ARTICLE 1

TITLE

 This Ordinance shall be known as “The Zoning Ordinance of the Town of Lake Santeetlah, North Carolina.”. Hereinafter referenced as “Ordinance.”

(Ord. )

ARTICLE II

PURPOSE AND INTENT

This Ordinance is designed to encourage the protection and development of the various physical elements of the Town's territorial jurisdiction in accordance with the Town’s adopted land-use plan for the zoning purposes set forth in G.S. 160D-701, including:

(1) Promoting the public health, safety and general welfare of the Town’s citizen and property owners;

(2) Promoting the orderly growth and development of the Town;

(3) Lessening congestion in the roads and streets;

(4) Providing adequate light and air;

(5) Protecting the beauty of the surrounding environment and the quality of the waters of Lake Santeetlah;

(6) Securing safety from fire, panic and other dangers;

(7) Preventing the overcrowding of land; and

(8) Facilitating the adequate provision of transportation, water, sewerage, community services and other public necessities.

ARTICLE III

AUTHORITY

The provisions of this Ordinance are adopted under authority granted by G.S. 160D-101 *et seq*.

ARTICLE IV

JURISDICTION

The land development regulations presented in this Ordinance shall apply to all property located within the corporate limits of the Town of Lake Santeetlah as shown on the official zoning map of the Town.

ARTICLE V

GENERAL CONSTRUCTION AND DEFINITIONS

Section 500. Guidance for interpretation.

1. Interpretations shall be guided by statement of purpose and intent within the context of the regulations.
2. All words used in this Ordinance shall have their common, ordinary meaning, unless specifically defined below or within the context of a specific chapter of the ordinance.
3. Interpretation of commonly used terms and words.
4. Words used in the present tense shall include the future tense.
5. Words used in the singular number shall include the plural and words used in the plural include the singular, unless the construction of the context indicates otherwise.
6. The words “person” or “one” or “no one” includes a firm, association, corporation, trust company or other entity and an individual.
7. The word “structure” shall include the word “building.”
8. The word “lot” shall include the words “plot”, “parcel” or “tract” meaning a piece of land described in an instrument duly recorded in the office of the register of deeds.
9. The term “boundary line” or “lot line” shall mean the legally established boundary of a lot, and will be considered coincident with an abutting public street right-of-way line unless the metes and bounds description in a recorded deed or plat clearly and specifically established the lot boundary at some other location.
10. The word “shall,” “must,”, and “will” are always mandatory, including a requirement to comply with the particular provision.
11. The word “may” is permissive in nature except when used in the negative.
12. The word “should”, whether used in the positive or negative, is a suggested guideline.
13. References to “days” will always mean business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

Section 501. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a structure detached from the principal building and located on the same lot and incidental and subordinate to the principal building. Regulations for accessory buildings are set forth in Section .

 Accessory Building. A detached building such as a garage or shed that is subordinate to the main building on a lot and used for purposes customarily incident to the main or principal building and located on the same lot.

*Accessory use* means a use of land or of a building or structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

*Addition (to an existing building)* means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction set forth herein. . .

*Appeal* means a request from a review of the local zoning administrator's interpretation of any provision of this Ordinance.

*Automobile wash* and *automatic car wash* mean a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for that purpose.

(Note: ls car wash in the Nashville PUT? Is everything contained in the Nashville PUT defined in definitions? Same for all specific businesses listed in definitions.)

*Board of adjustment* means a quasi-judicial body, appointed by the Town Council, composed of representatives from or for the planning jurisdiction of the Town which are given certain powers as set forth in Section

 Board of Adjustment. The persons or members who make up

 Abody for the purpose of performing the duties required by the

 Zoning Regulations for the Town consis tent with NCGS 160D-303.

~~TheBoard will consist of five people appointed by the Town Council.~~

~~Members must be property owners. Members shall be appointed by the~~

~~Town Council with the goal of geographic representation of the entire~~

~~Town. The Town Council may appoint one member who is a full-time~~

~~resident of Graham County as well~~

*Buffer* means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of Lake Santeetlah.

