

**ARTICLE 1000: DEFINITIONS**

**Section 1001. Definition of words in Other Ordinances**

Where a word or term used in this ordinance is not defined herein but is defined in **Article 2 of the Subdivision Regulations** of the City of Henderson, the meaning of said word or term shall be as set out in that Article. Without limiting the foregoing, those words or terms may include the following:

Adult Uses	Open Space
Agriculture or Farming	Planned Unit Development
Base Flood	Planning Board
Base Flood Elevation	Plat
Building Setback Line	Public Water System
Cluster Subdivision	Public Sewer System
Corner Lot	Reverse Frontage Lot
Council	Rummage Sale
Cul-de-sac	Major Arterial
Day Care Center	Minor Arterial
Dedication	Collector
Double Frontage Lot	Sub collector
Dwelling Unit	Local Road
Farmer’s Market	Minor Street
Flea Market	Frontage or Service Road
Floodplain	Septic System
Habitable Floor	Stream
Half- road	Structure
Highway, Major	Surface, Impervious
Home Owner’s Association	Technical Review Committee
Minor Deviation	Vegetated Open Space
Official Maps or Plans	Yard Sale

**Section 1002. Certain Words Defined As Follows.**

Other words or terms used in this ordinance shall be defined as follows:

1. **Accessory Use, Structure, or Building.** A subordinate use, structure or building, the use of which is incidental to that of a principal use, structure, or building on the same parcel.
2. **Addition (to an existing building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing wall in new construction.
3. **Administrator.** See the Zoning Administrator.
4. **Adult Establishments. (See Article 600D)**
5. **Agricultural or Farming.** Land which involves cultivating the soil, crops, fruits, etc. and management of livestock including every process and step necessary and incidental the completion of products there from for consumption or market.
6. **Alley.** A public or private right-of-way not built to the street standards under Article 4 of the Subdivision Regulations and which is intended to afford primary access to properties abutting an arterial or collector or which is intended to provide secondary access to any properties.
7. **Alteration.** The word “alteration” shall include any of the following: (a) any addition to the height or depth of a building; (b) any change in the location of any of the exterior walls of a building; or, (c) any increase in the interior accommodations of a building.
8. **Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices for transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
9. **Area of Special Flood Hazard.** The land in the floodplain subject to a one percent or greater chance of flooding in any given year.
10. **Banquet Facility/ Event Center:** A facility or ball that is hired or rented by individuals or groups to accommodate private functions such as banquets, weddings, receptions, anniversaries or any other similar celebrations and social events. Such facilities may include kitchen facilities for the preparation of food. The owner of the business shall obtain all ABC permits for the consumption of alcohol onsite. The banquet facility is responsible for alcohol consumption and or

- sales. A person or a group renting the facility cannot obtain ABC permit for their event.
11. **Basement.** A story partly underground but having at least sixty percent of its height above the average level of the adjoining ground.
  12. **Bed & Breakfast Home or Tourist Home.** A private single family detached residence in which short-term lodging (not exceeding 7 consecutive days) is offered to the traveling public for compensation to not more than eight guests in no more than six rooms (see also definition of “Rooming House” for distinction therefrom). (Amended on 4/23/2012).
  - 12a. **Bed & Breakfast Inn.** A business in which short term (not exceeding seven consecutive days) lodging is offered to the traveling public for compensation for no more than twenty-three persons per night and with no more than twelve guest rooms. A bed & breakfast inn differs from a bed & breakfast home in that a bed and breakfast inn is a larger business facility located in business zoning districts and bed & breakfast homes are located in private, single family detached residences for smaller number of guests and are located in residential zoning districts. (Amended on 4/23/2012).
  13. **Boarding House.** A rooming house.
  14. **Building.** A structure designed to be used as a place of occupancy, storage or shelter. The term “building” shall be construed as if following by the words “or part thereof.” Each portion of a “building” separated by division walls from the ground up without openings shall be considered a separate building.
  - 14a. **Building, Accessory.** A building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.
  - 14b. **Building, Height Of.** The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of the building.
  - 14c. **Building, Principal.** The primary building on a lot or a building that houses or is designed to house the primary use.
  15. **Business Districts.** The B1, B2, B2A, B3, or B4 District.
  16. **Commercial Meeting Facility:** A facility for public assembly for commercial, non-recreational business purposes, including but not limited to auditoriums, conference facilities, conference centers, exhibition halls, and a like. (Amended 12/12/2016)

