

Chapter 13: Definitions and Rules of Interpretation

CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

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CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

13.1 GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

13.1.1 Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Chapter 13: Definitions and Rules for Interpretation, the specific section's meaning and application of the term shall control.

13.1.2 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

13.1.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

13.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

13.1.5 References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

13.1.6 Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the Town may be carried out by a professional-level designee of such official.

13.1.7 Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

13.1.8 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Mooresville, unless otherwise indicated.

13.1.9 Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

13.1.10 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** "And" indicates that all connected items, conditions, provisions or events apply; and
- (2)** "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

13.1.11 Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

13.1.12 Term Not Defined

In the event there is a term used in this Ordinance that is not defined in this section, the Planning Director shall have the authority to provide a definition through the Interpretation procedure (see Section 2.3.13, Interpretation) based upon the definitions used in accepted sources, including but not limited to The Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

13.2 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

A

ABANDONMENT (OF REAL PROPERTY)

A parcel of land, use, or structure which has been physically and objectively discontinued, ceased, relinquished, vacated, and/or not maintained for a consecutive period of 180 or more days.

ABUTTING

The condition of two adjoining lots having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCESSIBILITY, PEDESTRIAN

The likelihood a pedestrian can conveniently reach a destination via automobile, bicycle, or alternate mode of transportation.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY STRUCTURE

A structure that is subordinate in use and square footage to a principal structure or permitted use, or proportionate to site size and layout in the case of lots one (1) acre or larger.

ACCESSORY USE

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

ACTIVE RECREATION USES

Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas.

ADDITION

An attached structure added to an original structure after the completion of the original.

ADJACENT

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

ADMINISTRATIVE DECISION

Any decision made by the Planning Director or his or her designee.

ADMINISTRATIVE MANUAL

A document maintained by the Planning Department that serves as a user's guide to this Ordinance. The Administrative Manual contains copies of application forms, fees, schedule and contact information, as well as interpretations of the intent behind standards in this Ordinance.

ADMINISTRATOR, SUBDIVISION

The person designated by the Town Board of Mooresville to administer these regulations and to undertake other duties as called for in this Ordinance.

ADULT ENTERTAINMENT ESTABLISHMENT

An Adult Entertainment Establishment shall include any place defined as an "Adult Establishment" by North Carolina General Statute § 14-201.10 or "Sexually Oriented Businesses" by North Carolina General Statute § 160A-181.1.

AGGRIEVED PARTY

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the Town, including any officer or agent of the Town.

AIRPORT

Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY

A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

ALTERNATIVE PARKING PLAN

A plan or other proposal to utilize one or more of the alternative parking provisions in Section 9.1.10, Alternative Parking Plans, as a means of providing more off-street parking spaces than typically allowed or fewer spaces than required.

AMATEUR HAM RADIO/TV ANTENNA

Any apparatus or group of apparatus, designed for the transmitting and receiving of electromagnetic waves that include shortwave radio, television, or other digital signals for private noncommercial use.

ANIMAL BOARDING

Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of domestic animals for profit, but exclusive of animals used for agricultural purposes.

ANIMAL SHELTER

Any premises designated by Iredell County for the purpose of impounding and caring for domestic animals found running at large or otherwise subject to impoundment in accordance with the provisions of law.

APPEAL OF ADMINISTRATIVE DECISION

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.3.14, Appeal of Administrative Decision.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town Department, Board, or Commission as part of the development review processes.

ARBORIST, CERTIFIED

A person who is licensed (Combination of either a professional certification or International Society of Arboriculture Certified Arborist) to perform arboricultural work in the Town of Mooresville and its Extra-Territorial Jurisdiction.

ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

ARENA, AMPITHEATRE, OR STADIUM

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Iredell County Property Appraiser's office for the purposes of taxation.

ASSISTED LIVING/NURSING HOME

A building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, health care assistance, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or proprietor. Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

ATTACHED RESIDENTIAL

Residential development including the live/work, multi-family, and town house dwelling Use Types.

ATTACHED RESIDENTIAL BUILDING FORM

A structure or group of structures configured to appear as two or more residential dwelling units in a single building with or without individual entryways, porches, or balconies in accordance with the standards in Section 6.7.3, Attached Residential Building. Building facades may be configured to appear as a single building or group of connected individual buildings.

ATTACHED SQUARE

Open space area ringed by tree plantings around the perimeter, typically bounded on three sides by streets or other rights-of-way, and devoted to different forms of active recreation.

ATTACHED STRUCTURE

A structure that shares a common ten ft. load bearing wall with the primary structure or that is added and makes use of the primary structure as part of a new addition.

AUTHORIZED AGENT

A person with express written consent to act upon another's behalf.

AUTO SALES (BROKER ONLY)

A business dealing with the trading of automobiles without the use of a sales lot.

AUTO DEALER (INDOOR STOCK ONLY)

A business that has the right to sell automobiles; however, the automobiles must be located totally within the building in which the business is established.

AUTO DEALER

A business that has the right to sell automobiles; allows for outside display of inventory for sale.

AUTO REPAIR (AT A RESIDENTIAL USE)

General repair, rebuilding, or reconditioning of a single engine or motor vehicle owned by the residential dwelling's occupant as an accessory use to a single-family residential dwelling unit.

AUTO SERVICE AND REPAIR

Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, boats, jet skis, and similar vehicles, including the sale, installation and servicing of parts. Examples of this use include, but are not limited to, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, car washes and similar repair and service activities, but exclude auto sales and dismantling, salvage or storage yards.

B

BAKERY, RETAIL

An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BALUSTER RAILING

A railing with closely spaced supports.

BANNER

A sign made of flexible material used to advertise a business or a product for sale.

BAR, NIGHTCLUB, OR SIMILAR ESTABLISHMENT

An establishment having as its principal or predominant use the serving of alcohol for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such uses is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities. Performances related to the display of Specific Anatomic Areas (as classified by Section 14-202.10 of the North Carolina General Statutes) are considered as Adult Entertainment uses.

BASE FLOOD ELEVATION

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

BED AND BREAKFAST INN

A private residence, generally a single-family detached dwelling located in a residential district, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to guests only.

BERM

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BEST MANAGEMENT PRACTICE

A wide range of management procedures, schedules of activities, prohibitions on practices and other management protocols which have been demonstrated to effectively control the quality and quantity of storm water runoff, and which are compatible with the land use or other land disturbing activity.

BILLBOARD

An advertising sign which exceeds the maximum height and/or sign message area limitations of this Ordinance and directs the attention of the public to a commodity, product, service, activity or any other person, place or thing which is not located, found, or sold on the premises upon which such sign is located.

BIO-RETENTION DEVICE

A form of best management practice for treating storm water runoff with a small pervious detention pond and a series of woody and herbaceous vegetation planted to facilitate pollution uptake.

BLOCKFACE

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

BOARD OF ADJUSTMENT

A quasi-judicial board appointed by the Board of Commissioners and Iredell County Commissioners.

BOARD OF COMMISSIONERS

Board of Commissioners of the Town of Mooresville, North Carolina who are elected by the citizens of Mooresville for four-year staggered terms.

BONDING

The process whereby a subdivider, owner, or developer of land posts a performance guarantee, usually in the form of cash or a letter of credit which is available for use by the Town to install or repair required public or private improvements agreed to as part of the Site Plan or Subdivision, or other permit approval if the subdivider, owner, or developer fails to install or repair such facilities.

BOTANICAL OR COMMUNITY GARDEN

A garden having collections of living plants for the purposes of scientific research, conservation, display, education, small-scale food production, or leisure.

BUFFER, PERIMETER

Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance.

BUFFER, RIPARIAN, WATERSHED

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

BUILD OUT

Development of land to its full potential or theoretical capacity as permitted under current or proposed zoning district designation.

BUILT-UPON AREA

Built upon area shall include the portion of a development project that is covered by impervious cover including building, pavement, gravel area (e.g., roads, parking lots, paths) recreational facilities (e.g., tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pools are considered pervious.)

BUILDING

A structure that is enclosed and isolated by a roof and exterior walls and used for shelter, support, or enclosure as a residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which may require a Building Permit under the State Building Code.

BUILDING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

BUILDING FOOTPRINT

The area of a lot or parcel of land included within the surrounding exterior walls and/or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

BUILDING HEIGHT

The vertical distance measured from the main level of the finished grade along the front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip, cone, gambrel, or shed roofs.

BUILDING LINE

A line establishing the minimum allowable distance between the nearest part of any building, excluding porches, bay windows, covered porches, decks, and patios, to the nearest edge of a street right-of-way, lot line, or easement.

BUILDING MAIN BODY

As used in Chapter 6, Building Form Standards, the primary mass of a building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

BUILDING MASS

The height, width, and depth of a structure.

