

Article III DEFINITIONS.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The words "used for" shall include the meaning "designed for."

Section 3.1 General Definitions

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

Accessory use or accessory building (non-residential). A subordinate use or building customarily incident to and located on the same lot with the main use building.

Accessory use or accessory building (residential). A noncommercial use or building customarily incident and subordinate to but located on the same lot with the main residential use or building such as a private garage or carport, family garden, personal storage building, or workshop, all of which are totally for personal use.

Alley. A narrow roadway which affords only a secondary means of access to the abutting property and is not intended for general traffic circulation.

Apartment. A room or suite of rooms in a multiunit residential building, generally rented by the occupant, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and toilet in each separate unit.

Apartment house. A building containing one or more apartments.

Amusement video game arcade. The Business of video gaming as a primary or ancillary business use. Typically, the use of computers, video screens and similar devices to create games of skills, role-playing or chance. For example, video-poker machines for public or private clientele at a business establishment (s) or private clubs (s) facility would be considered an amusement video game arcade. This definition shall herein be reference included all manner of video gaming machines.

Bar (Including Pub, Lounge, Tavern) A commercial establishment which is operated primarily for the dispensing of alcoholic beverages although, the sale of prepared food or snacks may also be permitted as an accessory to the principal use. Entertainment may be provided but any facility which satisfies any portion of the definition of "adult establishment" either in this ordinance or in G.S. 14-202.10 shall be considered an adult establishment. Any lounge, whether public or private, which serves alcoholic beverages shall be licensed to dispense such beverages by the state. A lounge shall include any business licensed as a private club by the ABC Commission. Any such bar, lounge, tavern or pub that has live entertainment including those operating during night time hours shall comply with SR 31 or SR 32 as is appropriate. Lounges located within restaurants or motels shall be considered as accessory uses to such uses and are allowed in a particular zoning district to that same extent that the restaurant or motel are allowed. If a bar or lounge is part of a larger dining facility, it shall be defined as part of the structure so designated or operated. Hotels with restaurants and standard ("dine in") restaurants (not carry-out, drive-in or fast-food) are examples of such facilities.

Bed and breakfast. A dwelling in which lodging, with or without meals, is provided for overnight guest for a fee.

Boarding house. A structure in which persons, either individually or as families, are lodged or housed for hire without eating, cooking and toilet facilities in each separate unit. A rooming house, guest house, or tourist home shall all be deemed a boarding house.

Building. See "structure".

Building, height of. The vertical distance measured at the front of the building from the lowest ground level finished floor elevation, excluding basements, to the highest point of the building not exempted by the applicable height regulations of this ordinance.

Building Main. The principal structure in which the primary use of the property is undertaken.

Building Occupancy. See "Use".

Building Setback Line. See "Setback".

Certificate of Appropriateness A statement is issued by the city which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

Cluster Development. An alternate development form that permits certain reductions in lot size for single - family dwellings provided the overall density requirement is maintained.

Common Open Space. The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants and normally in common use.

Conditional Use. A use of land permitted only in a Conditional Use District upon approval by the City Council as part of the conditional use rezoning process.

Conditional Use Districts CUD. A district where the underlying zone is changed by legislative action and a conditional use permit is issued by quasi-judicial action resulting in a conditional use permit.

Conditional Districts CD. A district where the zone and use is established by legislative action on an owner's application and its site plan, declarations and miscellaneous attachments.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. (For example: single-family dwelling unit constructed in a series or a group of attached units where each dwelling unit is to be deeded and/or separately owned from the other units, and where all land is owned in common by owners of all the other dwelling units collectively.)

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 homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Cyber Café or Internet Café (internet cafes and businesses)

Internet café or cyber café is a place where people can get connected to the Internet while eating or have a cup of coffee using publicly accessible computer. While the main activity in the cyber café is the Internet, such as email, newsgroup and web site surfing, other applications usually available are office suite to Word document, spreadsheet, games, such as online games and other utilities such as printing service, scanned and digital photo service. Some internet cafes also sell computer accessories and computer related stuffs. People may have their food and drink at the

computer table or at separate tables provided by the café. Modern cyber café also have wireless connection in their local area networking (LAN), where people can bring their own lap top and get connected to the Internet by paying a small fee.

