

TITLE XV: LAND USAGE

CHAPTER 153: ZONING CODE

Part A

Section

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GENERAL PROVISIONS

153.001 TITLE.

This chapter shall be known and may be cited as the Zoning Code of the Town.
(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

153.002 STATUTORY AUTHORIZATION; ENACTMENT.

In the pursuance of the authority conferred by G.S. Section 160A-381 through 160A-394, the Board of Aldermen of the town do hereby ordain and enact into law the following chapter.
(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

153.003 PURPOSE.

This chapter shall be enacted for the purpose of promoting the health, safety, morals, and welfare of the community; lessening congestion in the streets; securing safety from fire; providing adequate provision of transportation, water, sewerage, schools, parks and other public improvements; and protecting scenic areas in accordance with a comprehensive plan.
(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

153.004 JURISDICTION.

The provisions of this chapter shall be applicable to all property within the town limits.
(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

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153.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

SHALL. The word **SHALL** is always mandatory.

MAY. The word **MAY** is permissive.

LOT. Includes the word **PLOT** or **PARCEL**.

PERSON. A firm, association, organization, partnership, trust company, or corporation as well as an individual.

USED or **OCCUPIED.** As applied to any land or building shall be construed to imply that the land or building is actually arranged or designed to be used or occupied. An intended project shall be defined as one where substantial outlays of monies have been spent towards the goal of the project.

MAP or **ZONING MAP.** The Official Zoning Map of the town.

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

BONA FIDE FARM. The term **BONA FIDE FARM** shall in no way be considered to be precisely defined by this chapter. The following are guidelines which the Zoning Administrator shall follow in determining the applicability of the term to individual cases in the event of a dispute regarding the exemption in this chapter for bona fide farms.

(1) A farm shall be considered a tract of land, generally composed on one acre or more, usually with a house, barn, and the like, on which crops and livestock are raised for livelihood. A farm may consist of land or water devoted to the raising of livestock or crops and other agricultural uses.

(2) Agriculture should be considered the science or art of cultivating the soil and its fruits, especially in large areas or fields, and the rearing, feeding and management of livestock thereon for consumption or market and the incidental turning of them to account. This definition shall be applicable to farms and general farming including horticulture, floriculture, dairying, livestock and poultry raising, fish farming, farm forestry, and other similar enterprises or uses.

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(3) Livestock shall be considered as animals which are generally domesticated and confined to farms. The animals shall include cattle, sheep, goats, swine, horses, mules, fish and poultry.

ACCESSORY USE OR BUILDING. A use or building subordinate to the principal use or building located on the same lot and used for purposes incidental to the principal use or building.

ADULT ESTABLISHMENT. Any structure or use of land which is an adult establishment as defined in **N. C. Gen. Statute Sec. 14-202.10(2) (or its successor)**. This definition shall not apply to any bona fide therapeutic massage service provided by a licensed or registered medical professional or other person certified by a state or nationally recognized organization; nor shall this definition apply to any public or private fitness center or nonprofit community recreational fitness and service organization, either or which provides massage therapy as a service incidental to the operation of a fitness center.

ADULT LIVE ENTERTAINMENT. Use of any structure or land for adult live entertainment as defined in **N. C. GENERAL STATUTE Sec. 14-202.10(3) (or its successor)**.

AGRICULTURE. The science or art of cultivating the soil and its fruits, especially in large areas or fields, and the rearing, feeding, and management of livestock for consumption or market and the incidental turning of them to account. This definition shall be applicable to farms and general farming, including horticulture, floriculture, dairying, livestock or poultry raising, farm forestry and other similar enterprises or uses.

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

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

AUTOMOBILE SERVICE STATION. Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel or oil and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means. This classification shall not include convenience stores.

BED AND BREAKFAST HOME. A private, owner-occupied residence with one to four guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast use is subordinate and incidental to the main residential use of the building. The home owner shall reside on site and employment shall not exceed the equivalent of one full-time employee in addition to the owner.
(Ord. O-99-11 Adopted 07-12-99)

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BED AND BREAKFAST INN. A private, owner-occupied business with five to twelve guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the Bed and Breakfast Inn is operated primarily as a business. The home owner shall reside on site and employment shall not exceed the equivalent of three full-time employees in addition to the owner. (Ord. O-99-11 Adopted 07-12-99)

BED AND BREAKFAST HOME/INN – SPECIAL EVENT. Bed and Breakfast Home and/or Inns located within residential districts shall be allowed to hold special events under the following conditions:

