

ARTICLE I. GENERAL PROVISIONS

Section 27-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance for the City of Washington, North Carolina" and may be referred to as the zoning ordinance.

Section 27-2. Purpose.

These regulations have been made in accordance with the comprehensive plan for the city and its extraterritorial area and are adopted to promote the systematic development of land within the city and within the extraterritorial areas of the city in an efficient, economic manner which will best promote the health, safety, and general welfare of the people, and for the following specific purposes:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fire, panic, and other hazards;
- (c) To provide for adequate light and air;
- (d) To prevent the overcrowding of land;
- (e) To avoid undue concentration of population;
- (f) To facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- (g) To promote desirable living conditions and the sustained stability of neighborhoods;
- (h) To conserve property values;
- (i) To encourage the most appropriate use of land throughout the city and extraterritorial jurisdiction;
- (j) To control and minimize the extent of floods by preventing obstructions which inhibit water flow and increase flood height and damage and to regulate the use of flood hazard areas to prevent or minimize the loss or damages to persons or property caused by water, mud, or waterborne debris;

The provisions of this chapter are adopted under the authority granted by the General Assembly of the State of North Carolina, particularly G.S. 160A-174 and G.S. 160A, Art. 19 et seq.

Section 27-3. Interpretation and Application.

- (a) In interpreting and applying these regulations, the requirements contained herein are the minimum requirements necessary to carry out the purpose of this chapter.
- (b) Except as provided herein, these regulations shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants, deed restrictions or other agreements between parties.
- (c) Whenever the requirements of these regulations impose greater restrictions upon the use of land or buildings or require a larger percentage of lot to be left unoccupied than other provisions of this Code or other ordinances, rules, regulations, permits, or any easements, covenants, deed restrictions, or other agreements between parties, the provisions of these regulations shall govern.

Section 27-4. Jurisdiction.

These regulations shall govern the use and the development thereon of all lands within the city and the extraterritorial area of the city as defined in this chapter and shown on the official zoning map for the city. The map is available for public inspection in the office of the Department of Planning and Development. Additional regulations apply within the designated

Washington Historic District. These additional regulations are set forth in Article XV of this Chapter, and in the Historic Preservation Commission Design Guidelines, copies of which are available in the offices of the Department of Planning and Development.

Section 27-5. Zoning Map.

- (a) The map which is on file in the office of the Department of Planning and Development and which is identified by the words "This is to certify that this is the official zoning map of the City of Washington, North Carolina," the date of adoption and the signature of the Mayor, and which is attested by the City Clerk and the City seal, together with all notes officially entered thereon, is hereby adopted by reference as the official zoning map of the City and the extraterritorial area within the zoning jurisdiction of the City, and it is hereby incorporated in and made a part of this section as though it were fully set out herein.
- (b) The official zoning map shall remain on file in the office of the Department of Planning and Development and shall be available to the public for inspection and use during all regular business hours.
- (c) The Director of Planning and Development, or his designee, shall be responsible for the maintenance and revision of the official zoning map. Upon notification by the City Council that a zoning change has been made, the Director of Planning and Development, or his designee, shall make the necessary changes on the official zoning map within a reasonable time. Failure to make the changes in a timely manner shall not affect the validity of the zoning change.
- (d) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the City Council may by ordinance adopt a new official zoning map, which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the same officials as the original and shall bear the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map (adopted (date of adoption of map replaced)) and referred to in the zoning ordinance for the City of Washington, North Carolina." The date of adoption of the new official zoning map shall be shown also.

Section 27-6. Land and Buildings Regulated.

No land, building or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity with these regulations or any other applicable regulations.

Section 27-7. Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal use upon any lot in a residential district, or on a lot with a permitted residential use, except as expressly provided in these regulations.

Section 27-8. Reduction or Change in Lot Size Prohibited.

No lot shall be reduced or changed in size so that the total area, minimum frontage, front, side, or rear setbacks, lot area per dwelling unit, or other dimensions, areas, or open spaces required by these regulations are not maintained. No lot shall be subdivided so as to produce an additional lot, which is not in conformity with these or other applicable regulations, unless such lot is combined with other land to produce a conforming lot or unless said lot is deeded, dedicated, and accepted for public use.

Section 27-9. Maintenance of Open Space.

No yard shall be encroached upon or reduced in any manner except in conformity with these regulations. No yard for any principal building shall be considered as a yard for any other principal building.

Section 27-10. Uses Prohibited.