Day Care Center. A facility providing care for six (6) or more non-handicapped children, more than four (4) hours per day, for payment of a fee, but without transfer or assignment of custody.

Dwelling Single-Family. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family

Dwelling Multi-Family. A detached building constructed on-site in compliance with the Carolina State Building Code and designed for more than two (2) dwelling units.

Dwelling Two-Family. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for two (2) dwelling units.

Dwelling Unit. An enclosure of one or more rooms providing complete independent living facilities for one family, including permanent facilities for living, sleeping, eating, cooking and sanitation within the separate enclosure.

Existing “Single Family Dwelling” – A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family and constructed prior to the adoption of this ordinance.

Family. Any number of persons related by blood, adoption or marriage or no more than four (4) persons not related by blood, adoption or marriage, living together as a single housekeeping unit sharing the same domestic facilities. It does not include congregate residential care facilities; family care and group care facilities; foster homes for children; homes for the aged and infirmed; family-care homes for the aged and infirmed; day care centers; and family day care homes; shelter homes for children and/or families including foster shelter homes and group shelter homes; adult day care centers; day nurseries; preschool centers; hospitals; nursing homes; sanitariums; and dormitories, fraternal organizations, or other organized social or institutional residential situations.

Family Day Care Home. A building used as a residence for a family which is also used to provide day care services on a temporary basis without transfer of custody for five (5) or fewer children, for a fee.

Family Day Care home. A home with support and supervisory personnel which provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons.

Frontage. The property abutting on one side of a street measured along the street right-of-way line.

Garage. A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in it's tank is stored, repaired or kept.

Garage. Commercial. A building which provides for parking, storage, and repair of motor vehicles requiring the use of electrical equipment, open flame, welding, or the use of volatile, flammable liquids.

Garage. Private. A building which provides for the storage of motor vehicles owned by tenants of buildings on the premises, and with maximum undivided space used for storage of not more than four automobiles, or trucks of one ton (907 kg) or less capacity, but not exceeding 850 sq. ft. (79m²). All other garages shall be considered public garages

Garage. Public. Any garage other than a private garage.

Golf Course. A recreational facility whose principal use is for playing the game of golf and whose ancillary uses and structures may typically include a pro-shop, swimming and tennis, dining and food-service, and maintenance buildings.

Guest house. See "boarding house."

Group care facility. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment.

Handicapped person. 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 disturbances and orthopedic impairments, but does not include mentally ill persons who are dangerous to others as defined in section 122-58.2(1)b of the General Statutes of North Carolina, or any amendment thereto.

Home occupation. A professional occupation conducted within a portion of a main dwelling unit, which does not adversely impact or change the residential character of the neighborhood and which is carried on continuously and regularly and meets applicable performance standards. "Home based business", see home occupation.

Home Occupation with Accessory Building. A professional occupation conducted within a portion of a main dwelling unit and partly in one smaller accessory building, which does not adversely impact or change the residential character of the neighborhood and which is carried on continuously and regularly and meets applicable performance standards.

Hotel or motel. A building which provides sleeping accommodations in six (6) or more rooms, commonly available for pay on a daily basis to transient or permanent guests.

Junk yard. A lot or group of contiguous lots used for the dismantling or the storage of wrecked or used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts, or for storage of appliances, machinery and other salvage goods.

Landowner. Means any owner of a legal or equitable interest in real property, including the heirs, devise, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site specific development plan in the manner allowed by this chapter.

Lot. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax maps) and which is recognized as a separate tract for purposes of transfer of title greater than three (3) years.

Lot, corner. A lot adjacent to or abutting on two (2) streets at their intersection.

Lot of record. A legally created lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a legally created lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this ordinance, or the date this ordinance becomes effective on any lands hereafter included in the zoning jurisdiction of Kings Mountain.

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Lot Depth. The depth of a lot is the distance measured in the mean direction of the sidelines of the lot from the midpoint of the front line to the midpoint of the opposite or main rear line of the lot.

Lot Interior. Any lot other than a corner lot.

Lot lines. The line forming the perimeter or boundary of the lot.

Lot, through. An interior lot having frontage on two (2) streets.