BUILDING PERMIT

An official document issued by the Iredell County Inspections Department pursuant to this Ordinance and the State Building Code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

BUILDING STORY

A building story is the space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Typically, story height in a residential structure is twelve feet per story, and story height in a nonresidential structure is fifteen feet per story. Half-story spaces are less than twelve and fifteen feet in height, typically with some or all of the space no greater than six feet in height.

BUILDING WING

As used in Chapter 6, Building Form Standards, a portion of a building attached to the sides or rear of the main body, but smaller in size and scale than the main body.

BUILDING, HEATING, OR ELECTRICAL CONTRACTOR OFFICE

Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is located.

BUILD-TO LINE

The line at which construction of a structure is to occur on a lot. A build-to line runs parallel to the front lot line and is established to create an even building facade line on a street.

BULB-OUT

A rounded portion of a sidewalk that extends out into a street to provide safe haven for pedestrians seeking to cross the street.

BULLETIN BOARD

A changeable sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

C**CALIPER**

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches and up to ten inches in diameter, and at breast height (4½ feet) for trees ten inches or greater in diameter.

CAMPER/RV

A vehicle that is either self propelled or towed behind a passenger vehicle that provides a place for temporary stay (sleep) while on a trip or vacation. The definition shall also include such terms as travel trailer, fifth wheel, pop-up, and self contained trailer.

CANOPY

A permanent, but not completely enclosed structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CANOPY TREE

A Tree with a trunk that measures at least 24 inches in circumference measured at diameter at breast height.

CAPACITY

The maximum lawful level of use of any structure, or part thereof, as determined by the Town's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the Building Code.

CAPITAL IMPROVEMENT PLAN

A proposed schedule of future projects requiring the expenditure of public funds with cost estimates and anticipated financing means.

CARPORT

A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

CASUALTY DAMAGE

Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

CATERING SERVICE

An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

CEMETERY

Land used or dedicated to the burial of the dead, including columbariums, mausoleums and necessary maintenance facilities, but not including a crematory.

CEMENTITIOUS FIBER BOARD

A type of exterior building siding composed of wooden or other fibers in a cement matrix (also referred to as cement fiber board or "Hardi-plank").

CERTIFICATE OF APPROPRIATENESS

A permit reviewed and approved, approved with conditions, or denied by the Historic Preservation Commission in accordance with Section 2.3.16, Certificate of Appropriateness.

CERTIFICATE OF OCCUPANCY

A document issued by the Iredell County Inspections Department allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

CHANGE OF USE

The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

CITATION

As used in Chapter 12: Enforcement and Remedies, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.

CIVIC BUILDING FORM

A structure or group of structures configured to appear as an institutional, governmental, or other civic building through the use of high quality materials, classic architecture, significant building placement, or other features in accordance with the standards in Section 6.7.4, Civic Building Form.

CIVIC/INSTITUTION USE

Use and associated facilities for the provision of a public service or purpose and operated by a federal, state, or local government, public or private utility, public or private school, library, agency, tax exempt organization, or government owned facility or land.

CIVIC USES

Uses, whether publicly or privately-owned, that intended to serve as public gathering spaces.

CLOSE

An open space serving building fronts located internal to a block.

COLLECTOR STREET

A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates on buildings or premises of any tract size owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different Use Type.

COMMENCEMENT OF CONSTRUCTION

The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

COMMERCIAL/RETAIL BUILDING FORM

A structure or group of structures configured for the purposes of commercial and retail activity. Buildings using this building form are generally located on single lots along major thoroughfares, and are configured to be easily accessible by automobile as well as by foot in accordance with the standards in Section 6.7.7, Commercial/Retail Building Form.

COMMERCIAL RECREATION, INDOOR

A private indoor (entirely within enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

COMMERCIAL RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ball fields and basketball courts, racquet and tennis club facilities (outdoor), and drive-in theatres.

COMMON OPEN SPACE

Portion of a proposed development required for reservation as permanent open space by Section 7.3, Open Space Standards.

COMMUNITY GARDEN

See "Botanical or Community Garden".

COMMUNITY SERVICES USE

A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

COMPATIBLE

A term used to describe how the visual aspects of a structure (including signage) are similar to or consistent with the other structures on the same parcel, site, or in the immediate vicinity. Visual aspects include, but are not limited to: color, texture, materials, scale, size, form and aspect.

CONCEPT PLAN

See "Plan, Concept".

CONDITIONAL USE PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.3, Conditional Use Permit.

CONDITIONAL ZONING DISTRICT CLASSIFICATION

The classification of land on the Official Zoning District Map subject to conditions of approval imposed by the Board of Commissioners in accordance with Section 2.3.2, Conditional Zoning District Classification.

CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

CONFERENCE AND TRAINING CENTERS

A facility designed to accommodate less than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSERVATION SUBDIVISION

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with Section 2.3.10(6), Conservation Subdivision.

CONSTRUCTION ACTIVITY AREA ZONE

An area 20 feet around a building's footprint or the limits or area of a site disturbed by grading or development activity.

CONSTRUCTION TRAILER

A trailer typically towed by a commercial vehicle which includes mobile homes, manufactured homes, or containerized offices and are used for normal office functions in conjunction for a construction project excluding sales. A camper cannot be used as a construction trailer.

CONTIGUOUS

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

CONTINUOUS VISUAL SCREEN

Screening of vehicular use areas or outside storage by vegetative material, berms, or structures (walls and fences), or a combination of these items designed to completely obstruct off-site views of the vehicular use area typically to a height four feet above the adjacent grade.

COPY

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

CORNICE

Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COUNTY

Iredell County, North Carolina.

COUNTRY CLUB

Land area and buildings containing golf courses, swimming pools, tennis courts, or similar recreational facilities along with a clubhouse and customary accessory uses which are open to members and their guests, or to the general public on a fee basis.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CRITICAL AREA

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE

An underground area extending laterally in all four cardinal directions from the base of a tree's trunk to a distance the greater of one-and-one-half (1½) times the perimeter of the tree's dripline, or a distance of nine inches in radius from the trunk for each inch of trunk diameter at breast height.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

D**DAY CARE (SMALL)**

A place where daytime care, supervision, and protection is provided to a maximum of six (6) children or adults who are not the legal wards or foster children of the attendant adult within an occupied residence.

DAY CARE (LARGE)

Any facility operated for the purpose of providing care, protection and guidance to more than six (6) individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

DECK (ATTACHED)

A structural platform that is attached to the principal structure intended for outdoor lounging and entertainment. The term deck can be interchangeable with patio and porch.

DECK (DETACHED)

A structural platform that is not attached to the principal structure intended for outdoor lounging and entertainment. The term deck can be interchangeable with patio.

DEDICATION

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

DENSITY, GROSS

The number of dwelling units on the entire area of a tract or lot.

DENSITY, NET

The number of dwelling units on a tract or lot minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

DETACHED HOUSE BUILDING FORM

A structure configured to appear as a single-family detached dwelling in accordance with the standards in Section 6.7.1, Detached House Building.

DETACHED RESIDENTIAL

Residential development including the duplex and single-family detached dwelling Use Types.

DETACHED SQUARE

A formal open space with uniform on-center tree spacing around the perimeter, bounded on all four sides by streets or other rights-of-way, and intended to serve active recreation needs.

DETACHED STRUCTURE

A free standing structure that does not share a common 10 ft. load bearing wall with a principal structure.

DETENTION

The temporary on-site restraining of stormwater in a pond or other receptacle.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DEVELOPMENT REVIEW COMMITTEE

A group of Town staff who review and approve Concept Plans, Site Plans, and Subdivision Preliminary Plats.

DIAMETER AT BREAST HEIGHT (DBH)

The measurement of the diameter of a tree trunk over 12 inches in diameter taken at a height of four-and-one-half (4½) feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

DIRECT PEDESTRIAN ACCESS

Pedestrian access to a use or facility from the larger pedestrian network via an improved pedestrian pathway, including but not limited to a sidewalk, multi-purpose trail, recreational trail, or other access easement. Such pedestrian pathways may be located within the public right-of-way, or other public or private access easement.

DISTRICT

An area delineated on the Official Zoning District Map which sets forth standards and guidelines for all development within the prescribed district.

DISTRICT, OVERLAY

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

DRIPLINE

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DRIVE-THROUGH

A facility designed to enable a person to transact business while remaining in a motor vehicle.

DRIVEWAY ENTRANCE

A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use. Such accessway may be the primary drive aisle, or may be a separate driveway.

DRIVEWAY, PRIVATE

A roadway serving two (2) or fewer lots, building site or other division of land and not intended to be public ingress or egress.

