ARTICLE V
DEFINITIONS AND INTERPRETATION
Last Amended 09.15.2015

Section 500. Definitions.

**Adult Establishment.** Establishments as defined in the North Carolina General Statutes, Article 26A, GS 14-202.10 Definitions. A private club or restaurant that offers any adult entertainment, material, or service as defined in GS 14-202.10, shall be considered an Adult Establishment and shall be regulated in accordance with the terms of this ordinance for such use.

**Alley.** A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**Antenna array.** Means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include Omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

**Building.** Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or chattels. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure shall not be considered one building unless both structures are constructed on one common foundation and are located under one continuous roof.

**Building, Accessory.** A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located in the rear or side yard on the same lot.

**Building Area.** The building area of a structure shall be the total square footage of heated floor space contained within a building as measured from the exterior wall surfaces of the structure.

**Building Height.** The height of a building shall be the average height of the building or portion thereof which is measured as the vertical distance from the average elevation of the building foundation on the finished lot grade (measured from the highest and lowest point of the intersection of the foundation with the finished lot grade) to the highest point of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the eaves and ridge of a gable, hip, or gambrel roof.

**Building, Principal.** A building used for the same purpose as the principal use of the lot.

**Building Setback Line.** Lines parallel to the street right-of-way, side and rear property lines, delineating the minimum allowable distance between these lines and a building on a lot within which no building or other structure shall be placed except as otherwise provided. Uncovered steps and overhanging eaves extending up to three feet from the building wall may be located in the setback area. Attached porches or decks shall be included in the required setback area.
**Front Building Line.** A line drawn parallel to the front building setback line through the point of the building foundation of the principal building nearest to the front building setback line, projected to the side property lines of the lot.

**Rear Building Line.** A line drawn parallel to the rear building setback line through the point of the building foundation of the principal building nearest to the rear building setback line, projected to the side property lines of the lot.

**Side Building Line.** Lines drawn parallel to the side building setback lines through the points of the building foundation of the principal building nearest to the side building setback lines, projected to the front and rear building lines of the lot.

**Conditional Use Permit.** A permit issued by the Laurel Park Town Council for a use which is permitted in a specific zoning district, subject to review by the Planning Board and approval by the Town Council.

**Country Club.** A private club that offers golf, tennis, swimming, and other recreational activities; dining and beverage services; and meeting space for social and cultural activities to a limited membership. Said club shall include the structures, facilities, and accessory uses and structures associated with the club and its recreational uses.

**Dish Antenna (or Earth Station).** A dish antenna, or earth station, is defined as an accessory structure and shall mean a combination of 1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; 2) a low noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and 3) a coaxial cable whose purpose is to carry the signals into the interior of a building.

**Dish Antenna (or Earth Station) Height.** The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

**Dish Antenna (or Earth Station) Setback.** The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

**Driveway.** A private access to one or two proposed or recorded lots which meet the lot standards of this ordinance. A driveway may be paved or unpaved, platted or described by metes and bounds, or may be otherwise described or shown as an easement or right-of-way. Any drive, access, road, easement, or right-of-way proposed to serve more than two lots shall be defined as a public or private street.

**Dwelling Unit.** A building, or portion thereof, providing complete and permanent living facilities for human habitation.

**Dwelling, Multi-Family.** A residential building or buildings, attached or detached, and located on one or more lots held in single or unit ownership, designed to be occupied by two (2) or more families.
**Dwelling, Single-Family.** A detached residential building arranged or designed to be occupied by one (1) family.

**Easement.** A grant by a property owner of a tract of land for a specified purpose and use by the public, a corporation, or person(s).

**Electronic Gaming.** Any business enterprise, whether as a principal or accessory use, where persons use electronic machines to conduct games of chance and where money, credit, merchandise, or other items or allowance 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 Operation as used herein shall not include any lottery operated pursuant to NCGS Chapter 18C or any other lottery or like operation expressly permitted to operate in North Carolina by applicable statute.

**Family.** Any number of individuals living together as a single housekeeping unit.

**Federal Aviation Administration.** FAA.

**Federal Communications Commission.** FCC.

**Fences.** Any structure attached to the ground and/or building that serves as a barrier or boundary, either actual or perceived, and is constructed only of wood, stone, brick, concrete, chain link, plastic simulating wood, or any combination of the above listed materials.