Lot Width. The distance from side lot line to side lot line measured at the minimum front yard setback parallel to the front property line. For lots with a radial side line(s), lot width may be measured at a front yard setback of up to fifteen (15) feet greater than the minimum required front yard setback. In such case the point where the minimum lot width is measured shall become the front yard setback for that lot.

Mobile Home. A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width.

Mobile Home Class "A". A mobile home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the additional criteria contained in Article VIII.

Mobile Home Class "B". A mobile home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the additional criteria in Article VIII.

Manufacturing. The processing of raw products and materials into items for sale.

Mobile Home Park. A lot or tract of land used or intended to be used, leased or rented for occupancy by two (2) or more mobile homes, but does not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Modular Home: Building. A dwelling unit or building constructed in accordance with the standards set forth in the North Carolina State Building Code and constructed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular unit may consist of two (2) or more sections transported to the site in a manner similar to a Mobile Home (except that the modular unit meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Nightclub. A commercial establishment in which music, dancing, or live entertainment is conducted, and has hours of operation generally limited to weeknights and weekends. The sale of

alcoholic beverages and/or meals for on-site consumption may also be a component of the operation. The establishment may require cover charges or membership fees. Any entertainment or service which satisfies any portion of the definition of "adult entertainment" either in this ordinance or in G.S. 14-202-10 shall be considered an "adult establishment" for zoning and permitting purposes.

Net Residential Area (Net Land). That portion of a development or project sites designated for residential lots and related common open space areas excluding dedicated public rights-of-way.

Non-conforming Use. Any use which legally existed on the effective date of this ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any non-conforming use legally recognized under a prior zoning ordinance.

Open Space. Any land area not occupied by building, structures, parking spaces, storage areas, open or enclosed balconies, patios, porches or decks, excluding, however, any land encroaching or located within a right-of-way or easement. Open area in any required setback or land used for sidewalks, landscaping and grassing shall be considered open spaces.

Overlay District. A zoning district which overlay and combines with one of the principal zoning districts established by the Ordinance. In such case the property involved is subject to the requirement of both districts.

Parking Lot. An area or tract or partial tract of land used for the storage or parking of vehicles.

Planned Unit Development. A tract of land under single corporation, firm, partnership or association ownership, or otherwise under unified ownership, planned and developed as integral unit in a single development scheme or a well defined series of development operations in accordance with an approved site plan.

Property. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the City.

Public Commercial Multiple Recreational and Entertainment Uses Facility:

Any establishment whose main purpose is to provide the general public with multiple integrated amusing or entertaining activity where tickets are sold or fees are collected for the activity.

Includes golf, swim, tennis clubs, courses for single occupant go-carting, courses for single occupant All-Terrain Vehicles (ATV), zip-lines, drive-in movie theaters, playgrounds (recreational parks), campgrounds, individual detached single unit transient housing (cabins), playgrounds, picnic areas, water park amusements, carnival rides, amphitheater, firework displays, and amusement video game arcades. Two or more uses listed herein occur simultaneously. Excluded facilities or businesses are internet gaming, internet gambling, video poker, video gaming, and video gambling. No other uses are included by inference.

Restaurant. A commercial eating establishment with a County Health Department food service permit which is regularly opened in a bona fide manner; which specializes in preparing/and or serving food on-site; kept open for service of food to customers for compensation; which has suitable seating for guests; has suitable facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; may also serve alcoholic beverages for on or off-site consumption provided it has the proper license from the state for such sales and is classified as an eating establishment by virtue of its food/alcohol sales ratio. Ancillary uses may include dancing, live entertainment, televising, and customer participation events such as karaoke. Those which close their kitchen while ancillary uses are occurring (in operation) shall comply with SR 31.

Recreation or Travel Trailer. A vehicular, portable, structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the unit.

Residential Care Facility. A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care but where medical care is not a major service. It includes such uses as adult day care facilities, home for the aged and other like use which are not otherwise specifically defined.

Screen. A devise such as a fence or planting area used to visually separate property.

Service Station. A lot or building where gasoline, oil, grease and automobile accessories are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar repair services are rendered.

Setback. The horizontal distance from the property line or street right-of-way line to the nearest part of the applicable building, structure, sign, or use, measured perpendicularly to the line.