17. **Day Care Facility.** (Also known as **Child Care Facility**). A building or premises regularly used for recreational or supervisory care of 6 or more children unrelated to the operator, but not including foster homes (Any such facility involving 5 or less children is not regulated by the Zoning Ordinance, as such).
18. **Developer.** Any person, firm, or corporation who owns or has an interest in land, and causes it, directly or indirectly, to be developed; also, the person who is responsible for any undertaking that requires a certificate of zoning compliance, a special use permit, sign permit, variance, or any other permit issued under this ordinance.
19. **Development.** That which is done pursuant to a certificate of zoning compliance, special use permit, sign permit, variance or any other permit issued under this ordinance, including the construction, erection, repair, alteration, or addition to any structure, in whole or in part, or the occupancy or change in occupancy of any land or structure, in whole or part.
20. **Distilleries.** A place where liquor is manufactured. This industry comprises establishments primarily engaged in one or more of the following: 1) distilling potable liquors, 2) distilling and blending liquors, and 3) blending and mixing liquors and other ingredients. See Light Manufacturing, Section 676B. (Amended 10/9/2017).
21. **Domiciliary Home.** Is any facility which provides residential care for aged or disabled persons whose principal need is a home which provides the supervision and personal care appropriate to their age or disability. Medical care at a domiciliary home is only occasional or incidental but medication is administered by designated staff of the home. Personal care includes direct assistance by designated staff to residents in personal grooming, bathing, dressing, feeding, shopping, laundering clothes, handling personal finances, arranging transportation, scheduling appointments and otherwise attending to personal needs that the residents may be incapable or unable to attend to themselves. Domiciliary homes include homes for the aged and disabled, family care homes, and group homes for developmentally disabled adults. **See N.C.G.S. 131D-2(a) (3).**
22. **Driveway.** The portion of the vehicle accommodation area that consists of the travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
23. **Dwelling.** A building designed for, or used by, one or more families for residential purposes.
- 23a. **Dwelling, Caretaker or Watchman.** Residence of an employee of a permitted industrial use with the same residence located on the same property as the primary use. If the primary use is discontinued, the dwelling cannot be used for rental or

- residential purposes. A mobile home or HUD Code home shall not be permitted as the dwelling of a caretaker or watchman. The maximum square footage for a caretaker or watchman dwelling is 1,200 square feet.
- 23b. **Dwelling, Multi-family.** A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartments, apartment hotels, and group houses.
- 23c. **Dwelling, Single- family.** A detached building designed for or occupied exclusively by one family. A “HUD Code home” or trailer is not included in this definition, regardless of the degree of performance of its attachment to the land.
- 23d. **Dwelling, Two- family.** A building designed or an occupied exclusively by two families living independently of each other. (Also known as a “duplex”)
24. **Elevated building.** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns, (posts and piers), shear walls or break way walls.
25. **Electronic Gaming Operation.** Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals (collectively the “machines”), to conduct games of chance (or simulated games of 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 shall not include “game rooms” (as defined in the City Code) in which no electronic gaming machines are located. Excluded from the above definition is any “lottery” officially approved by the State of North Carolina (Amended June 28, 2010)?

Electronic Gaming Machines may function as the principal use of premises if permitted as such in this Zoning Code. Alternatively, the operation of such machines may be allowed as an accessory use to a lawful business to the extent that the electronic gaming operation use functions as a use accessory, customary, incidental, and subordinate in area, extent, and purpose to the principal use of the premises and the principal use is a business which also obtains a special use permit for electronic gaming operations hereunder. In the case of an electronic gaming machine being deemed an accessory use of any principal commercial or business use, the electronic gaming machines cannot produce gross proceeds which exceed 20% of the combined gross proceeds produced by the primary use and the permitted principal use together; moreover, the area occupied by the electronic gaming machines cannot occupy in excess of 20% of the available floor space of the business; premises.