- (1.) A permit shall be issued by the zoning administrator for a time period of six months.
- (2.) Parking for special events shall be restricted to the premises of the bed and breakfast homes. However, shall off premises parking be necessary, written permission from the owner of the property used for off premise parking shall be required. Said written permission shall be kept on file by the owner of the bed and breakfast home.
- (3.) Special events or caterings shall be limited to one (1) per month.
- (4.) Any excessive noise, excessive traffic, inconvenience to neighbors, or failure to comply with any of the other guidelines shall be cause for revocation of the permit.
- (5.) Warnings will be issued for violations of the guidelines. Two warnings will be issued. Failure to comply with the established guidelines after the second warning will result in the permit being revoked.
- (6.) The proprietors of the bed and breakfast homes/inns shall be thoroughly aware of the ordinance governing bed and breakfast homes/inns and of all the guidelines set forth by the Planning Board, including the restricting of outside help to the equivalent of one (1) full-time employee.
(Ord. 0-99-18, passed 9-13-99; to be reviewed in 6 months from adoption)

BREWERY or MICROBREWERY – An establishment primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition as incidental to the primary use of producing beverages and in accordance with State ABC permits.

BUFFER STRIP. A buffer strip shall consist of a planting strip at least ten feet in width, composed of evergreen trees, spaced not more than ten feet apart and not less than one row of dense shrubs, spaced not more than five feet apart. The strip shall be planted and maintained in healthy, growing condition by the property owner.

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

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BUILDING. Any structure, fully or partially enclosed, and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, trailers, mobile homes, and similar structures whether stationary or movable.

BUILDING, HEIGHT OF. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line or a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures, and the street curb line of any street when measured perpendicular thereto.

CANOPY. A structure which is supported entirely or partly from the building and has at least nine-foot clearance between the lowest point or projection and a sidewalk immediately below.

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

CERTIFICATE OF ZONING COMPLIANCE. A certification that a premises conforms to the provisions of this chapter and the Building Code (Chapter 150) and may be used or occupied.

CLUBS. Private social or civic organizations. As used in this chapter, **CLUBS** does not include private organizations using club membership as a prerequisite to the purchase and consumption of alcoholic beverages on the premises. (See **PRIVATE CLUBS**)

CLINIC. An establishment where medical or dental patients, who are not lodged overnight, are given examinations and treatment.

CONDITIONAL USE. A means by which special conditions can be imposed in the furtherance of this chapter.

CONDITIONAL USE PERMIT. The granting of permission by the Zoning Board of Adjustment as prerequisite to any use or development.

COUNTRY CLUBS. An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

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

DAY CARE CENTER. See **NURSERY SCHOOL.**

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

DENSITY. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses. Net area shall also exclude any land covered by water, within the 100 year flood plain, determined to be wetland by the U. S. Army Corps of Engineers, or sloping more than twenty (20) percent.

DISTRICT. Any section of the town in which zoning regulations are uniform.

DWELLING. Any building, or portion thereof, which is designed for living and sleeping purposes for one or more families.

(1) **DWELLING, SINGLE-FAMILY.** A dwelling unit, other than a mobile home, recreational vehicle or trailer, on its own lot and designed for one family.

(2) **DWELLING, TWO-FAMILY.** A detached building including two individual dwelling units on a single lot, also known as a duplex.

(3) **DWELLING, GROUP.** A building or portion of a building intended for occupancy by several unrelated persons. The term **GROUP DWELLING** includes, but is not limited to, the terms **ROOMING HOUSE, FRATERNITY HOUSE, SORORITY HOUSE,** and **DORMITORY.**

(4) **DWELLING, MULTI-FAMILY.** A dwelling designed for or occupied by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

(5) **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(6) **DWELLING, SECONDARY.** A dwelling unit, either detached or attached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 800 square feet of gross floor space and located on a lot with an existing single family dwelling. Said units shall not exceed one per lot.

(7) **DWELLING, ZERO LOT LINE.** A single family dwelling situated on its own lot so that one of the building's sides is located directly on a side lot line. One of these dwellings may be attached to a similar dwelling on an adjacent lot at the lot line, with a common fire-resistant wall.

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(8) **DWELLING, TOWNHOUSE.** A single family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, each unit is separated from any other unit by one or more vertical common fire-resistant walls and where land underneath each dwelling unit is sold with that unit.

EDUCATIONAL FACILITY. A facility for the education of children and adults including public and private elementary and secondary schools, colleges, technical institutes and universities, but excluding specialized trade schools and nursery schools.

EMERGENCY SERVICES FACILITIES – Buildings and facilities used to house, station, provide or support emergency services including Fire Departments, Police Departments, Ambulance and EMS stations, Fire and Police Substations and training facilities.

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

FAMILY CARE HOME. A home that provides room and board, and personal care and habilitation services for no more than six resident handicapped persons. Handicapped persons are those with physical, emotional, and mental disabilities.

FARM. A tract of land generally composed of one acre or more, usually with a house, barn, and the like, on which crops and livestock are raised for livelihood. A farm may consist of land or water devoted to the raising of livestock or crops.