Shopping Center. A group of at least four (4) commercial establishments located on a tract of land containing at least two (2) acres and planned, developed and managed as a single unit. A shopping mall.

Site Specific Development Plan. Means a plan which has been submitted to the City by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Solar Farms: A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption. Also referred to as a Solar Energy Generation Facility, Solar Power Plant or Solar Photovoltaic Farm.

Stacking Space. A space to store an automobile off-street while waiting in line for a drive-through service such as an automatic teller service.

Street Private. A vehicular travel way not dedicated as a public street.

Standard Industrial Classification (SIC). A listing of land uses published by the US Office of Management and Budget classifying uses by functional groups and assigning each a code number.

Street Public. A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the City of Kings Mountain or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use pursuant to the Code.

Streetline. The line where the edge of the right-of-way of a street meets the abutting property.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structural Alterations. Any change, except for the repair or replacement, in the supporting members of a building such as load bearing walls, columns, beams or girders.

Townhouse. A single-family dwelling unit constructed in a series or group of attached units with property lines separating each such unit.

Travel Trailer Parking Area. A parcel of land in which two (2) or more spaces are designed, occupied or intended for occupancy by trailers for transient dwelling purposes.

Use. The primary purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. Refer to Article VII for a listing of various commercial, industrial and residential types of uses.

Video Gaming Machine. A video gaming machine means a slot machine as defined in G.S. 140306(a) and other forms of electrical, mechanical, or computer games such as by way of illustration:

- (1) A video poker game or any other kind of video playing card game.
- (2) A video bingo game.
- (3) A video craps game.
- (4) A video keno game.
- (5) Eight liner.
- (6) Pot-of-gold.
- (7) A video game based on or involving the random or chance matching different pictures, word, numbers, or symbols not dependent on the skill or dexterity of the player.

Vested right or zoning vested right. Means the right to undertake and complete the development and use of the property under the terms and conditions of an approved site specific development plan.

Yard. An open space located on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or as otherwise provided herein. A yard is the area created by a setback.

Yard front. A yard extending across the full width of the lot and extending from the closest front wall of the building to the property line or established edge of a right—of—way, whichever is closer.

Yard rear. A yard extending across the full width of the lot and extending from the closest rear wall of the main building to the rear of the property.

Yard side. A yard which extends from the closest side wall of a building to the nearest side property line or the established edge of the street right—of—way, whichever is closer, if the lot is a corner lot.

Zoning Enforcement Officer. An employee of the city of Kings Mountain who is assigned primary responsibility for the administration and enforcement of the zoning ordinance.

Zoning Permit. A permit issued by the city conferring the right to undertake and complete the development of and use of property as set forth in Article XV.

Zoning Permit with Vested Rights. A permit issued by the city concerning the right to undertake and complete the development of and use of property under the terms and conditions of an approved site specific development plan as set forth in Article XV.

Zero lot line development. An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero (0) feet. This definition does not include townhouses.

Section 3.2 Definitions Relating To Signs

Sign Advertising/Business. A sign which directs attention to or communicates information about a business, commodity, service or entertainment conducted, sold or offered upon the premises where the sign is displaced.

Sign, campaign or Election. Sign that advertises one or more candidates, political party, or issue, to be voted upon on a definite election day.

Sign, Canopy or Awning. A sign attached to or painted or printed into a canopy or awning. For the purposes of this Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be deemed a wall sign.

Sign, construction. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign Directional. Sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign Directory. A sign on which the names and locations of occupants or the use of a building or property is identified.

Sign, Flashing. A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective materials to attract attention.

Sign, Free—standing. Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign.

Sign, Government. Any temporary or permanent sign erected and maintained for any government purposes.

Sign, Ground Mounted. A sign which extends from the ground or which has a support which places the bottom thereof less than 2 1/2 feet from the ground directly beneath the sign.
Sign Identification. A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Sign, Illegal. Any sign that did not meet the intent of the regulations in effect at the time of construction or erection and/or for which no permit was obtained prior to installation.

Sign, Incidental. A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional. An on—premise sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One — Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Illuminated. A sign either internally or externally illuminated.

Sign, Lighted. A sign illuminated only by light cast upon the sign from an external light source.