Unless a use of land is specifically allowed in a zoning district, either as a matter of right or as a special use, then such use shall be prohibited in the district.

Section 27-11. Reenactment of Prior Zoning Provisions; Saving Provisions.

- (a) This chapter in part carries forward by reenactment some of the provisions of the zoning ordinance of the City of Washington enacted in 1972, and it is not the intention to repeal but rather to reenact and continue in force without interruption of such existing provisions, so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the zoning ordinance of the City of Washington enacted in 1972, which are not reenacted herein, are hereby repealed.
- (b) All suits of law or on equity and all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of North Carolina or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter but shall be prosecuted to their finality the same as if this chapter had not been adopted; any and all violations of the existing zoning ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending or which may heretofore have been instituted or prosecuted.

ARTICLE II. DEFINITIONS

Section 27-12. Usage.

- (a) The numbers, abbreviations, terms and words used in these regulations shall be used, interpreted, and defined as this article provides; words or terms not defined shall have their customary dictionary definition. Words or terms defined in other articles shall have the definitions provided in that article.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense: words used in the plural number include the singular: words used in the singular include the plural; the work "herein" means "in these regulations;" the word "regulations" means "these regulations;" words of any gender shall be applicable to all genders.
- (c) A "person" includes a corporation, a partnership, and an incorporated or unincorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" or "structure" includes any part thereof.
- (d) When any requirement of these regulations result in a fraction of a number unit, than a fraction of one-half ($\frac{1}{2}$) or more shall be considered as the next higher whole number or unit and a fraction of less than one-half ($\frac{1}{2}$) shall be disregarded. This provision shall apply to numbers including but not limited to parking requirements, numbers of dwelling units, vegetation requirements, and square footage computations.

Section 27-13. Words and terms defined.

Accessory Building. A subordinate building or structure located on the same lot as, and detached from, the principal building, the use of which is an accessory use to that of the principal building.

Accessory Dwelling Unit. A dwelling unit that exists either as part of a principal dwelling or an accessory building and is secondary and incidental to the use of the property as a single-family residence.

Accessory Use. A use which meets the following conditions: (1) a use located on the same lot as the principal use, whether located in the same building, is an accessory use of land; (2) is incidental to and subordinate to the principal use; (3) is subordinate or dependant to the principal use; (4) is customarily associated with the principal use; (5) will not create a nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of such accessory use; (6) may not operate more than sixty (60) days after the permitted original use of such property has ceased to function or exist; and (7) which may not begin prior to the principal use on the property.

Airport Zoning Ordinance Terms and Definitions. See Article IX.

Alley. A public vehicular or pedestrian way, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Area, Gross Floor. The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of wall, columns or other features exclusive of courts and vent shafts.

Area, Net Floor. The area actually occupied, not including accessory unoccupied areas, such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other such features.

Article. The term "Article" as used herein shall refer to those Articles found within this Chapter 27, Zoning Ordinance of the City of Washington, North Carolina, unless otherwise referenced.

Athletic Field. An outdoor site, allowing athletic structures and equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

Automobile Graveyard or Junkyard. An establishment or place of business, which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be an automobile graveyard.

Automobile Repair Service, Major. An establishment primarily engaged on one or more of the following activities: 1) general repair service; 2) engine repair; 3) installation or repair of transmissions; 4) installation or repair of automotive glass; 5) installation or repair of exhaust systems; 6) repair of tops, bodies, and interiors; and 7) automotive painting and refurbishing.

Automobile Repair Service, Minor. An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups; 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators; 3) lubricating service; and 4) front end and wheel alignment.

Automobile Service Station (Gasoline Service Station). An establishment in which gasoline, accessories and services for automobiles are supplied and dispensed at retail Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, or the storage of automobiles which are in nonrepairable operating condition or not to be repaired.

Basement. The portion of a building that is partly or completely below grade.

Bed and Breakfast. A private home offering bed and breakfast accommodations to twelve or fewer persons per night for a period of less than one week. Also see "Hotel or Motel."

Billiard Parlor, Pool Room. Any establishment that has more than (2) billiard/pool tables or whose principal purpose is the operation of a billiard parlor or poolroom regardless of the total

number of billiard/pool tables. Billiard or pool tables are not permitted in grocery or convenience stores.

Blind center. An institution established for the purpose of providing education, training and/or employment for eligible blind persons. Primary occupants of the structure will be those as defined under G.S. 111-11. Operation of the center will be in compliance with N.C. enabling legislation for "visually handicapped persons."