DUKE ENERGY SHORELINE MANAGEMENT DIVISION

An office of the Duke Energy Corporation given the authority and responsibility to manage uses within 100 linear feet of the full pond elevation of Lake Norman by the Federal Energy Regulatory Commission (FERC). Activities under the jurisdiction of the Shoreline Management division include hydroelectric facilities, public recreation access, wildlife enhancements, piers, docks, marinas, excavation and conveyances, and shoreline stabilization.

DUKE ENERGY SHORELINE MANAGEMENT GUIDELINES

A set of guidelines and specific criteria for conducting construction, stabilization, and excavation activities related to private piers, multi-slip marinas, conveyances, dredging, and shoreline stabilization within 100 linear feet of the Lake Norman full pond elevation.

DWELLING OR DWELLING UNIT

A building or portion thereof, provides complete and permanent living facilities for one family. This term shall not apply to a hotel, motel, guesthouse, or other structures designed for transient residence.

DWELLING, DUPLEX

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

DWELLING, LIVE/WORK

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

DWELLING, MANUFACTURED HOME

A structure built on an integral chassis and designed to be used as a single-family dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility under the authority of the National Manufactured Home Construction and Safety Standards Act, and designed to be transportable in one or more sections.

DWELLING, MOBILE HOME

A structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility before June 15, 1976, in one or more sections, designed to be transported for installation or assembly at the building site. Sections do not carry the HUD Code Seal. This definition does not include recreational vehicle, manufactured home, or modular home.

DWELLING, MULTI-FAMILY

A dwelling containing three or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

DWELLING, SINGLE-FAMILY DETACHED

A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

DWELLING, TOWNHOUSE

A type of multi-family dwelling, in which five or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line. The habitable spaces of different dwelling units are typically arranged on a side-by-side rather than a stacked configuration.

E

EASEMENT

A grant by the property owner of a strip of land for a specified purposes and use by the public, a corporation, or persons, such as for utilities.

ELECTRONIC GAMING OPERATIONS

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct 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 may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).

EMERGENCY COMMUNICATION TOWER

A communications tower, antenna, or other similar facility owned or operated by a public entity or agency for the sole purpose of public safety or communication.

EMPLOYMENT CENTER

An area of higher-intensity commercial or industrial uses that typically employs a large amount of people.

ENCROACHMENTS

Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way.

ENGINEERED STORM WATER CONTROLS

The system of inlets, conduits, channels, ditches, and appurtenances that serve to collect and convey stormwater through and from a given drainage area.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

Under the National Environmental Policy Act (NEPA), a comprehensive report that describes the natural features and characteristics of a proposed development, the environmental changes that will occur as a result of the development activities on the site, and the mitigation measures to be taken to minimize undesirable impacts to the environment.

EQUINE STABLE/RIDING ACADEMY

A use associated with the keeping of up to 11 horses or ponies under single ownership or 3 or more horses or ponies under separate ownership. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/performance areas.

ERECT

To build, construct, attach, hang, place, suspend or affix, also including the painting of wall signs.

EROSION/SEDIMENT CONTROL PLAN

A set of drawings, other documents, and supporting calculations submitted as a prerequisite to obtaining a permit to undertake a land disturbing activity. The plan indicates necessary land management and treatment measures, including drawings and supporting calculations, BMPs, maintenance guidelines, and a timetable for installation.

ESTABLISHED GRADE

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

EXISTING DEVELOPMENT

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Planning Department for the specific development in question:

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 development, or
2. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 153A-344.1 and North Carolina General Statutes Section 160A-385.1, or
3. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 153A-344.1 and 160A-385.1.

EXISTING LOT (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 prior to ___ the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption the 1987 Subdivision Ordinance.

EXPANSION

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

EXTRACTIVE INDUSTRY

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

EXTRATERRITORIAL JURISDICTION

The area outside municipal limits where the Town of Mooresville exercises planning, zoning, and subdivision powers.

FAÇADE

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building.

FAMILY

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

FAMILY ESTATE SUBDIVISION

Family subdivision means a division of a tract of land to divide land from a common ancestor among tenants in common (as defined by North Carolina General Statutes), all of whom inherited by intestacy or by Will.

FARM

Land on which the raising of crops or livestock, including orchards, vineyards, nurseries, or animal husbandry, along with any buildings or structures necessary to conduct such activities.

FEDERAL HIGHWAY ADMINISTRATION

The agency that oversees the process of planning, designing, and constructing a federally funded highway project.

FEDERAL TRANSIT ADMINISTRATION

The agency that in developing improved mass transportation methods, techniques, facilities, and equipment, encourages planning and establishment of urban mass transportation systems, and assists states and local governments and their authorities in financing urban mass transportation systems.

FENCE

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

FLAG LOT

See "Lot, Flag".

FLEX/INDUSTRIAL BUILDING FORM

A structure or group of structures configured to house manufacturing, light manufacturing, warehousing, or combination of these uses where the building's form is dependent upon the activities taking place within it in accordance with the standards in Section 6.7.9, Flex/Industrial Building Form. The Flex/Industrial Building Form is the least regulated of the building forms in this Ordinance.

FLOOD HAZARD AREA

The area designated by the Town, pursuant to this Ordinance, as an area where development must be regulated to prevent damage from flooding. The flood hazard area must include and may exceed the base floodplain.

FLOODPLAIN

Areas including and contiguous with lakes, streams, other bodies of water, as well as inland depressional areas whose elevation is equal to or lower than the projected 100 year flood elevation.

FLOOR

The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FLOOR AREA RATIO (FAR)

The ratio of gross floor area of all structures on a lot to total lot area.

FOOT CANDLE

The amount of light that falls onto a surface as emitted by an exterior lighting device.

FORECOURT

An open space area buffering the front of a building from the street it fronts planted with a single species of tree, and intended for active recreation.

FRATERNAL INSTITUTION

A group of associated facilities for business associations, civic, social and fraternal, professional membership organizations, excluding private nightclubs and similar establishments, and generally operated as a non-profit enterprise.

FRONT BUILDING LINE, SEE BUILD-TO-LINE

A line corresponding with the forward-most portion of a building's front façade.

FRONT FAÇADE

The side or elevation of a structure that contains the structure's architectural front.

FRONT LOT LINE

The front lot line is the line connecting the two side lot lines along the edge of the lot adjacent to the right-of-way of the street that provides the lot's street address (also referred to as the "Lot Frontage").

FRONT ON/FRONTAGE

The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right of way. All sides of a lot that abuts a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage. For purposes of this definition, the terms "front on" and "frontage" shall have the same meaning.

FRONTAGE CONDITIONS

The visual appearance generated by a series of building facades facing a street.

FUEL OIL/BOTTLE GAS DISTRIBUTOR

An establishment that distributes fuel oil or bottled gases such as propane or liquid petroleum for compensation.

FULL CUT-OFF LENS

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

FUNCTION

The natural or proper action for which something is designed, used, or exists.

FUNERAL HOME

An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals; may contain a crematory.

G**GABLE ROOF**

See "Roof, Gable".

GENERAL CODE OF ORDINANCES

The collection of regulations from the Town of Mooresville enforceable as municipal law.

GENUS

A taxonomic category ranking below a family and above a species and generally consisting of a group of species.

GLARE

The reflection of harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GLAZING

The portion of an exterior building surface occupied by glass or windows.

GOLF COURSE (PUBLIC OR PRIVATE)

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse with dining facilities, shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT FACILITIES

An office or other facility of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, equipment, or outdoor storage yards.

GRADE

The elevation of the land or land level at a specific point.

GRADE, STREET

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel.

GREATER STREET SYSTEM

The network of all existing public streets within the Town.

GREEN

An informal open space area with irregular plantings or topography located in an urban environment and intended to serve active recreation needs.

GREENBELT

Informal areas running along the perimeter of an urban area or other jurisdictional boundary serving as a buffer between two incompatible uses.

GREENWAY

Linear, irregular, open space area bounded by individual lots and devoted to passive recreation. Greenways usually incorporate natural resource areas such as creeks, stands of trees, or other significant natural features, as well as underground utilities or facilities such as bicycle paths, footpaths, and bridle paths.

GROSS FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than 48 inches above the general finished and graded level of the adjacent part of the lot.

GROUND COVER

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

GROUP HOME

A facility for the sheltered care of juvenile or adult persons which, in addition to providing food and shelter to persons unrelated to the proprietor, also provides personal care, assistance or services beyond food, shelter and laundry on an ongoing basis. This is limited to those juveniles and adult persons who are not in more restrictive custodial confinement but may be mentally and/or physically handicapped, abused, or other non-

criminal situations. The definition does not include hospitals, nursing homes, boarding homes, or halfway house/mainstreaming facilities.