*Buffer strip* means a strip intended to screen incompatible uses consisting of an approved wall, fence or planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten feet apart, and not less than one row of dense shrubs, spaced not more than five feet apart. Standards for buffers are set forth in Section .

 Buffer Strip. ~~A buffer strip is~~ Vegetation consisting of trees or

shrubs located along the side and rear lot lines. The buffer strip shall not extend beyond the established setback and/or easement line along any ~~street or~~ road. Such buffer strip shall not be less than four feet in width and shall be composed of trees and shrubs of a type which at maturity shall not be less than six feet in height unless otherwise approved by the Zoning Administrator or the Zoning Board of Adjustment.

*Building* means any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, having a roof supported by columns or walls and intended for use as shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind.

 Building. Any structure having a roof supported by columns or by walls, and intended for shelter housing or enclosure of persons or personal property. The connection of two buildings by means of an open porch, breeze way, passageway, carport or other such open structures, with or without a roof, shall not be deemed to make them one building.

*Building line* means 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 right-of-way line of any street when measured perpendicular thereto.

*Building permit* mean the permit obtained for construction of a building from the Graham County Building Inspection Department.

 Building Permit. A permit obtained from the Graham County

 Building Inspector’s Office.

*Certificate of zoning compliance* means a written statement, signed by the zoning administrator, setting forth that the building, structure or use complies with this Ordinance and that the building, structure or use may be used for the purpose stated in the statement.

 Certificate of Zoning Compliance. A certificate issued by the Zoning

Administrator informing the applicant of approval of developmental

plans.

*Condominium development* means a development of one or more structures containing two or more units intended for owner occupancy, where the land beneath each unit and all common areas (as defined in the North Carolina Unit Ownership Act (G.S. 47A-1 et seq.)) are owned proportionately by each unit owner in the development. Units and the land on which they are built do not meet conventional lot requirements for street frontage and yard sizes, and walls between units are constructed in accordance with state building code requirements. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with the provisions of Section .

*Convenience store* means a one-story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primary food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare," "7-11" and "Pantry" chains.

(Note: Is convenience store in the Nashville PUT?)

*Curbline* means, on the basis of orientation of the existing structure, the line located at the back of the street curb perpendicular to the structure. Such line shall be fixed by the zoning administrator subject to review by the board of adjustment.

(Note: We do not have curbs in TOLS)

*Customary home occupations* means any use conducted for gain within a dwelling and carried on by the occupants, which use is clearly incidental and secondary to the use of the dwelling for residential purpose and does not change the character of the dwelling, and in connection with which there is no display; further, no person not a resident on the premises shall be employed specifically in connection with the activity, no mechanical equipment shall be used except such as is normally used for domestic or professional purposes, and not over 25 percent of the total floor space or 400 square feet of any structure, whichever is less, shall be used for home occupations.

*Development* means activity defined in G.S. 160D-102(12).

*Dish antenna (or earth station)* means any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

*Dish antenna (or earth station) height* means the distance as measured vertically from the highest point of the antenna or dish, when positioned as its lowest angle for operation to ground level at the bottom of the base which supports the antenna.

*Dish antenna (or earth station) setback* means the distance measured from the center mounting post supporting the antenna.

*District* means any section of the Town's planning jurisdiction in which zoning regulations are uniform.

*Dwelling* *or dwelling unit* means any building or portion of a building which is designed for living and/or sleeping purposes, as such term is defined by the North Carlina Building Code Council. The current definition reads: “A single unit providing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.”

 Dwelling Unit. A building, or portion thereof, providing complete

and permanent living facilities ~~for one family~~ including permanent

provisions for living, sleeping, eating, cooking and sanitation.

 *Dwelling, multifamily,* means a building containing three or more dwelling units.