(Ord. No. 98-14, 7-13-98)

Board of Adjustment. See Article XIX.

Boarding or Rooming House. Any single family dwelling, in which rooms are rented by the owner occupant to not more than four (4) persons who are not related by blood, adoption or marriage to the owner occupant. See also "Family".

Bufferyard. See Article VII.

Building. A structure with a roof which is designed or intended for the shelter, support, protection or enclosure of persons, animals, or property of any kind.

Building Lines. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front, side and rear lot lines, and referred to as front, side and rear building lines, respectively.

Carnival. A traveling or transportable group or aggregation of rides, shows, games, concessions, and operators, or any combination thereof.

Chapter. The term "Chapter" as used herein shall refer to this chapter, Chapter 27, Zoning Ordinance for Washington, North Carolina, unless otherwise referenced.

Church or Place of Worship. A building in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship and holding a certificate of nonprofit organization from the secretary of state.

Circus. A traveling or transportable show or exhibition consisting of performances by persons and animals under one (1) or more tents or similar structures, with or without other sideshows.

City Council. The governing body of the city as provided by the Charter of the City of Washington, North Carolina. The mayor and council on behalf of the city, and in conformity with applicable laws, provide for the exercise of all municipal powers and are charged with the general government of the city.

Club, Public or Private. An establishment of which the principal use is entertainment and which:

1. may be open to the general public;
2. may require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
3. may provide live or recorded amplified music;
4. may provide a floor show;
5. may provide a dance area;
6. may offer a full service bar;
7. may offer food services;
8. may provide food attendant (waiter/waitress) table ordering and busboy services; and
9. does not qualify under the definition of "restaurant fast food" or "restaurant, conventional" as contained herein.

Coin Operated Amusements Center or Game Center. An establishment having five (5) or more token or coin-operated amusement devices or machines. Four (4) or fewer machines shall be classified as an accessory use. Such machines upon the insertion of a coin, slug, token, or other means, may be operated by the public generally for use as a game or for entertainment or amusement. Coin-operated amusement devices or machines include such devices as electronic video games, pinball machines, billiard and/or pool tables that are coin-operated and six (6) feet in length or less, and other similar machines. Billiard parlors and poolrooms shall not be considered as a game center. An establishment with more than two (2) coin-operated billiard and/or pool tables shall be considered a billiard parlor for purposes of this ordinance. Also, for

purposes of this ordinance, bingo games and parlors shall be considered as game centers. (See definition of Billiard parlor/pool room.)

Common Area. All areas, including private streets, conveyed to an owner's association within a development or owned on a proportional undivided basis in a condominium development.

Condominium. The ownership of single units in a multi-unit structure with common areas and facilities. Such structures may contain one or more stories, and may include any permissive group housing development type including, but not limited to, garden apartment, multi-family dwelling, attached dwelling or two-family dwelling units.

Condominium Development. Two (2) or more condominium units for residential use with their principal building or group of buildings, accessory buildings, common areas and courtyards on a lot as authorized by the condominium development regulations of this ordinance.

Condominium Unit. An enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories designed for residential use, and shall include such accessory spaces and areas as may best described in the declaration of covenants and restrictions, such as garage space, balcony, terrace or patio, provided it has a direct exit to a street or to a given common space leading to a street.

Congregate Care Facility. A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing home or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Convenience Store. Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock fresh vegetables, produce, poultry or meats, has a total lot coverage not to exceed 4,000 square feet, and which may or may not offer made-to-order food or drink. Billiard and pool tables are not permitted within convenience stores.

County, State or Federal Government Building or Use. Any building, structure or use of the county, state or federal government or their various subparts. The term shall include offices, libraries, fire stations, sheriff department, court, recreation facilities, and parks. All government buildings or uses shall only be allowed in accordance with the table of permitted and special uses for the particular district.

Day Care, Adult. An establishment which provides for the care and supervision of aged, handicapped, or disabled adults away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four (24) hour period.

Day Care, Child. An establishment which provides for the care and supervision of children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four period.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Director of Planning and Development. The person, official, or his authorized representative, whom the city council has designated as its agent for the acceptance, coordination and approval of all plans and permits required by this chapter, and for the enforcement of these regulations, unless otherwise specifically provided in the particular case. The Director of Planning and Development shall, excepting city manager authority, have final administrative interpretation concerning the meaning, requirement or extent of any section, graphic or description set forth by this chapter, unless otherwise specifically provided in the particular case.

District, Zoning. A section of the city or its extraterritorial area within which the zoning regulations are uniform.