H

HALFWAY HOUSE

A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or the facility they are initially placed in-lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

HEAVY EQUIPMENT SALES, RENTAL, OR REPAIR

An establishment engaged in the display, sale, leasing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight.

HEAVY TRUCKS OR TRAILERS

Trucks or trucks with trailers with a gross vehicle weight of 20,000 pounds or more.

HEIGHT

The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof.

HIGH IMPERVIOUS OPTION

A subdivision or development which contains engineered stormwater control devices approved by a local government jurisdiction, thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection Rules.

HIGHWAY

A controlled access highway that is part of the federal interstate highway or statewide uniform highway system.

HIP ROOF

See "Roof, Hip".

HISTORIC DISTRICT OVERLAY

A zoning district that includes supplementary or replacement regulations for the purpose of protecting the neighborhood character and historic value of structures.

HISTORIC PRESERVATION COMMISSION

The Town of Mooresville Historic Preservation Commission, as identified in this Ordinance.

HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL, MOTEL, AND SIMILAR USES

Hotel and motel are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

HUE

The visible color emitted from an artificial source of exterior lighting.

HUMAN-SCALE DESIGN

The relationship between the dimensions of the human body and the proportion of the spaces that people use. Human-scale design includes buildings, building features, and exterior materials that are organized into discreet units that are easily distinguished from surrounding features, sized to be easily perceived by the human eye, and of a small scale so as to create a proportional relationship with pedestrians using nearby areas.

I

IMPERVIOUS SURFACE

Buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

IMPROVEMENT

Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object, or any part thereof, constituting physical addition to real property.

INERT DEBRIS

Trash, rubble, remains, or other discarded material that is not engaged in a process of decomposition.

INFILL LOT

See "Lot, Infill".

INTERPRETATION

An interpretation of this Ordinance made in writing by the Planning Director or designee in accordance with the standards in Section 2.3.13, Interpretation.

INTERSTATE

A controlled access highway that is part of the federal interstate highway system.

INTERMODAL

A description of a transportation system that connects more than one mode.

IN-HOME DAY CARE

A child care arrangement located in a residence where, at any one time, more than two children, but less than six children who are not dependents of the occupant, receive child care.

INTERMITTENT STREAM

A stream which fails to convey water for some or part of the year due to fluctuations in season, temperature, or humidity.

IREDELL COUNTY HEALTH DEPARTMENT

The Health Department for Iredell County, North Carolina, as identified in this Ordinance.

K**KENNEL, OUTDOOR**

A facility where dogs, cats, or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

L**LAKE NORMAN MARINE COMMISSION**

The commission responsible for all matters relating to or affecting public recreation and water safety on Lake Norman including maintenance of a navigational management system, boater education programs, the Aquatic Plant Management Plan, and coordination with Duke Energy.

LAND

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT DESIGN STANDARDS MANUAL

The official Town document to which the Town adheres that includes design standards, engineering standards, and specifications regarding the configuration of public infrastructure.

LANDOWNER

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records of the register of deeds of the county shall be presumed to be the person in control of the property.

LANDSCAPE ARCHITECT

A person who, on the basis of demonstrated knowledge acquired by professional education or practical experience, or both, has been granted, and holds a current certificate entitling him or her to practice landscape architecture and to use the title landscape architect in North Carolina under the authority of Chapter 89 of the North Carolina General Statutes.

LANDSCAPE STRIP, PERIMETER

Vegetative material associated with the perimeter landscaping required for a vehicular use area.

LARGE RETAIL BUILDING FORM

A single structure configured to house tenants engaged in retail sales activities in accordance with the standards in Section 6.7.8, Large Retail Building.

LATTICE TOWER

A freestanding steel framework tower with three or four sides designed to support antennas or other communications equipment.

LEVEL OF SERVICE STANDARD (LOS)

A qualitative assessment of a road's operating condition; generally described using a scale of A (little congestion) to E/F (severe congestion).

LIGHTING PLAN (ISOLUX OR PHOTOMETRIC)

A document that indicates the proposed variations and intensities of light affected by the development on a site at a given point in time.

LIMITED ACCESS HIGHWAY

A highway or other high traffic volume street where access from individual lots is limited or controlled.

LIVE/WORK UNIT

A structure that accommodates both working and living or housing functions, typically with a retail unit on the first floor and a dwelling unit above.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOCAL STREET

A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

LOT

A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

LOT DEPTH

Lot depth means the horizontal distance between the midpoints of straight lines connecting the front lot line and the rear lot line.

LOT FRONTAGE

See "Front Lot Line".

LOT LINE

Lot lines mean the lines bounding a lot as established by ownership.

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 Iredell County prior to ___ the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to ___ the effective date of this Ordinance.

LOT WIDTH

The distance between the side lot lines measured along a setback line or build-to line, or the distance measured between the side lot lines along the street right-of-way if no setback has been established.

LOT, CORNER

A lot located at the intersection of two or more streets.

LOT, FLAG

A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT, INFILL

A lot of record with or without an existing use that is two acres in size or less.

LOT, INTERIOR

A lot other than a corner lot with only one frontage on a street.

LOT, IRREGULARLY SHAPED

A lot with three sides, more than four sides, or with corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes and street vistas.

LOT, NONCONFORMING

A lot that met all legal requirements when it was platted or otherwise recorded but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

LOT, REVERSE FRONTAGE

Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees. A reverse frontage lot may also be a corner lot, through lot, or an interior lot.

LOT, SINGLE-TIER

A lot which backs up to a limited access highway, railroad, water body, physical barrier, or other type of use other than another lot.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOW IMPERVIOUS OPTION

A subdivision or development which does not contain engineered stormwater control devices (i.e., wet detention ponds) approved by a local government jurisdiction.

LAND USE PLANNING AND LAND ALLOCATION (LUPLA)

The practice of characterizing land parcels by their uses, development intensity, or other traits, based on population and infrastructure growth projections.

M**MAJOR RECREATIONAL EQUIPMENT**

Vehicles or other recreational equipment including boats, boat trailers, camping trailers, recreational vehicles, motorized homes, house trailers, and similar equipment typically larger than 400 feet used primarily for recreational purposes.

MAJOR UTILITY

See "Utility, Major".

MANSION APARTMENT BUILDING FORM

A structure or group of structures configured to appear as a large single-family dwelling structure with or without individual entryways, porches, or balconies in accordance with the standards in Section 6.7.2, Mansion Apartment Building.

MANUFACTURED/MOBILE HOME PARK

A parcel or subdivision of land to accommodate mobile homes and manufactured housing per the Section 5.3.1(C), Manufactured/Mobile Home Park.

MANUFACTURED HOME

A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1976", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device

allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

MANUFACTURING, HEAVY

Manufacturing uses that involve the generation outside the property of noise, odor, vibration, or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

MANUFACTURING, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

MAP AMENDMENT

A type of zoning district change reviewed and approved, or denied by the Board of Commissioners in accordance with Section 2.3.1, Official Zoning District Map Amendment.

MARINA

Any facility for the mooring, berthing, docking, storing or securing of watercraft and marine related equipment. A marina may include, subject to the underlying zoning district, boat sales, boat fuel sales, boat repair, marine equipment sales, boat and jet ski rentals, and other uses clearly incidental to watercraft activities. This definition does not include community piers, individual residential piers with multiple slips, and other non-commercial boat docking facilities.

MASS GRADING

The large scale denuding of existing vegetation and alteration of existing slope and natural contours in favor of cleared areas with very uniform relief.

MASSING

The physical volume or bulk of a structure's facade.

MASTER PLAN

A land use plan that illustrates a site's natural conditions, access, programmatic improvements, and that is intended to guide development over a number of years or in several phases.

MAXIMUM EXTENT PRACTICABLE

No feasible or practical alternative exists, as determined by the Planning Director, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

MEDICAL TREATMENT FACILITY

An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists, and where patients may or may not be lodged overnight.

MINIMUM LOT SIZE

The minimum amount of land area, measured horizontally, included within the lines of a lot as required by this Ordinance. Lands located within any private easements shall be included within the lot size.

MINIMUM SIGHT STOPPING DISTANCE

The minimum sight stopping distance is the sum of the distance (measured in linear feet) traversed by a vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied, plus the distance required to stop the vehicle (from the instant brake application begins) before it reaches a stationary object in its path.

MINOR UTILITY

See "Utility, Minor".

MITIGATION

Measures taken to eliminate or minimize impacts from development activities.