 Dwelling, Multi~~-Family~~ Unit. ~~A building or portion thereof used or~~

~~designed for two (2) or more families living independently of each~~

~~other.~~ A building containing three or more dwelling units used,

intended or designed to be used, rented, leased, let or hired out to be

 occupied for living purposes.

 *Dwelling, single-family,* means a building arranged or designed to be occupied by one

 family, the structure having only one dwelling unit.

 Dwelling Unit, Single-~~Family.~~ ~~A building arranged or designed~~

~~To be occupied by one (1) family and not attached to another dwelling.~~

A building containing a single unit providing complete independent

living facilities, for one or more persons, including permanent provisions

for living, sleeping, eating, cooking and sanitation.

(Note: Counsel made a point of advising us at the beginning of this project that the term “family”

is hard to define. Therefore, we made considerable effort to not use the term “family”. Instead

we referred to the UNC School of Government 2019 NC Legislation Related to Planning and

Development Regulation definition of “Dwelling Unit”. This relates as well to the two following

 definitions provided by Counsel)

*Dwelling, single-family semidetached,* means a one-family dwelling attached to another one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

*Dwelling, two-family,* means a building arranged or designed to be occupied by two families living independently of each other, the structure having only two dwelling units.

*Erect* means to build, construct, erect, rebuild, reconstruct, or re-erect as these terms are commonly defined.

*Existing development* means those projects that are built or those projects that, at a minimum, have established a vested right under state zoning law as of the effective date of the ordinance from which this Ordinance derives based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good-faith reliance upon having received a valid local government approval to proceed with the project;
2. Having an outstanding valid building permit as authorized by G.S. 160D-108(c);
3. Having expended substantial resources (time, labor, money) and having an approved site-specific or phased development plan as authorized by G.S. 160D-108.1; or
4. Having vested rights established by virtue of G.S. 160D-108(c)-(f).

*Fabrication* means 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.

(Note: While Counsel is using a broad brush to paint what TOLS MAY have in the future,

 the list cannot ever be finite. This is concerning.)

*Family* means one or more persons related by blood, adoption or marriage, or a group of not more than five persons not related by blood, living together as a single housekeeping group in a dwelling unit.

 (Note: See above comments regarding “family”)

*Family care home* means a home defined and described in G.S. 168-20 et seq., as having support and supervisory personnel, that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

*Fine arts and crafts* means individual art pieces, not mass produced consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and/or craftwork, leather, wood, metal, or glass.

*Flea market* means buildings or open areas in which sales areas or stalls are set aside or rented, and which are intended for use by one or more individuals or by educational, religious or charitable organizations to sell a variety or articles such as those which are either homemade, homegrown, handcrafted, old, obsolete or antique.

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in 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.

*Frontage* means all property abutting on one side of a street measured along the street line.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

(Note: This sounds more likely to be an issue in a town near a river or not far from a body of

Water with commercial enterprises and not to a recreational lake.)

*Garage, private,* means a building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage or care of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

*Garage, storage,* means any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

*Hazardous material* means any substance listed as such in SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or section 311 of CWA (oil and hazardous substances).

*Height, building or structure* means the

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

 Building Height. The distance measured from the floor of the story

at the highest ground level to the peak of the roof ~~to the highest base~~

 ~~foundation of the subject property~~. A chimney that complies with the

 minimum state building code requirements for height of a chimney

 shall not be included in the calculations for the height of the

building; provided, that the chimney shall not extend more than five

feet above the highest ridgeline of the roof.

 (Note: To have an understanding of our definition requires a knowledge of the topography of our Town. We had considerable discussion on height and conferred with contractors. Height has to be measurable and one definition does not fit all as it relates to our Town’s unusual gradients.)

 *Home for the aged* means a boarding home with more than six beds meeting all of the

requirements of the state for the boarding and care of persons who are not critically ill and who do

not need regular professional medical attention.