26. **Emergency Services.** Those services which serve critical needs of the general public related to health and safety and which need to be centrally located or dispersed throughout the City so that they can respond quickly and effectively to requests to protect or save property and life. These services include Police, Fire, Rescue Squad, and Ambulance.
27. **Established Grade.** The elevation of the street grade as fixed by the City of Henderson.
28. **Family.** One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding- house, lodging house, or hotel.
29. **Family Care Home.** A 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.
30. **Farmer's Market.** A retail establishment primarily engaged sale of fresh fruit, vegetables and similar perishable goods.
31. **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.
32. **Flea Market.** Building or open areas(indoor or outdoor) in which one or more sales areas are used for the purpose of selling or trading a variety of merchandise, including new and/ or used good and articles to general public. This does not include yard sales rummage sales or farmer's market, or other established uses set forth in **Article 300A** of the Table of Permitted Uses.
33. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:  
(1) the overflow of inland waters; and  
(2) the unusual and rapid accumulation or runoff of surface waters from any source.
34. **Flood Hazard Boundary Map (FHBM).** The official map for Vance County issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
35. **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency has delineated both the Areas of Special Flood Hazard and the Risk Premium Zones applicable to the City of Henderson.

36. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
37. **Floor.** The top surface of an enclosed area in a building (including basement), i.e. top of slab concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
38. **Game Rooms.** Games rooms include public pool rooms, bowling alleys, billiard halls, bingo parlors, snooker parlors, amusement centers and any place of business that operates four or more mechanical games, pay devices or tables for which charge is made either directly or indirectly. (The sale of alcoholic beverages, food, magazines, and other merchandise in said place of business shall not prevent its classification as a “game room.”)
39. **Gross Floor Area.** The total number of square feet within a building devoted to any and all uses, including the space occupied by such supporting facilities as storage sheds, work areas, toilets, mechanical equipment and the like.
40. **Group Home for Developmentally Disable Adults.** A domiciliary home, other than a family care home, which has two to nine developmentally disable adults.
41. **Handicapped Person.** 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 impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in **N.C.G.S. 122C-3 (11)b.**
42. **Heavy Equipment.** Any vehicles that have a Gross Vehicle Weight (GVW) of at least 13 tons, any construction equipment, or any farm equipment.
43. **Home for the Aged and Disabled.** A domiciliary home which has seven or more residents.
44. **Home Occupation.** A commercial activity that (1) is conducted by a person on the same lot as where the person resides; and (2) is so insubstantial or incidental or commonly associated with the residential uses as to be regarded as an accessory use.
45. **Homeless Shelter.** A facility operating year- round which provides lodging and supportive service (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and

- placement; and child care) for indigent individuals and/or families with no regular home or residential address.
- 45a. **Homeless Shelters (Temporary).** A facility operated by a governmental unit, non-profit agency, or house of worship providing, without charge, temporary sleeping accommodations, with or without meals, for families displaced by emergency events for individuals and or families not able to occupy their home / residents. (Amended 2/12/2018)
46. **Heliport.** An area of land, water or structural surface for discharge or pickup of passengers or cargo from or by helicopters, but excluding field service or maintenance.
47. **Helistop.** An area of land, water or structural surface for discharge or pickup of passengers or cargo from or by helicopters, but excluding field service or maintenance.
48. **Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
49. **Hotel, Motel.** Any building or group of buildings containing nine (9) or more rental units for transient guest.
50. **HUD Code Home**  
**Class A HUD Code Home**

Minimum criteria: Class A HUD Code Home meeting or exceeding the U.S. Department of Housing and Urban Development standards (all manufactured homes built after July 1, 1976) which is of multi-sectional or double-wide design and that satisfies the following criteria:

- (a) Is occupied as a single- family dwelling; and
- (b) Has a minimum width of twenty-three (23) feet; and
- (c) Has a length of at least forty (40) feet, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- (d) Has a minimum of (920) square feet of enclosed and heated space; (measured from exterior walls); and
- (e) Has towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements; and



- (f) Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to front yard, unless other orientation is permitted as a variance by the Board of Adjustment following a public hearing; and
- (g) Is set up in accordance with the standards established by the N.C. State Building Code. In addition, a continuous enclosed, permanent masonry or brick foundation or masonry or brick curtain wall shall be constructed, unpierced, except for required ventilation and access, shall be installed under the perimeter; and
- (h) Exterior materials are of wood, hardboard, masonry, vinyl, or aluminum lap siding (vertical or horizontal) comparable in composition, appearance and durability to site built houses; and
- (i) Has a roof pitch minimum nominal vertical rise which passes in the trade of at least three and one-half (3 ½) feet for each twelve (12) feet of horizontal run; and
- (j) Has a roof finish that is commonly used in standard residential construction;
- (k) Has an eave projection for all roof structures of no less than six (6) inches, which may include a gutter; and
- (l) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from home shall be installed or constructed in accordance with the N.C. State Building Code, attached firmly to the primary structure and anchored securely to the ground.