FENCE. A barrier intended to prevent escape or intrusion or to mark a boundary.

(1) **FENCE, CLOSED.** A fence in which the opening through which clear vision is possible from one side to the other on a horizontal plane comprise 30% or less of the total side area of the fence.

(2) **FENCE, OPEN.** A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise 70% or more of the total side area of the fence.

GARAGE, PRIVATE. An accessory building or portion of a principal building used for the storage of private motor vehicles and in which no business, occupation, or service for profit is in any way connected, except that the use of a fully enclosed garage for storage only of this property owner's business vehicles will not be deemed to be a storage of vehicles in connection with a business. The term **GARAGE** shall include the term **CARPORT**.

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

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GOVERNMENTAL FACILITIES – Buildings, facilities and complexes used for the provision of governmental services, including solid waste, recycling, building maintenance, vehicle maintenance, warehousing and storage.

GOVERNMENTAL OFFICES – Buildings and facilities used for the general conduct of government including offices, town halls, departmental offices and field offices.

GREENHOUSE – An accessory structure constructed of rigid materials for both the roof and sides as permitted under Section 153.079 of this Chapter. Hoop structures with polyethylene or other soft transparent, translucent or opaque covering is not a permitted greenhouse as such is permitted under Section 153.079.

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

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

GROUP CARE FACILITY. A facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses, licenses or supervised by any federal, state, or county health or welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes, so long as they provide care for seven or more individuals.

HOME OCCUPATION. An occupation conducted in a dwelling unit or accessory building provided that:

(1) No person other than members of the family residing on the premises shall be engaged in such occupation.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

(4) No traffic shall be generated by home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of home occupation shall be met off the street and other than in a required front yard.

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

HOTEL. A building used as an abiding place for more than ten persons, who, for compensation, are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

JUNKYARD or SALVAGE OPERATIONS. A lot, land or structure or part thereof, used primarily for the collecting, processing, storage and sale of salvage paper, animal hides, rags, rubber, glass, scrap metal, lumber or other used building materials, or for the dismantling, storing, and salvaging of machinery or vehicles or for the sale of parts thereof.

JUNKYARD. The use of one acre or more of any lot or tract for the outdoor storage and sale of waste paper, rags, scrap, metal or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

LIVESTOCK. Animals which are generally domesticated and confined to farms. The animals shall include cattle, sheep, goats, swine, horses, mules, fish and poultry.

LOADING SPACE, OFF-STREET. Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to vehicles even when required off-street parking spaces are filled.

LOT. A parcel of land occupied or capable of being occupied by a main building or group of main buildings and accessory buildings, together with yards, open spaces, with lot width, depth and area as required in the pertinent zoning district requirements, and having not less than the minimum required lot width upon a street when fronting a public street, said parcel being either shown on a plat of record or considered as a unit of property and described in metes and bounds.

(1) **LOT, CORNER.** A lot located at the intersection of two or more streets or located where one street makes a sharp angle of 80 to 120 degrees.

(2) **LOT, DOUBLE FRONTAGE.** A lot which has two street frontages; however, no corner lot shall qualify as a double frontage lot unless the corner lot has frontage on three or more streets.

(3) **LOT FRONTAGE.** The frontage of a lot shall be construed to be the portion nearest the street.

(4) **LOT, INTERIOR.** A lot, other than a corner lot, which has frontage on only one street other than an alley.

LOT MEASUREMENTS.

(1) Depth of a lot shall be considered to be the horizontal distance between front and rear lot lines measured at the front line of the principal building or proposed principal building.

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(2) Width of a lot shall be considered to be the horizontal distance between side lot lines measured at the front line of the principal building or proposed principal building.

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of the county, prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which as been so recorded prior to the adoption of this chapter.

MOBILE HOME. A movable or portable dwelling over 32 feet in length and over eight feet wide, constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity; or, two or more units separately transportable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

MOBILE HOME PARK. A contiguous parcel of land under single ownership which has been developed for the placement of mobile homes for non-transient use. This definition shall not include mobile homes sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

MOBILE HOME SPACE. A plat of ground within a mobile home park designed for the accommodation of one mobile home.

MOTEL. A commercial building or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

NONCOMMERCIAL. The use of a lot or structure by persons for private purposes, not to include a business, occupation, or service for profit.

NONCONFORMING STRUCTURE. A structure which does not conform with the requirements of the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this chapter.

NONCONFORMING USE. A legal use of a building and land that antedates the adoption or future amendments of these regulations and does not conform to the regulations for the district in which it is located.

NURSERY SCHOOL. A school designed to provide daytime care or instruction for two or more preschool children, and operated on a regular basis. The term **NURSERY SCHOOL** shall include the term **DAY CARE CENTER**.

NURSING HOME. A facility where persons are housed or lodged and furnished with meals and nursing care for hire. (See **GROUP CARE FACILITY**.)