Dormitory. A building or group of buildings where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in (1) room, or in a series of closely associated rooms under joint occupancy and single management, such as a college dormitory or privately owned dormitory intended for use by college students.

Drive-Through Facilities. Facilities which are accessory to a principal use whereby goods or services may be offered directly to customers in motor vehicles by means which eliminate the need for customers to leave their motor vehicles.

Dwelling. A building or a portion thereof which is wholly or partly used for or intended to be used for temporary or permanent residential occupancy for one (1) or more families.

Dwelling, Attached (One-Family Attached Dwellings). One-family dwelling that is connected on one or more sides by means of a common dividing structure or load bearing wall of at least five (5) linear feet to one or more other one family dwelling units. Typically, such one-family attached dwelling units consist of individual townhouses for sale, duplex units for sale (two-family dwelling), condominium development or other multiplex development with individual dwelling units for sale. An individual one-family attached unit for sale may also include the sale of its accompanying individual lot of record.

Dwelling, Detached. A one-family dwelling that is completely surrounded by permanent open spaces.

Dwelling Unit. A single independent housekeeping unit with sanitation, living, dining, sleeping, and permanently installed kitchen and bathroom facilities for use by one (1) family.

Dwelling, Two-Family Attached (Duplex). A separate and detached structure containing two (2) attached dwelling units, each designed for occupancy by one (1) family on an individual lot exclusive to such units and their accessory uses.

Dwelling, Multifamily. A separate and detached structure or group of structures containing three (3) or more total dwelling units on a common lot and sharing common facilities; or two (2) or more single family or two-family attached dwellings located on a common lot; or one (1) or more attached dwelling units on a common lot and sharing common facilities with a nonresidential use. Excluded from this definition are "Mobile home parks" and "Caretaker dwellings."

Extraterritorial Jurisdiction. The area beyond the corporate limits within which the planning, zoning and building regulations of the city apply in accordance with state law. Such area is delineated on the official zoning map for the City of Washington.

Fair. The public display for sale, entertainment or education of agricultural, industrial or civic articles or similar displays or exhibitions, usually held not more than annually for a period of less than one (1) week.

Family. An individual living alone, or two (2) or more persons related by blood, adoption, or marriage, or a group of not more than four (4) unrelated persons living together as a single housekeeping unit in a shared dwelling unit. See also "room renting".

Family Care Home. An establishment defined under G.S. 168-20 through 23, as amended, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than (6) residents who are handicapped. 'Handicapped person' means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance and orthopedic impairments but not including mentally ill persons who are dangerous to others. 'Dangerous to others' means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm to another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; Band that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Farmers Market. An establishment, either enclosed or open, dedicated for farmers to sell farm products not grown upon the premises.

Farming. Establishments (farms, ranches, dairies, nurseries, orchards, hatcheries, etc.) primarily engaged in the production of crops, plants, vines, or trees (excluding saw mills); and the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products, for livestock increase, or for value increase. Livestock as used here includes cattle, sheep, goats, hogs, and poultry. Also included are animal specialties such as horses, rabbits, and fish in captivity. Agricultural production also includes establishments primarily engaged in the operation of sod farms, mushroom cellars, poultry hatcheries, and in the production of bulbs, flower seeds, and vegetable seeds.

A farm may consist of a single tract of land, or a number of separate tracts, which may be held under different tenures. It may be operated by the operator alone or with the assistance of members of his household or hired employees or it may be operated by a partnership, corporation, or other type of organization.

Flood Zoning Terms and Definitions. See Article X.

Foundation. That part of a structure which is in contact with the soil, and is typically constructed of concrete and/or masonry.

Fraternal/Civic Organization (Not Including Residential). A nonprofit establishment that is organized and chartered for a fraternal or civil purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. Payment of an admission fee denominated as a membership fee for entrance into an establishment does not in and of itself constitute membership. This provision does not, however, prohibit such an establishment from being open to the general public for raffles and bingo games as required by G.S. 14:-309.11(a) and G.S. 14-309.13.

Fraternity or Sorority House. A dwelling occupied by and maintained exclusively for college or university students who are affiliated with a social, honorary, or professional organization recognized by the college or university.

Front of the Building. The "front of the building" is any side, which has a main entrance to the living room areas of any dwelling unit. No wall will be considered "fronting" on a street if it forms more than a forty-five-degree angle with the street line.

Frontage. All the property abutting one (1) or more sides of a street.