### **Class B HUD Code Home**

Minimum Criteria: Class B HUD Code Home is a mobile home constructed after July 1, 1976 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 satisfy the following additional criteria:

- (a) Is occupied only as a single- family dwelling; and
- (b) The unit is at least 40 feet in length and 12 feet in width and has at least 40 square feet of space and is set up in accordance with the standards established by the N.C. State building Code; and
- (c) The tongue transporting light and reasonable towing apparatus are removed after placement, however, tongues that are affixed and not designed for removal may remain intact provided tongues are screened in accordance with **Section 616B.2 (e)**; and

- (d) Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the front yard, unless other orientation is permitted as a variance by the Board of Adjustment following a public hearing; and
  - (e) A continuous uniform foundation enclosure may consist of wood, vinyl paneling, or metal fabricated for the purpose. Any wood framing for foundation skirting shall be constructed with treated lumber; and
  - (f) Exterior materials are of wood, hardwood, masonry, vinyl, or aluminum lap siding (vertical or horizontal) comparable in composition, appearance and durability to site built houses, and
  - (g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from home shall be installed or constructed in accordance with the standards set by the N.C. State Building Code, attached firmly to the primary structure and anchored securely to the ground.
- 50a. **HUD Code Home Park.** Any premises used or intended to be used or occupied by two (2) or more HUD Code homes, for a period of fourteen (14) days or more whether on wheels or anchored in place or supported by a foundation or other stationary supports, together with automobile parking space, utility structures, or other required facilities incidental thereon. This definition shall not include HUD Code home sales lots on which only unoccupied HUD Code homes are parked for purposes of inspection or sales.
- 50b. **HUD Code Home Space.** A parcel of land in a HUD Code home park occupied or intended to be occupied by one only one HUD Code home, for exclusive use of the occupants of said HUD Code home.
51. **Industrial District.** The industrial Districts included the I1, I2 and I3 Districts.
52. **Junkyard.** Any yard for the storage, outside of an enclosed structure, of junk, abandoned goods, wrecked or damaged motor vehicles, scrap metal, salvage building materials or other salvage. Junk includes items not capable of then being used for the normal purpose for which such items are intended without repair, including but not limited to non-operable automobiles, and which have not been in the active process of being repaired. Abandoned goods include items that are being stored on a lot and are not for present or immediately foreseeable use other than storage.
53. **Kennels.** An overnight boarding of domestic animals. Owners and operators of a kennel shall comply with the NC Department of Agriculture license and regulations. All kennels shall have at least a low opaque screen of not less than six (6) feet in height and enclosed as to prevent escape (12/11/2017).

54. **Levee.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.
- 54a. **Levee System.** A flood protection system which consists of levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
55. **Light Manufacturing.** A light manufacturing facility is one that contains a maximum of 30,000 square feet of enclosed space and which utilizes no outside storage or placement of materials or other components or of manufactured products. Moreover it must be a facility which has no pollution emissions or polluting by-products of any kind (including those which might pollute water, surface, ground or air). The facility shall not generate any noise which would exceed the prevailing noise levels at adjacent properties which are located in non-industrial districts. May also include beer brewing or other similar facilities as part of a microbrewery and alcohol beverage productions (Amended 3/8/2010, 10/9/2017). See Light Manufacturing, Section 676B.
56. **Loading and Unloading Area.** That portion of the vehicle accommodation area used to satisfy the requirements of **Section 550**.
- 56a. **Loading and Unloading Space.** A space suitable for loading and unloading.
57. **Lot.** A tract, plot, or portion of a subdivision or any other parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development, or for both.
- 57a. **Lot Lines.** The lines bounding a lot as herein defined.
- 57b. **Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of deeds of Vance County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance
- 57c. **Lot, Depth Of.** The mean horizontal distance between the front and rear lot lines.
- 57d. **Lot, Front Of.** The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot the permit issuing authority shall determine which side fronting on a street is the front. In making that determination the authority shall consider the relative frontage that the lot has on each street, the nature of existing development on each street, and the proposed or existing orientation of the structures as shown on the site plan.