**Junk.** Junk shall include, but not be limited to, the following: scrapped metals, rope, rags, batteries, paper, trash, rubber, building materials, debris, waste, dismantled or wrecked machinery, vehicles or parts thereof.

**Land Use Plan.** The Laurel Park Land Use Plan, adopted by the Town Council in March, 1988 or hereafter amended.

**Lodging Facility.** Any building or group of buildings used, maintained, advertised, or intended for use as a temporary lodging place for compensation, whether the temporary lodging is designed for temporary or permanent living facilities. Lodging facilities shall be interpreted to include any hotel, motel, tourist court or home, guest house, rooming or boarding house, inn, or lodge.

**Lot.** A parcel of land occupied or capable of being occupied by a building together with its customary accessory buildings, including the open space required by this ordinance. For the purposes of this ordinance, the word "lot" shall also mean any number of contiguous lots or portions thereof, upon which one or more principal structures are to be erected for a single use.

**Lot of Record.** Any lot within the Town of Laurel Park for which a plat has been recorded in the Register of Deeds office for Henderson County, or a lot described by metes and bounds, the description of which has been so recorded.
Lot Types:

**Corner Lot:** A lot located at the intersection of two or more streets.

**Double Frontage Lot:** A continuous (through) lot which is accessible from both streets upon which it fronts.

**Flag Lot:** A lot with access provided to the bulk of the lot by means of a narrow corridor having a minimum width of thirty (30) feet.

**Interior Lot:** A lot other than a corner lot with only one frontage on a street.

**Microbrewery.** An establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101 and shall include one or more accessory uses such as a tasting room, tap room, restaurant, or retail, and open and accessible to the public. Annual production shall be less than 15,000 barrels.

**Mobile Building.** A portable manufactured building constructed on a chassis and used or intended for use as a nonresidential structure. A mobile building shall be construed to remain a mobile building, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided.

**Noncommercial Wireless Communications Structure.** An antenna and support structure erected solely for a noncommercial individual use such as residential television antennas, satellite dishes, or amateur radio antennas or citizens band antennas or any other wireless communications device.

**Nonconforming Use.** Any parcel of land, use of land, building, or structure existing at the time of adoption of this ordinance, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located.

**Ornamental or Recreational Structure.** Decorative, detached structures which are accessory to the principal structure which may include, but not be limited to, the following: arbors, arches, fountains, gazebos, and children’s play houses.

**Parking Space.** An area of not less than nine (9) feet by nineteen (19) feet for parking a vehicle, plus the necessary access space. Parking space(s) shall be provided with vehicular access to a street or alley, and shall always be located outside the dedicated street right-of-way.

**Parks.** The term "park" shall include those areas developed either for passive or active recreational activities. The development may include, but shall not be limited to, walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, etc. The term "park" shall not include zoos, travel trailer parks, amusement parks, or vehicle racing facilities.

**Planned Unit Development:**

**Commercial Planned Unit Development.** A commercial development where more than one principal building or principal use is proposed for a lot or tract in single or unit ownership. A planned commercial development may be permitted as a conditional use in the C-1 Commercial District, subject to the provisions in Articles XI and XIII.
**Residential Planned Unit Development.** A residential development which includes more than four (4) multi-family dwelling units, developed or proposed for development on a lot or tract of lots held in single or unit ownership. A residential planned unit development may be issued a conditional use permit in specific districts subject to the conditions and review process in Articles XI and XIII.

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

**Premises.** A tract of real property in single ownership which is not divided by a public street or right-of-way.

**Private Club.** A voluntary, incorporated or unincorporated association of persons for purposes of social, literary, or political nature, and membership is not available to the general public, and/or an establishment offering food and beverage service, recreational activities, entertainment, or social or cultural activities to a limited membership within a fully enclosed building.

**Recreation Use, Non-Profit.** An indoor or outdoor recreation facility operated on a non-profit basis according to the laws of North Carolina.

**Recreation Use, Profit.** An indoor or outdoor recreation facility operated on a profit basis.

**Recreational Vehicle.** Any vehicle, self-propelled or otherwise, which is designed for transient, non-permanent living.

**Restaurant.** An establishment that is developed, used, maintained, and open to the public for the primary purpose of the sale of prepared foods to be consumed on the premises. The preparation of food for take-out or delivery shall be considered incidental to the primary purpose. Restaurants shall not have more than 15% of the total square footage of floor area, excluding kitchen, restrooms, halls, and entryways, for dance floors or entertainment areas.