*Hotel* means a building used as an abiding place of more than 14 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.

*Internet café* means a physical business location where one can use a computer with internet access usually for a fee on a monthly, daily, hourly or per minute basis. Also used as gaming centers and/or locations to operate sweepstakes.

*Junk* means 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 be dismantled and salvaged.

 Junk. Old or scrapped copper, brass, rope, rags, batteries, paper,

trash, rubber, debris, waste, dismantled, wrecked or nonoperational

vehicles or parts thereof and watercraft, boat trailers, iron, steel, and

other old scrap ferrous or non-ferrous material. Junk vehicles or

watercraft shall be determined non-operational if not registered and/or

 licensed and if not operable.

*Junkyard* means the outdoor storage and/or sale of more than six junk parts or products on any lot or tract.

 Junkyard. An establishment or area which is maintained, operated

or used for storing, keeping, buying or selling junk regardless of the

length of time that junk is stored or kept, or for maintenance or

operation of an automobile graveyard, including construction

equipment, boats and trailers not licensed or being utilized for its

intended purpose, but shall not include garbage dumps or county

operated sanitary landfills.

*Kennel* means a facility operated exclusively for profit and for dogs, cats or other animals customarily or traditionally found in a kennel operation.

*Landfill* means a facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. 130A-290 et seq. For the purpose of this Ordinance, this term does not include composting facilities.

*Lot* means a parcel of land occupied or to be occupied by a main building or group of buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this article and having not less than the minimum required frontage upon a street, either shown on a plat or record, or considered as a unit of property and described by metes and bounds.

*Lot area* means the total area circumscribed by the boundaries of a lot, except that:

1. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to 30 feet from the center of the traveled portion of the street; and
2. In a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

*Lot, corner,* means a lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning certificate.

*Lot, depth of,* means the average horizontal distance between front and rear lot lines.

*Lot line, rear,* means:

1. If the lot has one front line, the boundary opposite that front line shall be the rear line;
2. If the lot has two front lines, the boundary opposite the shorter of the two front lines shall be the rear line, provided that if both front lines are of equal length, the rear line shall be fixed by the zoning administrator, subject to review by the board of adjustment, on the basis of orientation of existing structures;

(3)  If the lot has three or more front lines, there shall be no rear line.

(Note: Lot Area and the following does not apply to this Town.)

*Lot of record* means a lot which is a part of a subdivision, a plat of which has been recorded in the office of the county register of deeds prior to , or a lot described by metes and bounds, the description of which has been so recorded prior to .

*Lot, width of,* means the horizontal distance between the side lines, measured along the front building line as specified by the applicable front yard setback in this article.

 Lot Width. The mean surveyed horizontal distance between side lot lines measured at the front set back line.

*Manufactured home* means a dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the building site.

*Manufactured home, class A,* means a dwelling unit constructed with one or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the state uniform residential building code as amended.

*Manufactured home, class B,* means a dwelling unit that:

1. Is not constructed in accordance with the requirements of the state uniform residential building code as amended;
2. Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site;
3. Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development; and
4. Conforms to the following appearance criteria:
5. The manufactured home has a minimum width, as assembled on the site, of 20 feet;
6. The pitch of the manufactured home's roof has a minimum vertical rise of four inches for each 12 inches of horizontal run and the roof is finished with asphalt or fiberglass shingles; also the roof provides an eight-inch overhang;
7. The exterior of the manufactured home must be constructed of vinyl siding;
8. A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access is installed under the manufactured home;
9. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; and
10. Framing of the unit shall be recessed and the unit shall be constructed of studs which are 16 inches on the center.

*Manufactured home, class C,* means any manufactured home that does not meet the definitional criteria of a class A or class B manufactured home but which, at a minimum, exceeds 32 feet in length and eight feet in width.

*Manufactured home park* means land used or intended to be used, leased or rented for occupancy by six or more mobile homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

*Map* and *zoning map* mean the official zoning map of the Town.