58. **Major Public Utility Facilities.** Utility facilities intended to serve more than neighborhood demands including transformer stations, high voltage transmission lines and transmission line structures, and transmitting or relay station.
59. **Manned Solid Waste Convenience Center.** A facility operated for the purpose of residential solid waste collection limited to the residents of Vance County.
60. **Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations with the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
61. **Meeting Facility (Civic):** A facility is for the use of not for profit membership organizations such as alumni associations, booster clubs, scouting organizations, and social clubs to promote or engage in civic interests for their members. The facilities primary use is to conduct meetings, office administration, institutional uses, and occasional recreational uses. (Amended 12/12/2016)
62. **Minor Street.** A minor street is one that has eighteen (18) feet or less of paved width and is a Class “C” or Class “D” street as described in Section 16-72 of the City Code, provided that the lack of a curb and gutter shall not per se constitute a street as a “minor street”. (Amended 5/24/2010)
63. **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 and incidental to the primarily use of producing beverage in accordance with state ABC permits. A microbrewery produces less than 25,000 US Barrels (787.500 US Gallons) per year (Amended 10/9/2017). See Light Manufacturing, Section 676B.
64. **National Geodetic Vertical Datum (NGVD).** A vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the flood plain.
65. **Neighborhood Laundries.** A laundry intended to serve neighborhood demand, including self-service laundries, are limited in space to not more than 2,000 square feet, in number of persons employed at one time to no more than four, and to total operating capacity per machine of 25 pounds or less.
66. **New Construction.** Structures for which the “start of construction” commenced on or after the effective date of the respective applicable portion of this Zoning Ordinance.
67. **Night Club, Traven or Lounge.** An establishment where either the gross receipts from alcoholic beverages and/or charges exceed the gross receipts from non-alcoholic beverages and food, or where food and beverages is served and live entertainment presented. Where a night club, tavern or lounge is located in a hotel

- or motel or golf or country club with a restaurant that might not otherwise meet the definition set out above, the permitting authority may consider the size of the facilities and determine that the use is an accessory use.
68. **Nonconforming Lot.** A lot existing after the effective date of the respective applicable portion of this Zoning Ordinance that does not meet the minimum area, lot width or other dimensional requirement of the district in which the lot is located.
69. **Nonconforming Project.** Any structure, development, or undertaking that is substantially incomplete at the effective date of the respective applicable portion of this Zoning Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
70. **Nonconforming Situation.** A situation that occurs when, on the effective date of the respective applicable portion of this Zoning Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the applicable regulations for the district in which the lot or structure is located.
71. **Nonconforming Use.** A nonconforming situation that occurs when property is used for a purpose or in a manner unlawful by these regulations applicable to the district in which the property is located.
72. **Non-residential Districts.** All districts other than Residential Districts
73. **Nursing Home.** A facility maintained for the purpose of providing nursing or convalescent care for three or more persons unrelated to the license. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill, and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities and obstetrical facilities.
74. **Parking Area Aisles.** The portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- 74a. **Parking Space or Stall.** That portion of the vehicle accommodation area set aside for the parking of one vehicle
75. **Permit Issuing Authority.** The person or Board responsible for issuing the permit authorizing development and/or under this ordinance, namely the Zoning Administrator in the case of the Certificate of Zoning Compliance or the Board of Adjustment in the case of a Special use Permit, or Variance.
76. **Petition to Amend the Zoning Ordinance.** A request to change or amend the Zoning Ordinance or Map made by someone other than the City Council on its

- own motion, the Administration, a Board appointed by the City Council for the purpose of receiving recommendations concerning land use and related matters.
77. **Premises.** A lot and the structures located on it.
78. **Public Notice.** Unless otherwise specified herein or otherwise required by law, public notice of hearing means notice of the time and place thereof published once a week for two consecutive calendar weeks in a newspaper of general circulation in the City of Henderson.
79. **Rummage Sale.** A sale by a nonprofit organization where individual members bring personal property or merchandise items to be sold in order to raise funds for the organization. This is not presently regulated by the Zoning Code.
80. **Residential Districts.** Any district beginning with R and including the R40, R20, R15, R11, R6, R15M, and R8M.
81. **Rooming House.** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a bed & breakfast home or tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guest. A rooming house or boarding house is distinguished from a family care facility (home or institution) in that persons living or intended to live therein are not disabled or handicapped or in need of special personal care of the sort that would usually be administered by a nurse, therapist, or other medical personnel, including but not limited to the administered of medication. A rooming house shall be a residential structure designed and used primarily as a private residence and the owner (with at least a 10% ownership interest in the premises) shall permanently reside therein; no more than six rooms shall be rented out and no such room shall be occupied for sleeping purposes by more by more than two persons (plus guest's children under eighteen years of age). (Amended 4/23/2012)
82. **Screen.** A screen is a physical barrier designed and intended to separate more intensive uses from less intensive uses.