MIXED-USE

A single structure or tract of land containing more than one type of use, where the different types of uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MOBILE HOME

A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent home and designed to permit the occupancy thereof as a dwelling place for one or more persons. Even if structure rests on a permanent foundation, with wheels, tongue, hitch and axle or lug bolts permanently removed, it shall be construed as a mobile home. This structure is constructed in accordance with the rules and regulations as set forth in "Mobile Homes, Modular Dwelling Units and other Factory Building Structures", 1970 Edition published by the North Carolina Department of Insurance, and lacks the certification indicating compliance with the National Manufactured Housing Construction And Safety Standards Act.

MOBILE HOME PARK

A parcel or subdivision of land to accommodate mobile homes per the provisions of this Ordinance.

MODIFICATION OF ARCHITECTURAL STANDARD

A permit reviewed and approved or denied by the Planning Director in accordance with Section 6.5.2, Modification of Architectural Standard.

MODULAR STRUCTURES

Sectional prefabricated buildings or structures that consist of modules or sections constructed on or off site in accordance with the North Carolina State Building Code usually composed of components assembled in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

MONOPITCH ROOF

See "Roof, Monopitch".

MONOPOLE TOWER

An antenna-supporting structure typically composed of a single hollow steel shaft with one or more platforms intended for mounting antennas or other communications equipment.

MULTIMODAL TRANSPORTATION

Transportation systems that integrate or connect more than one mode, such as train and bus transit, or automobile park-and-ride and rail.

N

NEIGHBORHOOD CENTER

As used in Section 3.3.8, Traditional Neighborhood Development District, a portion of a development typically located in a central location that includes a variety of neighborhood-serving special sites and community focal points such as retail stores, schools, services, libraries, post offices, civic uses and parks within a 10 minute walk (approximately one-half mile) of the majority of dwelling units within a neighborhood.

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USES

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMITY

A nonconforming use, structure, lot of record, or sign.

NON-POINT SOURCE POLLUTION

Pollutants, such as suspended solids, petroleum derivatives, trash, or other materials dissolved in or carried by storm water runoff into water bodies or ground water during the natural cycle of precipitation.

NORTH CAROLINA COMMERCIAL BUILDING CODE

A set of standards and regulations established by the North Carolina Building Council that control building design, construction, and materials used in commercial or nonresidential construction.

NORTH CAROLINA GENERAL STATUTES

The laws created by the State of North Carolina legislature and to which the Town of Morrisville is required to uphold.

NOTICE OF VIOLATION

An initial notice indicating an infraction of the Zoning Ordinance; not associated with a fine.

NURSERY

See "Plant Nursery."

NURSING HOME

See "Assisted Living/Nursing Home".

OFFICE, SINGLE TENANT

A room, or group of rooms typically within a single structure used for conducting the affairs of a single business or professional establishment such as offices for retail and wholesale establishments, offices for lawyers, accountants, engineers, architects, doctors, dentists, banking services, investment banking, stock brokerage, investment services, credit card services, and similar activities.

OFFICE, MULTI-TENANT

A room, or group of rooms within one or more structures used for conducting the affairs of two or more businesses or professional establishments such as offices for retail and wholesale establishments, offices for lawyers, accountants, engineers, architects, doctors, dentists, banking services, investment banking, stock brokerage, investment services, credit card services, or any combination of these establishments.

OFFICIAL MAPS OR PLANS

Any maps or plans officially adopted by the Town Board of Mooresville

ON SITE, OFF SITE

Located on the lot relative to a use, or structure; or located off the lot relative to a use, or structure.

OFF-SITE IMPROVEMENTS

Any infrastructure improvements or new construction done in conjunction with the development of specific proposed land use application that are not contained within the area to be subdivided or developed.

OPACITY

A measurement indicating the degree of obscuration of light or visibility.

OPEN SPACE

Space suitable for passive recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas, marshland, environmentally-sensitive areas, and required landscaping areas. Such space must be free of automobile traffic and parking, and be readily accessible to all those for whom it is required.

OPEN SPACE, ACTIVE

Space suitable for active forms of recreation, including athletic fields, playgrounds, pools, courts, tracks, and similar uses that are well served by streets, parking facilities, spectator areas, restroom facilities, and exterior lighting where appropriate.

OPEN SPACE, COMMON

An open space area owned privately or in common for use by all members of the public.

OPEN SPACE, PASSIVE

Required open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains and pools, plazas, and similar areas. Such areas may also include undisturbed natural vegetation.

OPEN SPACE, PRIVATE

Space on each building lot that is for the private use of inhabitants.

OPEN SPACE SET ASIDE

Portion of a proposed development required for reservation as permanent open space by Section 7.3, Open Space Standards.

ORDINANCE

A document of regulations enforceable as municipal law.

OUTDOOR DISPLAY/SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR STORAGE (PRINCIPAL USE)

The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

OUTPARCEL

A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development's street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings.

OVERLAY DISTRICT

A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.

P

PARCEL

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARCEL SERVICES

Retail sales or business services establishment to facilitate the transmittal and receipt of parcels.

PARK, PUBLIC AND PRIVATE

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING, ON STREET

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

PARKING, TANDEM

A parking space within a group of two or more parking spaces arranged one behind the other.

PARKING BAY

The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

PARKING DEMAND STUDY

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

PARKING LOT DRIVE AISLE

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE, ACCESSIBLE

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PARKING STRUCTURE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

PARKWAY

A greenway bounded by streets instead of individual lots.

PASSIVE RECREATION

Recreational activities that generally do not require a developed site. Examples include hiking, horseback riding, and picnicking.

PATHWAYS, PEDESTRIAN

Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

PEDESTRIAN-ORIENTED DEVELOPMENT

Development designed with an emphasis on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street. There are generally windows or display cases along building facades facing the street. The visibility of parking areas is generally limited by the design of the site.

PERENNIAL STREAM

A stream or other channel that holds flowing water 365 days a year.

PERFORMANCE GUARANTEE

Any security that may be accepted by the Town or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

PERIMETER BUFFER

See "Buffer, Perimeter".

PERIMETER FENCES AND WALLS

For the purposes of Section 9.4.4, Perimeter Fences and Walls Abutting Public ROW, a fence or wall of three feet or more in height that is located within 20 feet of the edge of a public street right-of-way, and runs parallel to or alongside the adjacent public right-of-way for at least two linear feet.

PERMANENT POOL

The typical area, water level, or depth of a natural or man-made body of water or impoundment.

PERMITTED USES

Uses allowed to occur by right within a designated zoning or other planning district.

PERSON

For the purposes of enforcing this Ordinance in accordance with Chapter 12: Enforcement and Remedies, "person" includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Chapter 12: Enforcement and Remedies, for violating this Ordinance shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

For all other purposes, "person" means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERVIOUS SURFACE

A surface that is penetrable by water to some degree. Pervious surfaces may be constructed of mixed pervious and impervious surfaces such as concrete and grass, or 'grass-crete'

PIER

A general term that includes docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

PIER, COMMERCIAL

A boat-docking facility owned and operated by private enterprise.

PIER, COMMUNITY

A boat-docking facility associated with a subdivision or defined residential portion of the Town with a limited number of boat slips serving the residents of the subdivision or neighborhood.

PIER, RESIDENTIAL

A boat-docking facility that is utilized solely for residential purposes and not by commercial or public groups.

PIER, SHARED

A boat-docking facility that is used by more than one association or utilized for multiple purposes (e.g. commercial fishermen and community boat slips).

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

PLAN, CONCEPT

A concept plan reviewed by the Development Review Committee in accordance with Section 2.3.8, Concept Plan.

PLAN, SITE

A site plan approval reviewed and approved or denied by the Development Review Committee in accordance with Section 2.3.9, Site Plan.

PLAN, SKETCH

A sketch plan reviewed by the Planning Department and the Engineering Department in accordance with Section 2.3.7, Sketch Plan.

PLANNING BOARD

The Town of Mooresville Planning Board, established by ordinance in accordance with NCGS 160A-361 and 160A-362.

PLANNING DIRECTOR

The Planning Director of the Town of Mooresville or a designee.

PLANT NURSERY (RETAIL)

The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for retail sale to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwellings.

PLANT NURSERY (WHOLESALE)

The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales, conducted from within a building and not exceeding 20% of the combined wholesale and retail sales volume during any calendar year.

PLANTING STRIP

Areas adjacent to property lines intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLANTING SEASON

The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.

PLAT

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

PLAYGROUND

An area devoted to active recreation typically associated with residential neighborhoods.

PLAZA

An paved open area adjacent to or part of a civic building or complex of buildings typically located in urban contexts and used for public gathering.

PORCH

A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

PORTABLE SHIPPING CONTAINER

Transportable containers designed and used primarily for temporary storage of building materials, household goods, personal items, or other materials on residential lots.

PORTICO

A roofed area, open to the air on one or more sides, typically supported on one side by the facade of a building and on the remaining sides by columns or arches.