*Motel* and *motor lodge* mean a building or group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

*New construction* means structures for which the start of construction commenced on or after the effective date of the Ordinance from which these land development regulations derive and includes any subsequent improvements to such structures.

*Nonconforming lot* means a lot existing at the effective date of the ordinance from which this article derives or any amendment to it (and not created for the purpose of evading the restrictions of this article) that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

(Note: We do not address Nonconforming lots in TOLS.)

*Nonconforming situation* means a situation that occurs when, on the effective date of the ordinance from which this article derives or any amendment to it, an existing lot or structure or use of any 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:

(1)  A lot does not meet minimum acreage requirements;

(Note: Again we do not address nonconforming lots.)

(2)  Structures do not satisfy maximum height limitations;

(3)  The relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this article; or

(4)  Land or buildings are used for purposes made unlawful by this article.

*Nonconforming use* means a nonconforming 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 nonconforming 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 nonconforming use.)

*Nonconformity, dimensional,* means a nonconforming situation that occurs when the height or size of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

*Nursing home* means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

*Open storage* means unroofed storage areas, whether fenced or not.

*Parking space* means the storage space for one automobile of not less space than prescribed by this article, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

 Parking Space. An area for parking a vehicle, a watercraft and/or

watercraft trailer, plus the necessary access space. Parking space(s) shall

 be provided with vehicular access to a street, and shall always be located

 outside the dedicated street right-of-way unless a variance has been

granted by the Zoning Administrator or Zoning Board of Adjustment. A

parking space shall not be less than ~~ten feet (10') by twenty-two feet (22').~~

nine feet by eighteen (18) feet.

 (Note: This is a water-front community and cannot only address an automobile.)

*Planned unit development (PUD)* means a group of buildings on a single lot or tract or structures on a site where the developer may reduce the size of individual lots. A PUD must be in accordance with the provisions of Section .

 Planned Unit Development (PUD). Any development where more than

one principal building or use is proposed to be constructed on a single

tract~~, or any building with a gross floor area of 25,000 square feet or~~

~~more~~, shall be deemed a PUD pursuant to the North Carolina Planned

 Community Act, North Carolina General Statute Chapter 47F. Prior to

the approval or amendment of a PUD, the PUD must be completely platted

by a licensed, registered surveyor.

*Planning board* means a board appointed by the town council to study the town and its environs, to recommend plans and policies for the future, and to advise the town council in matters pertaining to planning and zoning.

*Preschool* means a facility for the care and/or education of children of preschool age, including kindergartens and day care centers.

*Processing* means any operation changing the nature of materials, such as chemical composition or physical qualities; this term does not include operations described as fabrication.

*Public sewer system* means any sewage disposal system, whether operated publicly or privately, other than a pit privy or a septic tank located on the lot.

 Public Sewer System. Any sewer system owned and operated by a local

unit of government in Graham county, or other sewage treatment

facility serving two or more connections, or any wastewater treatment

system having a discharge to surface waters when approved by the

Department of Environment and Natural Resources, or ground

absorption system when approved by the County Sanitarian.

*Public water system* means a system operated publicly or privately, whereby the watercourse is not located on the lot of the consumers and the number of connections must be at least ten.

 Public Water System. Water systems serving fifteen (15) or more

 residential connections or serving more than 25 year-round residents

are classified as public water supplies by State law, and plans and

specifications must be approved by the Department of Human Resources,

 Division of Health Services.

*Recreational vehicle* means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

*Rehabilitation facility* means a residential facility for seven or more persons or a nonresidential facility utilized by participants in programs providing guidance, counseling or therapy, not including persons who are psychotic, severely mentally retarded or persons who have demonstrated a known problem repeatedly.

*Resubdivision* means a change in a map of an approved and recorded subdivision plat, or in a map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

*Retail trade* means businesses which sell goods (that are not for resale) to the public and which are open on a regular basis for consumer shopping. At least 40 percent of the floor space of a retail business must be open to the public and devoted to the sale and display of goods on the premises.