Group Care Facility. An establishment qualified for a license by the State of North Carolina for provision of resident services to more than six (6) residents who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment and persons recuperating from mental or emotional illness. This definition shall not include mentally ill persons who are dangerous to others.

'Dangerous to others' means that within the recent past, individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Hazardous. Any use, product, operation, material, compound or reaction which by its known or reasonably expected nature creates excessive noise, odor, smoke, dust, danger of fire or explosion, emission of gas, particles, solids, or other objectionable or toxic characteristics which may adversely impact the public's health, safety and general welfare. Nonhazardous shall include those attributes, which by their nature do not qualify under the above definition.

Height of Structure. The vertical distance from the finished grade to the highest point of the structure.

Historic Preservation Commission. See Article XV of this Chapter.

Home Occupation. An activity conducted for financial gain as an accessory use to a single-family dwelling unit by a member of the family residing in the dwelling unit.

The incidental use of any dwellings by the occupants for the purpose of receiving or transmitting messages or mail, record, or bookkeeping, filing, address listing for applicable privilege license or tax identification and other similar activities which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services shall not constitute a home occupation for the purpose of regulation under this chapter.

Hotel or Motel. A building or group of buildings containing guest rooms, suites, separate or connecting units, where for compensation lodging is provided on a short-term basis. For purposes of this definition the words "short term basis" shall include only daily or weekly periods. Not more than twenty-five (25) percent of the rooms, suites or units may have kitchen or cooking facilities. The hotel or motel shall be designed and marketed in a fashion that reflects the intended use of transient lodgers. No persons other than approved resident managers, supervisors or caretakers and their families shall utilize, consider or reference any hotel or motel room, suite or unit as a secondary or primary place of residence. A hotel or motel may contain restaurants, meeting rooms, indoor recreation facilities, lounges, entertainment facilities, retail sales of personal accessories for occupants, maid and bell boy service, laundry services, telephone and secretarial service as accessory uses to the hotel or motel use. This definition shall also include "bed and breakfast inns."

Internal Service Facility. Facilities incidental to the permitted nonresidential principal use (s), including cafeterias, snack bars and similar retail activities conducted solely for the convenience of employees, patients, patrons, or occasional visitors provided that such facilities are housed within the principal or related buildings and provided that neither the facility itself nor any advertising display is visible beyond the premises.

Junk Yard. Use of land or buildings or other structures for indoor and outdoor storage, collection, demolition, dismantling, processing, abandonment, sale, or resale of junk including scrap metal, rags, paper, other scrap materials, used lumber, used building materials, salvaged house wrecking, salvaged structural steel, salvaged materials, salvaged equipment, automobiles, and boats or other vehicles or machinery or parts thereof. This definition shall also include automobile graveyards.

Kennel. Any facility for the purpose of boarding domesticated animals on a commercial basis or as an accessory use to district uses. This definition does not include livestock sales pavilions, auditoriums, yards, distribution facilities, transshipment facilities or slaughterhouses.

Landfill, Demolition and Construction Debris, Major. A disposal site (other than a minor demolition and construction debris landfill as defined in this section) for stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

Landfill, Demolition and Construction Debris, Minor. A disposal site for stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth, which is less than three (3) acres in size and is in operation for less than one (1) year.

Lot. A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this chapter. For the purpose of this chapter, the owner shall be required to specify which is the front when requesting a building permit.

Lot Coverage. That portion of a lot occupied by a structure, whether at ground level or the equivalent thereto when a structure is elevated on pilings.

Lot Depth. The horizontal distance between front and rear lot lines.

Lot Corner. A lot which has frontage on at least two (2) intersecting streets; provided, that the interior angle of such intersection is less than one hundred thirty-five (135) degrees.

Lot, Double Frontage. A lot which fronts on two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Lot Frontage. The distance between side lot lines measured along the street right-of-way or easement.

Lot Line. A line that marks the boundary of a lot.

Lot Line, Front. The common boundary line between a street right-of-way or easement and the lot line.

Lot, Reversed Corner. A corner lot, which does not front on the same street with the interior lots on the same side, as distinguished from the same end of the block.

Lot Width. The distance between side lot lines measured along the minimum public or private street setback line unless otherwise provided.

Lot of Record. A lot which is a part of subdivision or plat which has been recorded in the office of the register of deeds of Beaufort County, or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds in accordance with the subdivision regulations in effect at the time of recordation.