PRESENT USE VALUE STANDARD

A designation used by a County Property Appraiser to denote land which is being used for agricultural purposes.

PRIMARY DRIVE AISLE

The main aisle(s) that extends from the street right-of-way or from the driveway entrance(s) serving a development along the front of the building it serves.

PRIMARY ENTRANCE (ARCHITECTURAL FRONT)

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

PRIMARY STREET

See 'Street, Primary'.

PRINCIPAL USE

The primary purpose or function that a lot serves or is proposed to serve.

PRIVATE ROAD

An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6

PRODUCE STAND

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROJECT AREA

Any area of land or water, regardless of the number of individual lots contained therein, on which development is proposed under this Ordinance.

PROTECTED AREA

As used in Section 4.2, Watershed Protection Overlay District, the protected portion of the Catawba River-Lake Norman Water-supply Watershed IV where residential and nonresidential densities and impervious surface coverage are somewhat restricted.

PROTECTED AREA

The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected area are defined as within five miles of the normal pool elevation of the reservoirs (measured from normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Local governments may extend the protected area. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) to ten (10) miles. In some cases the protected area will encompass the entire watershed.

PUBLIC INFRASTRUCTURE

All infrastructure that will be turned over to the Town of Mooresville for ownership and maintenance. This shall include all utilities including, but not limited to water and sewer lines, pump stations, fire hydrants, storm drainage, regulatory and public safety signage, etc.

PUBLIC PARK OR SQUARE

Land used for gathering, recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural or urban features.

PUBLIC HEARING

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official Town business which require public participation and input.

PUBLIC SEWER DISPOSAL SYSTEM

A system serving two (2) or more dwelling units and approved by the North Carolina Department of Human Resources, Division of Health Services.

PUBLIC TRANSPORTATION TERMINAL OR STATION

A building or other location where a transfer of people from different modes of transportation takes place.

Q**QUASI-JUDICIAL PUBLIC HEARING**

A formal public hearing involving the legal rights of specific parties conducted by the Town Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.

QUORUM

The minimum number of board members that must be present in order to conduct official business or take official action.

R**REAR LOT LINE**

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the frontage line.

RECREATIONAL, COMMERCIAL INDOOR

A commercial recreational land use conducted entirely within a building, including but not limited to an arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, pool or billiard hall, skating rink, sports center, swimming pool, tennis court.

RECREATIONAL, COMMERCIAL OUTDOOR

Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include but are not limited to driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

REGISTER OF DEEDS

The duly designated Register of Deeds of Iredell County, North Carolina.

REGISTERED ENGINEER

A person who, by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, has acquired by engineering education and subsequently licensed as a professional engineer by the Board established in Chapter 89C of the North Carolina General Statutes.

RELIGIOUS INSTITUTION

A building or group of buildings used by a bona fide religious group for public worship or religious assembly, including accessory facilities, buildings and uses including but not limited to private schools, administrative offices, licensed adult or child daycare, playgrounds and cemeteries.

RESEARCH AND DEVELOPMENT

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

RESERVATION

The setting aside of parcels of land for a specific purpose. Reservations of land are encouraged for future development of streets, parks, and civic buildings.

RESTAURANT, INDOOR AND OUTDOOR SEATING

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such a facility may include indoor and outdoor seating, but no drive-through service.

RESTAURANT, WITH DRIVE-THROUGH SERVICE

An establishment where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages to persons seated inside, outside, in automobiles, and/or in other than a completely enclosed building on the premises.

RETAIL USE, TYPE I

Commercial enterprises of 5,000 square feet in size or smaller that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Generally, such uses are intended to serve the general area or neighborhood in which they are located. Examples of Type I Retail Uses include financial institutions; laundry and dry-cleaning drop-off establishments; photographic and artist studios; mailing or packing services; retail bakeries; hair, tanning, and nail salons; personal care services; massage therapy and day spas; dance or music classes; stores selling books, clothing, and dry goods; taxidermists; income tax return preparers; repair of TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances and office equipment; tailoring and shoe repair; and locksmith.

RETAIL USE, TYPE II

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Generally, such uses are located near neighborhood edges and along major streets, and intended to serve groups of neighborhoods. Examples of Type II Retail Uses include stores selling, leasing, or renting consumer, home and business goods, whether new or used, including alcohol for off-site consumption, art, art supplies, electronic equipment, fabric, furniture, flowers, groceries and food sales, household products, jewelry, recorded music, pets, pet food, pharmaceuticals, plants, printer material, stationary, and videos; photocopy and blueprint services; psychics and mediums; funeral homes and mortuaries. Any Type I Retail Use exceeding 5,000 square feet in size shall be classified as a Type II Retail Use.

RETAIL USE, TYPE III

Commercial enterprises that provide goods and/or services directly to the consumer located along major thoroughfares and in primarily nonresidential areas. These types of retail uses generally provide a range of goods and services that are regional in scale, and have the highest square footage and intensities of the retail Use Types, are auto-oriented, and often include some form of outdoor storage or display. Examples include shopping centers with more than three tenants; home improvement, hardware, and garden supply stores; automobile, boat, mobile home sales, service, and repair; building material sales; rental equipment yards; farm and machinery sales;

RETENTION

The permanent holding and maintenance of stormwater in a pond or other receptacle.

REVERSE FRONTAGE

ORIENTATION OF A BUILDING ON A LOT BOUNDED BY MORE THAN ONE STREET THAT RESULTS IN THE REAR OF THE BUILDING ABUTTING OR FACING A STREET. A REVERSE FRONTAGE LOT MAY ALSO BE A CORNER LOT, THROUGH LOT, OR AN INTERIOR LOT.

RIGHT-OF-WAY

The land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the intended purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

RIPARIAN BUFFER

See "Buffer, Riparian".

ROOF, GABLE

A roof sloping downward in two parts at an angle from a central ridge, so as to leave a gable at each end.

ROOF, HIP

A roof with sloping ends and sides that meet at an inclined projecting angle.

ROOF, MANSARD

A four-sided roof having a double slope on each of the four sides, with the lower slope much steeper than the upper.

ROOF, MONOPITCH

A roof with a single pitch (also referred to as a "shed" roof).

ROOF LINE

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys or other minor projection.

ROOMING HOUSE

Any building or portion thereof for providing lodging, but not meals, to not more than five guests where rent is paid to the owner or proprietor.

S**SANITARY SEWAGE SYSTEM**

A complete system of sewage collection, treatment and disposal including approval privies, septic tank systems, connection to public or community sewage systems, sewage reuse or recycle systems, mechanical or biological treatment systems, or other such systems.

SATELLITE ANTENNA DISH

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

SCALE

A certain proportioned size, extent, or degree, usually judged in relation to some standard or point of reference.

SCHOOL (ELEMENTARY, MIDDLE, INTERMEDIATE, SENIOR HIGH)

A public or private school offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels which operates in buildings or on premises of any tract size leased or owned by the educational institution for administrative purposes, classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities which further the education mission of the institution.

SELF-SERVICE STORAGE

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.).

SETBACK

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

SEVERE PRUNING

The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (i.e., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third (1/3) of the overall circumference of a tree is exposed by pruning cuts.

SEWAGE

The waste water and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.

SHARED PARKING

See "Parking, Shared."

SHED ROOF

A roof with a single slope.

SHOEBOX-STYLE LIGHTING FIXTURE

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a constrained area directly beneath the lighting fixture.

SHOPFRONT BUILDING FORM

A structure or group of structures configured for the purposes of commercial and retail activity that include a storefront with display windows and a primary entryway on the front façade. Buildings using this building form are generally built to the edge of the sidewalk, and may include different upper story uses in accordance with the standards in Section 6.7.5, Shopfront Building.

SHOPPING CENTER

A building or group of buildings, either freestanding or connected, under unified or multiple ownership, that contains three or more tenants engaged primarily in the provision of retail goods and services, along with common parking, pedestrian circulation, and shared ingress and egress.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDE LOT LINE

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

SIGHT DISTANCE TRIANGLE

The triangular area computed based on the visibility at an intersection, within which no sign may interfere with visibility (Assuming eye level at three-and-one-half (3½) feet to six feet from a distance of 15 feet from the edge of the pavement).

SIGHT TRIANGLE

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

SIGN

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

SIGN, ARM

A sign whose sign face is suspended from a support arm at a right angle to the ground.

SIGN, CAMPAIGN OR ELECTION

A sign that advertises a candidate for political office, or issue to be voted on, on a definite election day.

SIGN, CANOPY (OR AWNING SIGN)

A sign attached to or painted on a canopy or awning.