**A Low Opaque (“L”) Screen** is a screen that is opaque from the ground to a height of at least six feet with intermittent visual obstruction above that height and to a height suitable to screen the use. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide.

**A High Quasi Opaque (“H”) Screen** is a screen that is intended to virtually screen all visual contact between uses with an emphasis on obstructing the area above six feet in height. If the screen is established through vegetation, a high

quasi opaque screen shall be composed of two rows of trees with each row capable of each providing intermittent visual obstructions to a height suitable to screen the use. At maturity, the portion of intermittent visual obstruction in each row should not contain any completely unobstructed openings more than fifteen feet wide.

A **Broken Screen (“B”) Screen** is a screen that is composed of intermittent visual obstruction from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed opening more than ten feet wide.

Except as otherwise provided, a screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

An opaque screen is intended to exclude completely all visual contact between uses and create a strong impression of spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. The portion of intermittent visual obstructions may contain deciduous plants.

83. **Site Plan.** A drawing made to scale and meeting the requirements of **Article 900** of this Ordinance. Drawing involving land disturbance greater than one half acre in size are required to have an approved soil erosion and sedimentation
84. **Solar Farm.** Components, mounted to the ground or other structures, and supporting equipment and structures that can convert solar energy into electric or other usable energy form, not to co-locate with a residential or commercial use on a site with one acre or greater. (Amended 6/8/2015)
85. **Specialty Shop.** A retail establishment wherein the majority of goods sold (a) are either gourmet or imported food items not from consumption on premises (including wine, cheese, coffee, or tea.); or, handmade (as opposed to mass-produced on assembly lines) or imported clothing’ or art, craft and hobby supplies or the direct product of those supplies; and (b) are not for sale in typical department, grocery or retail stores. (The goods sold in specialty shops are typically considerably more expensive than in other retail stores selling similar goods and reflect the limited supply and unusual nature of those goods, and the limited market for sales. The number of motor vehicle trips per day generated by these shops is expected to be less than that generated by the retail shop selling a wide variety of goods or lower priced, mass produced item.
86. **Stables.** (Including but not limited to horse farms and boarding facilities) Any premises keeping horses for gazing, pleasure, breeding or boarding purposes.

- Private stables require a minimum lot size of 5 acres; commercial boarding facilities require a minimum lot size of 20 acres. **See Section 644B for Design Standards.**
87. **Start of Construction.** The date the building permit was issued provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation or the installation on the property of accessory buildings.
88. **Story.** That part of a building comprised between a floor and the floor below, or a floor and floor or roof next above. A mezzanine shall be considered a story if it exceeds 25 percent of the area of the floor immediately below.
89. **Street.** A right-of-way for motor vehicle use. (See Subdivision Regulations for distinction between public and private streets and between types of streets, i.e. arterial, collector, sub collector, local and minor streets.)
- 89a. **Street Centerline.** Imaginary line lying halfway between the two edges of the street pavement.
- 89b. **Street Line or Right-of-Way Line.** The street line is the dividing line between the street and the lot, as established by the City of Henderson
- 89c. **Street Width.** The difference between the parallel right-of-way lines of a street (street lines) measured at right angles to such lines.
90. **Structure.** Anything constructed or erected, the use of which requires location on the land, or attached to something having a location on the land. The term “structure” shall be construed as if followed by the words “or part thereof.”
91. **Substantial Improvement.** Any repair, reconstruction, or improvement of the cost of which equals or exceeds 50% of the market value of the structure either (1) before the improvements or repair is started, or, (2) if the structure has been damaged and being restored, before the damage occurred.
92. **Tree, deciduous:** a tree that sheds seasonally; at planting it is required to be 2 inches in caliper and 6-8 feet in height.
- 93a. **Tree, coniferous:** cone bearing tree; at planting it is required to be 2 inches in caliper and 6 feet in height
- 93b. **Tree, evergreen:** a tree that has foliage that remains green and functional through more than one growing season and shall be at least six feet in height at planting.