**Setback.** A line delineating the minimum allowable horizontal distance between the building line and the corresponding front, side, or rear property line.

**Sewer System:**

**Sewer System - Individual:** Any septic tank or ground absorption system serving a single source or connection and approved by the Henderson County Health Department.

**Sewer System – Private:** Any sewer system privately owned and operated serving two (2) or more connections.

**Sewer System - Public:** Any sewer system owned and operated by the Town of Laurel Park or the City of Hendersonville.

**Sports Club.** A private club that offers one or more athletic activities and incidental food service and social activities to a limited membership. A sports club shall be limited to offering one or more sports activities such as: tennis, swimming, and/or racquetball. The viewing of sporting events via TV, video, or other electronic means shall not constitute a sports club.
**Street (Road).** A right-of-way for vehicular traffic which affords the principal means of access to abutting properties, including avenue, place, way, drive, lane, court, boulevard, highway, road, or any other thoroughfare except an alley or driveway.

**Structure.** Anything constructed or erected, including, but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

**Support structure.** Means a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures.

**Temporary Use Structure.** A structure intended for temporary offices, headquarters, or storage of materials on the same lot or tract of land being used or developed for a directly related permanent use.

**Town Council:** The governing body of the Town of Laurel Park.

**Use.** Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure, or on a parcel of land.

- **Use, Accessory.** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

- **Use, Principal.** The principal use on a lot. A second use located on one lot or parcel of land under separate ownership, or physically separated from the first principal use by a partition or wall with an individual exterior entrance, shall be defined as a separate principal use.

**Variance.** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance may be granted by the Board of Adjustment in such individual case of unnecessary hardship upon a finding that specific conditions listed in this ordinance cannot be met.

**Water System:**

- **Water System - Individual:** Any well, spring, stream or other source used to supply a single connection.

- **Water System – Public:** Any water system owned and operated by the Town of Laurel Park or the City of Hendersonville.

**Wireless Communication Facility.** A facility for the transmission and/or reception of wireless telecommunications services for commercial use, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation; but shall not include any facility erected solely for a noncommercial individual use as
residential television antennas, satellite dishes, or amateur radio antennas or any other wireless communication device.

**Yard.** A required open space, other than a court, on the same lot with a principal building, open, unoccupied and unobstructed by any structure or portion of a structure from the ground to the sky, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in certain yard areas, subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front.** An open space defined by the front property or street right-of-way line, the side property lines, and a line drawn parallel to the front property or right-of-way line through the point of the principal building foundation nearest the front property or right-of-way line projected to the side property lines.

**Yard, Rear.** An open space defined by the rear property line, the side property lines, and a line drawn parallel to the rear property line through the point of the principal building foundation nearest the rear property line projected to the side property lines.

**Yard, Side.** An open space defined by the front yard line drawn as previously defined at the building front, the rear yard line drawn as previously defined at the building rear, the side property line, and a line drawn parallel to the side property line through the point of the principal building foundation nearest the side property line.

**Yard, Undefined.** Open spaces not included in definitions of front, rear or side yards created by variations in lot shape, curvature of streets and property lines, or design of structures shall be designated as front, rear, or side yard spaces as determined by the Zoning Administrator.

**Zoning Administrator.** An official of Laurel Park charged with enforcing and administering the zoning ordinance.
Section 501. Word Interpretation.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

The word "Town" shall mean the Town of Laurel Park, North Carolina.

The words "Town Council" shall mean the Town Council of Laurel Park, North Carolina.

The words "Board of Adjustment" shall mean the Laurel Park Board of Adjustment.

The words "Planning Board" shall mean the Laurel Park Planning Board.

The word "ordinance" shall mean the Zoning Ordinance of Laurel Park.

The word "may" is permissive.

The word "shall" is mandatory and not merely directory.

The word "lot" includes the words "plot", "parcel", or "tract".

The word "structure" includes the word "building".

The word "street" includes the words "road" and "highway".

The words "person" or "applicant" include a firm, association, organization, partnership, corporation, company, trust, an individual, or governmental unit.

The words "zoning map" or "Laurel Park Zoning Map" shall mean the Official Zoning Map of the Town of Laurel Park.

The words “used for” shall include the meaning “designed for”.