SIGN, DIRECTIONAL

A sign used to guide vehicular and/or pedestrian traffic by using such words as "entrance," "exit," "parking," "one-way," or similar directional instructions, but not including any advertising message except logos.

SIGN, DIRECTORY

A ground or building sign that lists tenants or occupants of a building or development project, with unit numbers, arrows, or other directional information.

SIGN, FLASHING OR ANIMATED

Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or animation, or creates the illusion of motion.

SIGN, FREESTANDING

A self-supporting sign resting on, or supported by means of poles, standards, or any other type of base on the ground.

SIGN, GROUND

A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than (30) thirty inches clearance from the bottom of the sign to the ground.

SIGN, HANGING

A sign suspended from under a canopy covering a sidewalk or pedestrian arcade.

SIGN, IDENTIFICATION

A sign bearing the address of the premises or name of the occupant, but containing no logo or commercial message.

SIGN, INCIDENTAL

An informational sign that has a purpose secondary to the use of the site on which it is located, such as an "entrance" or "no parking" sign. Such signs do not contain a commercial message that is legible from off-site areas.

SIGN, INTERSTATE

A sign located on land within 1,000 feet of the center line of the Interstate 77 right-of-way.

SIGN, MARQUEE

A sign attached to or mounted to the top of a marquee.

SIGN, MENU BOARD

An accessory sign providing menu items and prices associated with a drive-through window or walk-up service window.

SIGN, MONUMENT

A ground-mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials. Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.

SIGN, PROJECTING

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than 18 inches, including an arcade/marquee sign.

SIGN, PUBLIC INTEREST

A sign including noncommercial information of interest that may or may not be associated with a particular location.

SIGN, REAL ESTATE

A sign advertising real property for sale or lease

SIGN, REGULATORY

A sign indicating federal, state, or municipal regulations for automobiles, trucks, bicycles, pedestrian movement, loading, or parking.

SIGN, ROOF

A sign that is placed above or supported on the top of a building.

SIGN, SANDWICH BOARD

A portable A-frame sign with two sides designed to be seen by pedestrians walking along the sidewalk in urban areas.

SIGN, TEMPORARY

A sign or advertising display designed to be displayed for a short period of time (thirty consecutive days, maximum; 6 months between occurrences). Included in this category are banners and retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

SIGN, WALL

A sign mounted parallel to or painted on a building facade or other vertical building surface that does not project more than eighteen (18) inches from the wall surface.

SIGN, WAYFINDING

A specialized directional off-premise sign that is part of a town approved and coordinated program for the purpose of facilitating vehicular traffic to local points of interest, as designated and recognized by the Town's way-finding sign program.

SIGN FACE

The advertising display surface area of a sign that includes the copy or message. In the case of freestanding signs, consists of the entire surface area of the sign on which copy could be placed. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area. In the case of a sign whose message is fabricated together with the background that borders or frames that message, sign face area shall be the total area of the entire background. In the case of a sign whose message is applied to a background that provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.

SIGN FRIEZE AREA

A narrow band located on façade(s) of a building that face a street intended for display of signage. The sign frieze is typically clad in a material that differs from the rest of the façade, and utilizes muted tones and very little articulation.

SIGN HEIGHT

The vertical distance as measured at the highest point of the sign to the elevation of the principal grade of the road or street to which the sign is oriented.

SIGN LIGHTING, BACK LIT

Illumination of a sign face where the letters are raised beyond the sign's background and lighting sources that illuminate the background. The lighting sources are covered so that they are not visible and only the sign's background is illuminated.

SIGN SUPPORT STRUCTURE

For freestanding signs, the poles or bracing to which the sign is attached or mounted.

SIGNIFICANT VEGETATION

Existing healthy self-supporting vegetation on a parcel or site which is composed of canopy trees with a diameter of 12 inches or greater and understory trees with a trunk caliper of four (4) inches or greater. Significant vegetation does not include vines, non-woody vegetation, damaged, diseased, or nuisance trees.

SILVICULTURE

The farming of trees in accordance with the State of North Carolina Forestry Commission requirements.

SITE PLAN

See "Plan, Site".

SITE-SPECIFIC SITE PLAN (VESTING PLAN)

A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

SITE LANDSCAPING

Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.

SKETCH PLAN

See "Plan, Sketch".

STACKING/STANDING AREA

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.

STATE

The state of North Carolina.

STATE ROADWAY SYSTEM

The system of surface roadways owned and operated by the State of North Carolina.

STOREFRONT

A building façade or portion of a building façade located on the ground floor adjacent to a sidewalk or pedestrian way that typically contains windows for the display of merchandise along with a primary entrance for members of the public (also referred to as a "shop front"). Storefronts typically serve individual establishments, but may be configured to serve multiple tenants.

STORMWATER

The direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream, or storm sewer during a rainfall event.

STREET CHICANE

A series of devices or curb extensions that alternate from one side of the street to another and are intended to narrow the street cartway width as a traffic calming device.

STREET FACING GARAGE/CAR PORT

A garage or carport oriented so that the vehicular entrance or exit fronts or faces the primary street fronting the principle structure on the same lot.

STREET GRADE

See "Grade, Street".

STREET JOG (STREET OFFSET)

An offset of two or more streets at their intersection where the centerlines of at least two of the street segments are not in alignment with one another on opposing sides of the intersection.

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET VISTA

A distant view, especially one seen through an opening, as between rows of buildings or trees, or at the terminus of streets. Examples of buildings that traditionally terminate street vistas are schools, churches, and government buildings.

STREETSCAPE

An area along a street that may be required by this Ordinance to provide special landscape plantings or other treatment.

STREET, ALLEY

A minor way, typically 20 feet in width or less, intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

STREET, ARTERIAL

A street designed and intended for use by large volumes of through traffic, receives traffic flow from collector and local streets, allows for major movement between areas of the town and usually has heavy traffic moving at relatively high speeds. A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

STREET, COLLECTOR

A street which carries traffic from local streets to the arterial system consists of principal entrance streets for residential, nonresidential and mixed-use developments and provides for major circulation within the developments.

STREET, CUL-DE-SAC

A street having one end open to traffic and the other terminated by vehicular turn around.

STREET, PERIMETER

A street bounding a portion of the perimeter lot line of a multi-building development.

STREET, PRIMARY

The street adjacent to the primary facade of a building or structure. Buildings typically obtain their street address from the lot's location on the Primary Street.

STREET, PRIMARY INTERNAL

As used in Section 6.7.3, Attached Residential Building, the primary or principal street providing ingress and egress to internal buildings within a multi-building development.

STREET, SECONDARY INTERNAL

As used in Section 6.7.3, Attached Residential Building, a secondary street or street providing internal access within a multi-building development, but not the primary or principal street providing ingress and egress to buildings in the development.

STREET, SERVICE

A lower order single-loaded street oriented parallel to a higher order street that serves lots abutting the higher order street.

STRIP OR RIBBON COMMERCIAL DEVELOPMENT

The location of high amounts of commercial, retail, and office development in a linear pattern along both sides of arterial or collector roadways which is generally dependent on direct access to the roadway via multiple curb cuts and access points.

STRUCTURAL REPLACEMENT COST

For the purposes of Chapter 11: Nonconformities, it means the cost of replacing the structure the day prior to its destruction, based on a market appraisal performed by a certified appraiser, at the landowner's expense.

STRUCTURE

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

SUBDIVISION

A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this Ordinance, or portions of lots platted in compliance with this Ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
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 street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemnor.

SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Planning Director in accordance with Section 2.3.10(5), Subdivision Final Plat.

SUBDIVISION PRELIMINARY PLAT

A type of subdivision approval reviewed and approved or denied by the Development Review Committee in accordance with Section 2.3.10(4), Subdivision Preliminary Plat.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required bringing the structure into compliance with existing state or Town health, sanitary, safety, or building Ordinance specifications necessary to ensure safe habitation of the structure.

SURFACE PARKING LOT

An area used for the off-street parking or storage of vehicles (including ingress and egress or other areas devoted to vehicular use) located at grade.

SWIMMING POOL

An above- or below-ground structure that is filled with water and used for swimming.

T**TANDEM PARKING**

See Parking, Tandem.

TELECOMMUNICATIONS FACILITY, COLLOCATION (ON EXISTING BUILDING OR TOWER)

A situation in which one or more different communication service providers place communication antenna(s) or other communications equipment on a common antenna-supporting structure (building, tower, or other stationary device).

TELECOMMUNICATIONS FACILITY, FREESTANDING

A structure erected on the ground and used primarily for the support of antennas for communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

TEXT AMENDMENT

An amendment to the language of this Ordinance approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.1, Official Text Amendment.

TOWN

Town of Mooresville, North Carolina.