94. **Shrub, large:** large shrubs shall be minimum of 2 feet in height at planting and are assumed to reach 4 to 5 in height within 3 to 5 years of planting.
- 94a. **Shrubs, small:** small shrubs shall be minimum of 15-18 inches in height at maturity.
95. **Tourist Home.** See Bed & Breakfast Home. (Amended 4/23/2012)
96. **Tower.** A structure used for transmitting or received television, radio, or telephone communications: broadcasting towers, two-way radio towers, fixed point microwave dishes, commercial satellites and receiving dishes, cellular, PCS and similar towers (excepting only those serving only 1 residence, business or apartment complex building and not exceeding the height limitations herein set forth.)
- “Towers” shall include any structure to which an antenna is attached, including buildings.
- “Height” is the tallest point of any part the antenna, tower, wire, or disc above the lowest natural ground level beneath the same.
97. **Travel Trailer.** A portable vehicular structure designed for short term occupancy for travel and recreational purposes.
98. **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 which may or may not be subdivided into the customary streets and lots and which will not be sole subdivided.
99. **Unified Housing Development.** A development consisting of one or more principal residential structures or buildings and accessory structures or building to be constructed on a lot or plot which may or may not be subdivided into the customary streets and lots. (Also known as a Unified Residential Development.)
100. **Use, Principal.** The primary purpose or function that a parcel serves or is intended to serve.
101. **Vehicles.** All motorized vehicles as defined by the State of North Carolina Department of Motor Vehicles, including but not limited to: automobiles, trucks, buses, all-terrain vehicles (ATV’s) and motorcycles. This definition shall not include “heavy Equipment” as defined elsewhere.
102. **Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking, storage, stacking waiting services, loading and

- unloading. It compromises the total of circulation areas, loading and unloading areas, parking areas, stacking lanes and storage areas.
103. **Vehicle Repair Shop.** Building and premises where mechanical work, service, and repair of motor vehicles are conducted as the primary activity. Included in this definition are dwelling where not more than two (2) vehicles owned by the lawful residents of the dwelling are repaired on site. (Also known as Auto Repair)
104. **Vehicle Sales.** An area of land, a building, or structure uses as a primarily for the display of vehicles for sale including as accessory: rental, lease, repair, washing and cleaning of vehicles (Also known as auto sales).
105. **Vehicle Holding Area.** A holding facility for the storage of wrecked operable or inoperable vehicles awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by the police. No dismantling of vehicles is permitted. This only to be used in conjunction with “auto repair shops”
106. **Vehicle Storage Area.** Storage facilities for operable vehicles to be stored for third party owners with the intent that said owners will be using the same on occasions; this can be used in combination of use with “Boat Storage”. This use shall not include: “Vehicle Repair Shop”, “Vehicle Holding Area”, salvage areas or junkyards, or storage area for mobile homes, modular homes, or any off-site manufactured homes.
107. **“Veterinary Clinic” or “Animal clinic”.** Means a veterinary practice facility in which the practice conducted is essentially an out-patient basis. Any facility used for the purpose of giving licensed practitioners medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as routine checkups, grooming, boarding, dentistry or selling pet supplies (12/11/2017).
108. **Veterinary Hospital or Animal Hospital.** Means a veterinary practice facility in which the practice includes the confinement as well as the treatment of animals. A place where animals are given medical care such as radiology, surgery, hospitalization, extended care, and the boarding of animals is limited to short-term care incidental to the hospital use (12/11/2017).
109. **Yard Sale.** An occasional sale held for the purpose of disposing of the Seller’s own personal property. “Personal property” shall mean property which is owned, utilized and maintained by an individual Seller or member of his or her residence and acquired in the normal course of living in or maintaining the Seller’s residence. Personal property does not include merchandise which was purchased for resale or obtained on consignment. Yard Sales are not presently regulated by the Zoning Code.

110. **Zoning Administrator.** The Director of Planning and Community Development, or his/her designee in the Department of Planning and Community Development, who is charged with administering this Ordinance under **Article 900**.