(Note: Suggest changing the working to, “Retail Business”)

*Riding academy* means an equestrian institution of learning requiring tuition at which students remain on campus for an extended period of time until prepared curriculum is successfully completed.

*Roominghouse* means a building or portion of a building which contains guestrooms which are designed or intended to be used, let or hired out for occupancy by or which are occupied by four or more but not exceeding nine individuals for compensation, whether the compensation is paid directly or indirectly.

*Service station* means any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

*Sign* means any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from a public way and used to attract attention.

*Business identification sign* means any sign which advertises an establishment, a service, commodity or activity conducted upon the premises where such sign is located.

*Off-premises commercial sign* means any sign which advertises an establishment, service, commodity, goods, or entertainment sold or offered on premises other than that of which such sign is located.

*Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

*Sign area* means the size of sign allowed according to the applicable regulations as contained in this chapter.

*Solar farm* means a facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption.

*Special use* means a use permitted in a zone only after specific findings by the planning board.

(Note: We are moving toward findings from the Town Council, not the planning board.)

*Street* means a public thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, boulevard, highway, road and any other thoroughfare except an alley.

*Street line* means the dividing line between a street or road right-of-way and the contiguous property.

(Note: This does not apply to our Town)

*Structure* means anything constructed or erected, the use of which is intended for and requires permanent location on the ground, or attachment to something having a permanent location on the ground, including signs.

 Structure. Anything constructed or erected, including but not

limited to buildings, which requires location on the land or attachment

 to something having permanent location on the land.

 Structural Retaining Walls. Any wall constructed of wood, rock or

 masonry; the primary purpose of which is to stabilize the soil. Any fence,

wall or hedge which exceeds ~~these~~ dimensions contained in Section

\_\_\_\_\_\_\_\_\_\_\_\_\_ of this Article must be approved by the Zoning Administrator

 or Zoning Board of Adjustment.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See also definition of "substantial improvement."

*Substantial improvement* means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term, however, does not include either any project of improvement of a structure to correct existing violation of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions or any alterations of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. .

*Swimming pool (residential)* means any permanent structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes inground, aboveground, and onground pools, hot tubs and spas.

*Tourist home* means a dwelling where lodging only is provided for compensation, not exceeding 14 persons, and open to transients.

*Townhouse development* means a development of one or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with state building code requirements. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with the provisions of division 4 of this article.

*Toxic substance* means any substance or combination of substances, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

*Use* means the purpose for which land or structures on the land are designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

*Use, accessory,* means the same as "Accessory use."

*Use by right* means a use which is listed as a use by right is any given zone district in this article.

*Use, special,* means the same as "Special use."

*Variance* means a modification or alteration of zoning requirements. This can be done only by the board of adjustment after specific findings of fact pursuant to Section .

*Variance, minor,* means a variance that does not qualify as a major variance.

(Note: We don’t use variance major and minors.)

*Violation* means the failure of a structure or other development to be fully compliant with the town's regulations.

*Warehouse* means 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.

*Warehousing* means the depositing or securing of goods, wares and/or merchandise in a warehouse.

*Water-dependent structure* means any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

*Wholesale* means sale for resale, not for direct consumption.

*Yard* means an open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lampposts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided in this article.

*Yard, front,* means an open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property line or street right-of-way line and extending the full width of the lot.

*Yard, rear,* means 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; may be used for an accessory building.

*Yard sale* shall mean any public sale of goods on residential property including, but not limited to, the residential property's garage, home, lawn, or yard.

*Yard, side,* means an open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line; may be used for an accessory building.

*Zoning administrator* means the official charged with the enforcement of this article or his designee.

*Zoning compliance application* means an application made to the zoning administrator so that a building, structure, or parcel may be researched to verify compliance with the requirements of the zoning ordinance.

(Ord. ).