TOWN BOARD

See "Board of Commissioners".

TRACT

All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

A form of development that encourages mixed-use, compact development with integrated land uses centered on public spaces, and a strong emphasis on pedestrian orientation.

TRAFFIC CALMING DEVICE

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

TRAFFIC IMPACT

An adverse traffic impact as represented by an increase in congestion, worsening of level of service, or reduction in safety and efficiency.

TRANSPORTATION CONFORMITY

The measure of the degree of compliance of a transportation system with air quality emission standards.

TRANSPORATION IMPACT ANALYSIS

A transportation impact analysis (TIA) is a tool for evaluating the incremental impacts that new development may have on the surrounding transportation system. It enables local decision-makers to evaluate whether a development is appropriate for a site and/or identify mitigation measures that are necessary to maintain the

integrity of the transportation system. Minimum thresholds for requiring a transportation impact analysis (TIA) and guidelines for the content and methodologies included in a TIA report are presented in the Town of Mooresville Transportation Impact Analysis Procedures Manual.

TRANSPORTATION IMPACT MITIGATION MEASURE

Any measure or improvement taken by or required of the developer while maintaining an acceptable level of service to lessen, abate, or reduce the traffic impact of the development on the public street and highway system.

TRANSPORTATION IMPROVEMENT PLAN

A planning document that identifies priority transportation routes and transit modes and allocates funding for them.

TREE, CANOPY

See "Canopy Tree."

TREE CANOPY

Area of the tree above ground including the trunk and branches measured in mass or volume.

TREE, DECIDIOUS

A tree that drops its foliage annually before becoming dormant.

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

TREE, ORNAMENTAL

See "Understory Tree".

TREE, PRUNING

An operation performed on a tree for the removal of any branches, alive, diseased, or dead, in order to prevent or suppress diseases or to balance or shape the tree for any reason whatsoever.

TREE, SHADE

See "canopy Tree".

TREE, SIGNIFICANT

The crowns of all healthy self-supporting canopy trees with a diameter of ten inches or greater and understory trees with a caliper size of four inches or greater that are candidates for retention in a Tree Protection Zone.

TREE, SPECIMEN

Any canopy tree with a DBH of 36 inches or more and any understory or ornamental tree with a DBH of ten inches or more.

TREE, UNDERSTORY

See "Understory Tree".

TREE, VIABLE

An existing, healthy, properly-formed, and pest and disease-free tree that has a high probability for continued life following completion of adjacent development activities, as determined by the Planning Department or a certified arborist.

TREE CANOPY

As used in Section 7.1.6, Retention of Existing Tree Canopy, the canopy or tree cover composed of crowns of healthy, self-supporting, significant vegetation that exists on a parcel or lot.

TREE FUND

A fund established by the Town to provide an opportunity to make a cash payment to the Town in lieu of providing required landscaping or planting on a sight.

TREE PROTECTION ZONE

The portion of a development site located under a tree canopy area to be retained during the development process.

TREE REMOVAL PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Planning Director in accordance with Section 2.3.12, Tree Removal Permit.

TREE TOPPING

Excessive and arbitrary removal of all parts of the tree above and beyond a certain height with no regard for the structure or growth of the tree. The vertical stem or main leader and the upper primary limbs on trees are cut back to stubs at a uniform height.

TRIP DISTRIBUTION

The allocation of trips to different roads in a model.

TRUCK OR FREIGHT TERMINAL

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

U**UNDERSTORY TREE**

A tree that has an expected height at maturity of no greater than 30 feet.

UNIFORM SIGN PLAN

A plan establishing requirements for size, location, and design of signage for uses located on a single lot or within a single development.

UNIFORMITY RATIO

A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land.

UNIVERSITY

See "College or University".

UTILITY, MAJOR

Infrastructure services providing regional or community-wide service that are owned and operated privately or by a public entity. Major Utilities typically include water towers, waste treatment plants, potable water treatment plants, solid waste facilities, lift stations, and electrical substations.

UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided. Examples of Minor Utilities include storm water retention and detention facilities, telephone exchanges, and park-and-ride facilities.

VARIANCE

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.3.4, Variance.

VARIANCE (WATERSHED)

A development application reviewed and approved, approved with conditions, or denied by the Watershed Review Board in accordance with Section 2.3.5, Watershed Variance.

VEHICULAR USE AREA

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

VEHICULAR USE AREA LANDSCAPING, INTERIOR

Vegetative material, structures (walls or fences), berms, and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement.

VEHICULAR USE AREA LANDSCAPING, PERIMETER

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

VERTICAL CONSTRUCTION

Any and all building construction that occurs above the base floor elevation of a structure. This includes, but is not limited to framing, walls, piping, ductwork, roofing, etc. Footing foundation, and concrete slab work are not included in this definition.

VERTICAL MIXED-USE STRUCTURE

A pattern of development that integrates several types of uses (e.g. retail, office, residential) within a building, occurring on different floors. A typical example of a vertical mixed-use development is a building that includes active uses, such as stores and restaurants, at the street level and residential or office uses on the upper floors.

VESTED RIGHT

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Development Plan currently in effect or as otherwise allowed by law.

VESTED RIGHTS DETERMINATION

An application for granting of a vested right reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.15, Vested Rights Determination.

VETERINARY CLINIC/BOARDING

A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

VILLAGE GREEN

A centrally-located common open area serving a neighborhood or group of neighborhoods. Such areas are typically level, flat, and grass-covered, and may include additional recreational facilities, seating, exterior lighting, public art, fountains, or other civic features.

W

WALL PACKS

An exterior lighting device that is flush-mounted on a vertical wall surface.

WAREHOUSE

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WATER-BORNE STRUCTURE

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

WASTE-RELATED SERVICES

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Accessory uses may include recycling of materials, offices, outdoor storage, and repackaging and trans-shipment of by-products.

WATER-RELATED FACILITY

Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, marine railways, piers, floats and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-related facilities.

WATERSHED REVIEW BOARD

The Watershed Review Board for Mooresville, North Carolina.

WETLAND

Natural areas of land that are distinguished from upland areas by hydric soils, signature hydrologic characteristics, and adaptive vegetation. Some of the different types of wetlands include fens, bogs, marshes, and swamps.

WING WALL

A half-wall or other building wall with a height of less than one story that is utilized to screen service areas, mechanical equipment, or other building features required to be obscured from view.

WHOLESALE SALES

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

WORKPLACE BUILDING FORM

A structure or group of structures configured for the purposes of employment-related activity. Buildings using this building form are generally two stories in height, include different upper story uses, and may include a portion of the required off-street parking between the building and the street it faces in accordance with the standards in Section 6.7.6, Workplace Building.

X

XERISCAPE

A set of landscape maintenance principles that emphasize use of native, drought tolerant plants, and practices making efficient use of water.

Y

YARD

Open space that lies between the principal structure(s) and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance. Yards are further classified as front, rear, and side. Uses and structures that may be permitted in required yards include accessory structures, patios, decks and open porches, bay windows, open steps, driveways, fences, and permitted signs, underground utilities, existing vegetation, required landscaping, and lighting.

YARD, FRONT

A space extending the full width of the lot between the front façade of a building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically, this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping.

YARD, REAR

A space extending across the full width of the lot between the rear façade of the principal structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line. Rear yards extend from the back of a structure to the lot line. Generally, accessory structures are permitted within this yard.

YARD, REQUIRED

The open space between a lot line and the yard line and the façade of a building within which no structure may be located except as permitted in this Ordinance.

YARD, SIDE

A space extending from the front yard to the rear yard between the principal structure façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal structure facade. Side yards extend from the sides of a structure to a street right-of-way or lot line.

Z

ZERO LOT LINE LOT

A lot that includes a principal structure that is located directly atop one or more lot lines. Such lots are typically associated with townhomes and within the Town Center and Village Center Districts.

ZONING ADMINISTRATOR

The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.

ZONING DISTRICT

A geographic area of land designated on the Official Zoning District Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

ZONING MAP

The Official Zoning District Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

ZONING ORDINANCE

This Ordinance, the officially adopted Zoning Ordinance of the Town of Mooresville, North Carolina.

ZONING PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Planning Director in accordance with Section 2.3.11, Zoning Permit.

(amended 7/7/2008, TA-2008-13; 4/6/2009, TA-2009-05 & TA-2009-10; 9/8/2009, TA-2009-18; 2/1/2010, TA-2010-04; 5/3/2010, TA-2010-08; 9/7/2010, TA-2010-02; 12/6/2010, TA-2010-17 & TA-2010-18; 1/3/2011, TA-2010-10 & TA-2010-13; 4/4/2011, TA-2011-01; 9/6/11, TA-2011-06)