Manual of Standard Designs and Details. The Manual of Standard Designs and Details is a supplement to the subdivision regulations. Such supplement contains engineering designs and details relative to plat layout; storm drainage design; sedimentation control; basins; pipes and manholes; ending walls and retaining walls; street standards; pavement design; ground cover; driveways; parking; storm water detention and other uniform design standards.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products. These establishments are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins, or liquors.

The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining, and quarrying as well as products of other manufacturing establishments. The new product of a manufacturing establishment may be "finished" in the sense that it is ready for utilization or consumption, or it may be "semifinished" to become a raw material for an establishment engaged in further manufacturing.

The materials used by manufacturing establishments may be purchased directly from producers, obtained through customary trade channels, or secured without recourse to the market by transferring the product from one establishment to another, which is under the same ownership. Manufacturing production is usually carried on for the wholesale market by transferring the product from one establishment to another, which is under the same ownership. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

Marina. Any publicly or privately owned dock, basin, or wet storage facility constructed to accommodate more than four (4) boats.

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

Mining. The extraction of minerals occurring naturally; solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas. The term "mining" is also used in the broad sense to include quarrying, well operation, milling (crushing, screening, washing, floatation, etc.) and other preparation customarily done at the mine site, or as a part of mining activity.

Mixed Development. A mixture of residential and permitted office and/or commercial uses.

Mobile Home. A portable dwelling unit designed for transportation on its own chassis and placement on a temporary or semi permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. A double wide mobile home is two (2) or more portable manufactured units designed for transportation on their own chassis, which connect on site for placement on a temporary or semi permanent foundation to create a detached dwelling unit, and having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. 'Mobile home' shall also include manufactured homes.

Mobile Home Park, Conforming. See Article VIII.

Mobile Home Park, Nonconforming. A parcel of land containing two (2) or more mobile home dwelling units where such placement or improvements do not conform to the minimum requirements of this chapter.

Mobile Home Site or Lot. A parcel of land in a mobile home park designed to accommodate one (1) mobile home and its accessory buildings or uses for the exclusive use of the occupants.

Mobile Home Stand. That area of a mobile home site or lot, which has been reserved for the placement of a mobile home

Modular or Sectional Structures. A modular structure is a factory fabricated, transportable building not built on its own chassis, designed to be used by itself or to be incorporated with similar units and requiring a foundation at the site. Modular or sectional structures are distinguished from mobile homes by not being permanently built on a chassis and by requiring a foundation for support. Modular or sectional structures as defined herein do not fall within the provisions of the mobile home or mobile home park requirements, but instead, are considered dwellings or structures and shall meet appropriate zoning, subdivision, and North Carolina State Building Code requirements.

Municipal Government Building or Use. Any building, structure or use of the City of Washington or its various subparts. This term shall include cemeteries, warehouses, fire stations, police stations, municipal offices, libraries, recreation facilities and parks, civic centers, and garages. Uses not listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district. Where municipal operated facilities to be used for athletic events and/or night programs are to be located in residential areas, a public hearing shall be properly advertised and conducted before City Council for the purpose of hearing and considering any comments by the public as to the location under consideration.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Noncommercial Park or Recreational Facility. Non-profit or neighborhood recreation clubhouse, swimming pools, tennis courts, play lots, ball fields and the like which are owned and operated by any non-profit organization or neighborhood association as a principal or accessory use.

Nonconformity. Any dimensional, area, use, or other situation, which does not comply with the requirements, standards or conditions set forth by the zoning ordinance, whether existing on the effective date of this chapter or following any amendment thereto.

Non-Profit, Use. Any use holding a certificate of non-profit organization from the secretary of state for social, literary political, civic, religious, fraternal, recreational, or charitable purposes, which is not operated for profit or to render a service which is customarily conducted as a business.

Owner/Occupant. Any person, firm, corporation, lessee, receiver, trustee, guardian or personal representative holding legal title or legal right to occupy or carry on business upon any lot or any manager, operator or other person authorized to occupy or conduct business on behalf of an owner. Where there is more than one (1) owner as defined, their duties and obligations under this chapter are joint and severable and shall include responsibility for compliance with this chapter.

Parking Area Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space. The storage space of not less than nine (9) feet by twenty (20) feet for one (1) automobile plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Pawnbroker. Any person who loans money on the security of personal property pledged in his keeping.

Pet Shop. An establishment, which sells, domesticated animals to be kept for pleasure rather than for utility. Pet shops are completely enclosed operations which utilize outside storage of animals only pursuant to further approval under the "animal boarding; outside facility" provision contained herein.

