

SUBCHAPTER 29C - BUTNER ORDINANCES

SECTION .0100 - PURPOSE AND APPLICATION

10A NCAC 29C .0101 DEFINITIONS

(a) Except where specifically defined in this Subchapter, all words used in this Subchapter shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word building includes the word structure; the word lot includes the word plot or parcel; the term shall is always mandatory; the words used or occupied, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".

(b) The following words and terms shall have the following indicated definitions when used in this Subchapter:

- (1) accessory use--a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building;
- (2) alley--a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation;
- (3) apartment house--see dwelling, multiple;
- (4) billboard--any notice or advertisement, pictorial or otherwise, with an area of 300 or more square feet, and also all those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the plot with such display; Advertising structures of smaller dimension shall be considered as signs;
- (5) boarding, rooming or tourist home--a building where, for compensation, lodging or meals are provided for not more than seven persons;
- (6) building--any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing billboards and signs, and similar structures whether stationary or movable;
- (7) building accessory--a subordinate building, the use of which is incidental to that of a principal building on the same plot;
- (8) building principal--a building in which is conducted the principal use of the plot on which it is situated;
- (9) building line--a line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures, and the property line when measured perpendicularly thereto;
- (10) building, height of--the vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof;
- (11) day nursery or kindergarten--any agency, organization or individual providing day time care of six or more children not related by blood or not the legal wards or foster children of the attendant adult;
- (12) district--any land area within Butner in which zoning regulations are uniform;
- (13) dwelling--any building, or portion thereof, which is designed for living and sleeping purposes; The term dwelling shall not be deemed to include a motel, hotel, tourist home, mobile home or other similar structure;
- (14) dwelling, single-family--a building arranged or designed to be occupied by one family, the structure having only one dwelling unit;
- (15) dwelling, two-family or duplex--a building arranged or designed to be occupied by two families, the structure having only two dwelling units;
- (16) dwelling, multiple-family or apartment--a building arranged or designed to be occupied by three or more families;
- (17) family--one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, legal adoption, or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families;
- (18) home occupation--an occupation customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes;

- (19) hotel--a building used as an abiding place of more than seven persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite;
- (20) junk yard or scrap metal yard--any land or area used, in whole or in part, for commercial storage or sale of waste paper, rags, scrap metal or other junk and including storage of motor vehicles and dismantling of such vehicles or machinery;
- (21) lot--a parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plot of record, or considered as a unit of property and described by metes and bounds;
- (22) lot, depth of--the average horizontal distance between front and rear lot lines measured through the proposed building site;
- (23) lot width--the average horizontal distance between side lot lines measured at proposed building site;
- (24) mobile home--any vehicular relocatable structure, built on a chassis, designed as a dwelling and containing as an integral part of its construction, kitchen facilities and a flush toilet, lavatory, bathtub or shower; Any such unit shall be considered a mobile home whether or not the wheels have been removed and whether or not set on jacks, skirtings, masonry blocks or other temporary or permanent foundation;
- (25) mobile home park--any site or tract of land upon which two or more mobile homes occupied for dwelling or sleeping purposes are located;
- (26) motel or motor lodges--a building or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit;
- (27) parking space, off-street--the storage space for one automobile of not less than 8 feet by 20 feet, plus the necessary access space; It shall always be located outside the dedicated street right-of-way;
- (28) nonconforming use--a legal use of a building or of land that antedates the adoption of these regulations and does not conform to the regulations for the zoning district in which it is located;
- (29) nonconforming building--any building or structure which does not conform to the dimensional requirements of this ordinance for the zoning district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments;
- (30) open space--land area that is unobstructed by buildings and unoccupied except for landscaping and planting;
- (31) rooming house--see boarding, rooming or tourist home;
- (32) service station--any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station;
- (33) shelter, fallout--a structure usually underground intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids or storms;
- (34) sign--a structure or display used as an advertisement or notice with an area of less than 300 square feet, containing words, lettering, figures, emblems or trademarks designed to attract attention or convey a message;
- (35) sign area--that area measured by the smallest square, rectangle, triangle, circle or combination thereof, encompassing the entire advertising copy area on any sides including architectural trim and structural embellishments;
- (36) story--that portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it; or, if there be no floor above it, the space between the floor and the ceiling next above it;
- (37) story, half--a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use;
- (38) street--a public thoroughfare which affords principal means of access to abutting property;
- (39) street line--the dividing line between a street or road right-of-way and the contiguous private property;

- (40) structures--anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including accessory buildings, shelters, advertising signs, and billboards;
- (41) tourist home--see boarding, rooming or tourist home;
- (42) yard, front--an open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot;
- (43) yard, rear--an open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory buildings;
- (44) yard, side--an open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*