OPEN STORAGE. Unroofed storage areas, whether enclosed or not.

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

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

PARKING SPACE. A storage space of not less than nine feet by 18 feet for one automobile, plus the necessary access space. It shall always be located outside the street right-of-way.

PLANNED UNIT DEVELOPMENT (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements and typically includes various types or densities of residential development. The development may or may not include a mixture of uses and the lot may or may not be divided or retained in single ownership.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the parcel on which it is situated. (See **PRINCIPAL USE**).

PRINCIPAL USE. The primary purpose or function that a parcel serves or is intended to serve.

PRIVATE CLUBS. Private organizations or business establishments using membership as a prerequisite to the purchase and consumption of alcoholic beverages on the premises, or using membership as a prerequisite to admission to the activities of the business if the purchase and consumption of alcoholic beverages on the premises is a part of the business or offered in conjunction with the principal activities of the business.

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

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

RELIGIOUS COMPLEX. A building or group of buildings for the purpose of religious worship including the sanctuaries, education buildings, recreation buildings, child care facilities, and parsonage.

RIGHT-OF-WAY. A dedicated strip of land reserved for a specific use, such as for a street or utility easement.

ROOMING HOUSE. A building, other than a hotel where, for compensation and by pre-arrangement for a definite period, lodging or lodging and meals are provided for less than ten persons.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls or densely planted vegetation.

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SETBACK. The distance from the street curb line to the closest edge of a structure or sign.

SIGN. Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface fabric or other material or structure designed to carry such devices, that are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit. For further definitions of signs in regards to types and structures, see section 153.130 through 153.136.

STEEP HILLSIDE. Lots where the first 45 feet from the edge of the pavement exceeds 30% slope.

STREET. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

STREET LINE. The dividing line between right-of-way and the contiguous property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including fences, business signs, and billboards.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this section:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in the subdivision regulations.

(2) The division of land into parcels greater than ten acres where no new street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for the widening or opening of streets.

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as shown in the Subdivision Regulations.

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

(1) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation.

(2) Serve as a carrier of people, new or used goods, products, or equipment.

UNIFIED BUSINESS DEVELOPMENT. A development consisting of one or more principal business structures or buildings and accessory structures or buildings to be constructed on a lot or plot of three acres or more not subdivided into the customary streets and lots and which will not be so subdivided.

UNIFIED DEVELOPMENT. A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. Planned Unit Developments, Unified Housing Developments and Unified Business Developments are all types of Unified Developments.

UNIFIED HOUSING DEVELOPMENT. A development consisting of one or more principal residential structures or buildings and accessory structures or buildings to be constructed on a lot or plot which may or may not be subdivided into the customary streets and lots.

VARIANCE. A relaxation of the terms of the zoning code where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the code would result in unnecessary and undue hardship. As used in this chapter a variance is authorized only for height, area, and size of structure or size of yards and open spaces.

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

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

(1) **MINIMUM REQUIRED FRONT YARD.** An open space on the same lot with a principal building, between the building setback line and the front street line and extending the full width of the lot.

(2) **MINIMUM REQUIRED REAR YARD.** An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot.

(3) **MINIMUM REQUIRED SIDE YARD.** An open, unoccupied space on the same lot with a principal building between the side line of the building (excluding steps) and the side line of the lot and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR. The officer or other designated authority charged with the administration and enforcement of the building code and this chapter, or his or her duly authorized representative or agent.

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ZONING DISTRICT. The term applied to various geographical areas of the town for the purpose of interpreting the provisions of this chapter. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the town are set forth in sections 153.060 and 153.061. The terms **DISTRICT** and **ZONING DISTRICT** are synonymous and are used interchangeably throughout this chapter.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord. O-89-10, passed 10-9-89; Am. Ord. O-93-3, passed 4-12-93; Am. Ord. O-93-5, passed 5-10-93; Am. Ord. O-96-07, passed 6-11-96; Am. Ord. O-96-11, passed 8-12-96; Am. Ord. O-96-15, passed 11-12-96; Am. Ord. O-97-09, passed 6-9-97; Am. Ord. O-97-11, passed 12-8-97; Am. Ord., O-99-02, passed 1-11-99; Am. Ord., O-99-10, passed 6-14-99; Am. Ord., O-99-17, passed 8-9-99; Am. Ord. O-99-18, passed 9-13-99; Am. Ord. O-03-07, passed 10-13-03; Am. Ord. O-08-01, passed 1-14-08;

Am. Ord. O-08-03, passed 2-11-08)

Penalty, see section 153.999.

153.006 APPLICATION OF REGULATIONS.

The regulations set forth in this chapter shall be applicable to all districts, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be provided for elsewhere in this chapter.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

153.007 CONFLICT WITH OTHER LAWS.

Whenever the regulations of this chapter require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)