Planned Unit Development (PUD). See Article XII.

Planning Board. The Planning Board is that body created by City Council in Chapter 2 Article IX of the Washington City Code, pursuant to N.C.G.S. 160A-361 and 160A-367, to act as

a planning agency for the City Council on planning and zoning matters within the City of Washington's planning and zoning extraterritorial jurisdiction.

Porch. An attached, open, unenclosed (including screening and the like) roofed entrance to a building, including necessary supports.

Principal Use. The primary purpose for which a building structure or lot is designed, arranged or intended and for which it is or may be used under these regulations.

Public Utility Building or Use. Any above ground building or use necessary for the delivery of electric, water, sanitary sewer, storm drainage, gas, telephone, cable TV or other utility service system which meets any one (1) of the following conditions:

1. utility structures in excess of one hundred (100) total square feet;
2. utilizes any structure in excess of fifteen (15) feet in height;
3. requires any on-site permanent maintenance or service attendant;
4. requires or utilizes three (3) or more parking spaces; and
5. creates noise, smoke, dust, odor, glare or any other condition, which may have an adverse impact on area properties or uses.

Recreational Vehicle or Travel Trailer (Camper). Any vehicle smaller than eight (8) feet in width and thirty-two (32) feet in length equipped with some or all facilities normally found in a dwelling unit and designed to serve temporarily as a substitute dwelling for short periods of time.

Recycling Collection Point. An incidental use that serves as a drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed.

Repair, Major. The following activities shall be considered major repair:

1. engine overhaul or dismantling of subparts;
2. body or frame repair;
3. windshield or glass replacement;
4. transmission or other subpart rework service;
5. welding or metal cutting; and
6. any other repair other than "minor repair".

Repair, Minor. The following activities shall be considered minor repair:

1. engine tune-up; change of plugs, filters, oil, lubricants, belts, adjustments;
2. change and rotate tires;
3. brake services;
4. electrical system services;
5. radiator services;
6. muffler services;
7. battery service; and
8. starter, alternator repair.

Residential Use. The use of land and buildings for domestic occupancy within dwelling units, including single family, two family attached, multifamily, boarding house, rooming house, family care home and land use intensity (rating 50) development, by the persons authorized to occupy such units. Uses not listed above shall be considered as nonresidential uses for purposes of Article 5 Permitted and Special Uses.

Restaurant Conventional. An establishment open to the general public which should have the following characteristics:

1. does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
2. has sales of prepared and/or packaged foods, in a ready to consume state, in excess of 50% of the total gross receipts for such establishment during any month;
3. may or may not offer food via over-the-counter service;
4. may offer food in disposable containers;
5. does provide sit down dining area(s);
6. does provide food attendant (waiter/waitress) table ordering and busboy services;
7. may offer carry out and/or delivery services;
8. does not offer drive-through or drive-in services; and

9. pursuant to 1. and 2. above may have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show and dancing are which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

Restaurant, Fast Food. An establishment open to the general public which:

1. does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
2. has sales of prepared and/or packaged foods, in a ready to consume state, in excess of 50% of the total gross receipts for such establishment during any month;
3. offer food via over-the-counter service;
4. may offer food in disposable containers;
5. may provide sit down dining area(s);
6. may provide food attendant (waiter/waitress) table ordering and busboy services;
7. may offer drive-through, drive-in, carry out and/or delivery service; and
8. does not include the following:
 - a. ancillary or accessory food service for a permitted principal use where such food service is open to the general public such as an employee and/or patron cafeteria or eating area;
 - b. temporary food service as part of permitted temporary uses such as carnivals, fairs, street fairs, circuses, athletic events, community events, concerts, nonprofit fund raising events, emergency shelters, and the like; or
 - c. any establishment where the preparation of food is merely incidental to the sale of food such as a grocery store or food market and the like.

Retail Sales. Establishments engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of goods. Establishments are classified by kind of business according to the principal lines of commodities sold (apparel), or the usual trade designation (shoe store). Characteristics of retail trade is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal or household use.

Retirement Center. A facility, which provides housing, meals, recreational and educational activities, and medical care for retired people. This term shall include the following uses within retirement facility: dwelling units in accordance with district standards, nursing facilities or infirmaries, food preparation and service for the occupants, administrative offices, recreational facilities, and assembly halls.

Room Renting. The renting of rooms in an owner-occupied dwelling to not more than four (4) persons. See also "Family".

Satellite Dish. An apparatus capable of receiving communications from a transmitter relay located in planetary orbit.

