers, lakes, streams, wetlands or other surface waters, rather than infiltrating into the ground.

Salvage Operation - The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition. This does not include the purchase or storage of used furniture, used cars in operable condition, and used or salvaged materials as part of manufacturing operations.

Sanitary Landfill - Shall mean a facility for the disposal of solid waste on land in a sanitary manner according to all applicable North Carolina Solid Waste Management Rules.

School - Any public or private institution for teaching.

Schedule of Fees - A fee schedule approved by the Commissioners of the Town of Belville.

Screen - A fence, wall, hedge, landscaping, earth berm buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Semi-Trailer - Any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle.

Septage - Shall mean a waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage shall be considered that waste which has not been treated by a process to significantly reduce pathogens.

Septic Tank System - A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipelines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation, and performance, or any other system approved by the Health Department.

Service Station - A building or lot dedicated to the rendering of automobiles services, such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles such as tune-ups, brake adjustment, overhauling, and tire changes, excluding body work and painting.

Setback - The distance between the minimum building line and the street right-of-way line and where no street right-of-way is involved, the property line shall be used in establishing the setback.

Setback Line - The line on the front, rear and sides of a lot, which delineates the area upon which a structure may be built and maintained, according to the district regulations.

Sexual Encounter Establishment - An establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

Sexually Oriented Business - A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified

sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.

Shopping Center - Two (2) or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

Site Built Home - A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code real title (Uniform residential code for single family dwellings) and composed of components substantially assembled on site on a permanent foundation. A site built home shall be deemed to be single-family dwelling as defined in Belville's Zoning and Subdivision ordinances.

Sludge - Shall mean any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plant not considered to be hazardous by EPA or the N.C. Department of Human Resources, Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

Solid Waste - Shall mean any garbage, refuse, seepage, sludge or any other waste material which is not considered hazardous by the US Environmental Protection Agency (EPA) or the North Carolina State Department of Human Resources, Solid and Hazardous Waste Branch.

Sound - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in A.N.S.I. specifications for sound level meters (A.N.S.I. Standard 1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A weighting shall apply.

Sound Level Meter - An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks, used to measure sound pressure levels, which complies with A.N.S.I. Standard 1.4-1971.

Sound Pressure - The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound Pressure Level - Twenty (20) times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micronewtons per square meter ( $20 \times 10^{-6} \text{ n/m}^2$ ). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

Special Use - A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, conveniences, appearance or prosperity. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exceptions is made in the Belville Zoning ordinance. The Belville Planning Board allows these uses only after approval.

Specified Anatomical Areas - Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

Specified Sexual Activities - Specified sexual activities shall be defined as:

- (a) Human genitals in a state of stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, sodomy; or
- (c) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

Spoil - Earth, rock or other materials excavated or dredged from a drainage course.

Stable, Commercial - A commercial operation where horses are kept for purposes such as boarding, hire or sale.

Stable, Private - A structure in which horses are kept for private use.

Steady Sound - A sound whose level remains essentially constant ( $\pm 2$  dBA) during the period of the sound level meter.

Storage - A depository for commodities or items for the Purpose of future use or safekeeping. (Also includes mini storage.)

Storage, Open Air - The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

Stream Buffer - A fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones "which flow continuously" and are indicated by solid blue lines on 7 1/2 minute topographic maps.

Street - A public or private thoroughfare that affords accesses to abutting property and is recorded as such in the Office of the Register of Deeds. A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Types of Streets:

- a. Cul-de-Sac - A street with one (1) end open to traffic and the other end of which is permanently terminated by a vehicular turnaround.
- b. Local Service Street - A minor street which is immediately adjacent to and which parallels a major street or highway, and which provides access to abutting properties and protection from high speed, through traffic.
- c. Major Thoroughfare - A street designed to carry heavy volumes of through traffic at fast speeds and which may have access from another street but not from abutting properties.
- d. Minor Thoroughfare - A street which carries traffic from minor streets to the system of major thoroughfares.
- e. Minor Street - A street that is used primarily for access to the abutting property.
- f. Road, Public - Any road or highway which is now or hereafter designated and maintained by the NC Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.
- g. Street Line - The right-of-way boundary of a street.
- h. Street, Private - A dedicated or undedicated private right-of-way, which affords access to abutting properties and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.
- i. Street, Public - A dedicated and accepted public right-of-way that affords the principal means of access to abutting properties for vehicular traffic.

Structure - Anything constructed or erected, including but not limited to buildings, which requires location on the land or the attachment to something having permanent location on the land.

Subdivider - Any person, firm or corporation who subdivides or develops any land deemed to be subdivision as herein defined.

Subdivision - All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development. Also all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- a. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
- b. the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c. the public acquisition by purchase of strips of land for the widening or openings of streets;
- d. the division of a tract in single ownership whose entire area is no greater than two (2) acres into no 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 by the Subdivision Regulations contained in Belville's Zoning and Subdivision ordinances.

Terminal, Freight - Any facility for handling freight with or without storage and maintenance facilities. This definition includes all uses in the following SIC groups:

1. Trucking and Courier Services, Except Air
2. Trucking Terminal Facilities

Town - The town of Belville, NC or the area within the territorial limits of the town, and such territory outside of the town over which the town has jurisdiction or control by virtue of ownership or any constitutional or Charter provision or any law.

Town Council - A board of elected administrative officers charged with the general management of the towns business. The Belville Town Council consists of a mayor and four commissioners.

Townhouse - See *Dwelling*

Transmission Tower - A structure, either freestanding or attached to building, principally intended to support and/or radiate or receive a source of non-ionizing electro-magnetic radiation (NIER), and accessory equipment related to broadcast services, private radio services, cellular telephone service, and common carriers (as regulated by Federal Communications Commission), including AM, FM, two-way radio, television and cable antenna television transmission and reception, and microwave transmission.

For purposes of this definition, broadcast service, include AM and FM radio and high and low power television signals which can be received by anyone with a radio or television. Private radio services include land-mobile or two-way and one-way paging services on the same frequency to many users. The term transmission tower does not include electrical or telephone transmission lines or supporting structures, antennae of amateur radio (HANI) operator, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennae less than sixty (60) feet in height with transmitting power of two hundred fifty (250) watts or less.

Travel Center - A facility typically offering multiple services to truck and automobile patrons which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks, automobiles and recreational vehicles) one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, truck and car washing facilities, overnight lodging facilities, parking facilities for trucks, recreational vehicles and cars, shower facilities, truck scales, laundry facility, truck and auto repair and detailing shop, tire shop, recreational vehicle hookups for water and electric service, sale of propane tanks, outside play area/playground and passive recreational area. Not all such facilities are provided at all truck stops.

Amended March 16, 2004

Travel Trailer - See Campers

Tractor Trailer Transfer Lot - A location where tractor trailers are transferred (i.e. attached and detached) to truck cabs.

Amended March 16, 2004

Truck Terminal - A Facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Use - The purpose, for which land or structure thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use By Right - A use that is listed as an unconditionally permitted activity in Belville's Zoning and Subdivision ordinances.

Use. Non-Farm - Any use of property that is not encompassed by the definition of a farm as so defined in Belville's Zoning and Subdivision ordinances.

"Used" and "occupied" - Include the words "intended, designed or arranged to be" (used or occupied).

Variance - A modification or alteration of any of the requirements of Belville's Zoning and Subdivision ordinances.

Warehouse - A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

Wastewater Treatment Facility - A facility operated by a licensed utility and or unit of government in compliance with all applicable State and County regulations, intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one (1) use or more than four (4) dwelling units or facility intended or used for the treatment and subsurface disposal of wastewater which serves only one (1) use or up to four (4) dwelling units.

Watercraft - Any contrivance used, or capable of being used, as a means of transportation or recreation on water.

Watershed - The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wetlands - Delineated and surveyed lines as specified by the Corps of Engineers, Section 404 and Section 10 Wetlands.

Water Supply Watershed - The entire land area that contributes to surface drainage and other runoff into a surface water supply.

Wholesale - Sale of a commodity for resale to the public for direct consumption.

Wholesale Establishment - A building, property, or activity the principle use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Yard - Any open space on the same lot with a building and unoccupied from the ground upward except by trees, shrubbery, or fences.

Yard, Front-- A yard across the full width of the lot, extending from the front fine of the building to the front lot fine.

Yard, Rear - A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

Yard, Side - A yard between the building and side lot fine, extending from the front building line to the rear building line.

Zero Lot Line Dwelling - A detached single-family dwelling on a lot with a side yard requirement on one (1) side of the lot.

Zoning Certificate (Permit) - A certification by the Town Council or its authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install

or alter a structure, building or sign situated in the extraterritorial jurisdiction of the town, meets the requirements of Belville's Zoning and Subdivision ordinances.

Zoning Districts - Those districts established in the zoning code and indicated on the Official Zoning Map.

Amended 5/24/10