School. A use of land or buildings for academic instruction authorized and administered by the Beaufort County School System or other comparable private schools.

Section. The term "Section" as used herein shall refer to those Sections found within this chapter, Chapter 27, Zoning Ordinance for the City of Washington, North Carolina, unless otherwise referenced.

Setback Lines. The lines which parallel any public street right-of-way, private street easement, side and rear property line or peripheral boundary line which delineates the area of a lot upon which a building may be constructed or expanded.

Shelter, Emergency. An accessory structure or portion of a primary structure that provides protection to human life during periods of danger, including nuclear fallout, air raids, natural hazards, or other emergencies.

Shelter for Homeless or Abused. An establishment operated by a governmental or non-profit organization intended to be used solely for temporary occupancy by homeless or abused persons.

Sign Terms and Definitions. See Article XVI.

Special Use. A use of land, buildings, or structures that requires special and individual control over number, area, location, design, methods of operation, and relationship to surrounding uses in order to promote the public health, safety, and general welfare.

Stable. A building or structure designed or used for maintaining livestock or horses or for the storage of manure or soil fertilizer.

Story. That portion of a building between the upper surface of a floor and upper surface of the floor or roof next above. Attic space, which is arranged, built, finished or intended for business occupancy or habitation shall be considered as a floor for purposes of this definition. Where no floors exist (e.g. water towers, observation towers, grandstands, stadiums, belfries) each twelve (12) feet or height shall constitute one (1) story.

Street Line. The right-of-way boundary of a street.

Streets. Streets are those areas delineated by dedicated rights-of-way or common property easements upon which improvements have been made for use by and open to the public.

Streets, Public. Public streets are streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by law. Such streets shall be maintained by the appropriate governmental body or pursuant to recorded agreements.

Streets, Private. Private streets are streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by law. Such streets shall be maintained by the property owner or pursuant to recorded agreements.

Structure. Anything constructed or erected on the ground or attached to the ground including, but not limited to, the following: Walls, fences, buildings, signs, swimming pools, gas or liquid storage tanks, towers and other similar items. For the purpose of the flood zone management, "structure" shall mean a walled and roofed building that is principally above ground, as well as a mobile home.

Subdivision. The division of a parcel of tract of land in accordance with the subdivision regulations.

Subdivision Regulations. See Chapter 17, Subdivisions, of the Washington City Code.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the surrounding land, or an above-surface water-filled enclosure, having a depth of more than thirty (30) inches, designed used, and maintained for swimming and bathing.

Temporary Event. An activity, which is infrequent in occurrence and limited in duration.

Tourist Homes. A dwelling wherein rooms are rented to provide overnight accommodations for transient guests; provided, that the character of the dwelling is not changed, and in connection therewith, there is no display, no stock in trade nor commodity other than meals sold on the premises and no person not a resident on the premises is employed specifically in connection with the accommodation of tourists. Up to two-thirds of the area of the dwelling may be used for this purpose.

Townhouse Type Development. The division of land containing attached units within one (1) or several structures and may include the reservation of common area and which may be restricted to internal access through the original lot, common area (s) or shared easements.

Trucking Terminal. A building or area used for the temporary parking of motor freight vehicles or trucks during loading and unloading and between trips, including office space and necessary warehouse space for storage of transitory freight.

Use. Any purpose for which land, buildings, or structures are designed, arranged, intended, occupied or maintained; or any activity, conducted, or intended to be conducted, in a building, structure or on a tract of land.

Variance. An exception to a specific provision of these regulations granted by the Board of Adjustment.

Wellness Center. A facility designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but

not limited to, physical fitness and nutrition education. The programs shall be coordinated by a physician consultant, who shall oversee the content and conduct of each program.

In addition to selling, wholesale establishments may maintain inventories of goods (warehouse), physically assemble, sort and grade goods, deliver goods and refrigerate goods.

Yard. An open space on the same lot with a principal building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard across the full width of the lot extending from the front line of the principal building to the front property line.

Yard, Rear. A yard extending across the full width of the lot between the rear line of the principal building and the rear lot line.

Yard, Side. An open unoccupied space on the same lot with a principal building situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard Sale. A one (1) or two (2) day activity occurring at a residential dwelling no more than two (2) times in any given twelve (12) month period where items which the residents have no further use for are being resold to the general public. Yard sales do not include items, which were originally obtained to be resold to the general public. Yard sales shall be considered an accessory use.

Zoning Map, Official. The official zoning map for the City of Washington.