Sign Luminous. A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

Sign, Memorial or plaque. Sign commemorating the erection and/or dedication of a building including a name of building, date of erection, and other information such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Sign, Monument. A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

Sign, on premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign, Nonconforming. Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this Ordinance.

Sign, Pole. A detached sign erected and maintained on a free—standing frame, mast, or pole and not attached to any building but not including ground—mounted signs. The bottom of such signs shall be greater than two and one half (2 1/2) feet from the ground directly beneath the sign.

Sign portable. Any free—standing sign that is not permanently affixed to the ground and can freely and easily be removed from one location to another. A sign is permanently affixed to the ground if its supporting elements are set in such a manner as to manifestly indicate that the sign is intended to remain in one location for an indefinite period. Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or a stand not attached to the ground, or on wheels as well as “A—Shaped” or “Sandwich” signs that can, with little difficulty, be moved from place to place.

Sign Primary. The main or principal sign located on a premises.

Sign, projecting. Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted

Sign Public Interest. Sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign Real Estate. A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof. A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

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

Sign, Vehicular. A signs on parked vehicles or trailers visible from the public right—of—way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Sign Wall. Any sign directly attached to an exterior wall of a building or dependent upon a building its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be deemed wall signs.

[For the purposes of this Ordinance, the total area of all window, door, openings, etc. will be deleted from the total square footage of wall area]

Sign Window. A sign in a building window intended to be seen primarily or entirely from outside the building.

Section 3 .3 Definitions Relating to Adult Oriented Businesses.

Adult Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater r escort agency, nude model studio, sexual encounter center (including adult massage parlor and adult health club) , sexually oriented device business or any combination of the foregoing or any similar business. As used in this Ordinance the following definitions shall apply:

Adult Arcade (also known as "peep. show") . Any place to which the public is permitted or invited wherein coin—operated or slug—operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other imagine—producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe " specified sexual activities or " specified anatomical areas".

Adult Bookstore or Adult video Store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs , films, motion pictures, video cassettes or video reproductions, slides or other visual representations that depict or describe " specified sexual activities" or "specified anatomical areas " ; or
2. instruments, devices or paraphernalia that are designed for use in connection with " specified sexual activities".

Adult cabaret. A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

1. persons who appear nude or semi—nude; or
2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas ".

Adult Motel. A hotel, motel or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration which provides patrons with closed—circuit television transmissions, films , motion pictures, video cassettes , slides , or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes ; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe “specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits or displays , as one of its principal business purposes, persons who appear in a state of nudity or semi—nude, or live performances that expose or depict specified anatomical areas" or "specified sexual activities".

Escort. A person who, for any tips or any other form of consideration , agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

Nude Model studio. Any place where a person who appears nude or semi—nude , or who displays specified anatomical areas " is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model studio shall not include a proprietary school licensed by the state of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi—nude person is available for viewing; and
2. where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. where no more than one nude or semi—nude model is on the premises at any one time.

Nude or State of Nudity.

1. the appearance of a human anus , male genitals or female genitals ; or
2. a state of dress which fails to opaquely cover a human anus t male genitals or female genitals.

Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps of devices.

Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling (including sexually oriented massaging) between male and Female persons and/or between persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified anatomical Areas. Human genitals in a state of sexual arousal.

Specified Sexual Activities. Is and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1 thought 3 above.

Section 3.4 Definitions Relating to Flood Damage Prevention
(See Flood Damage Prevention Ordinance)

Adopted 5/31/16

Section 3.4 Temporary, Mobile, and Seasonal Use

Charity / Non-profit refers to a community or faith based organization operating as a vendor as a means of fundraising as related to the organizations mission and regular model of operation.

Food Vendor describes any activity involving an outdoor food vendor on the premise or site with the intended principle use to sell food and/or non-alcoholic beverages in coordination with the rules and regulations established by the Cleveland County and Gaston County health departments.

Mobile Vendor refers to retail display or food vendor that can be easily moved, such as a cart, folding display or simple table and chairs.

Retail Display describes any activity involving an outdoor display of retail goods and merchandise on premise of the site with the intended principle use to sell material goods.
Seasonal refers to temporary retail or food vendors business operating on recurring basis, example: Christmas tree lot or ice cream sold during the summer months.

Temporary refers to a period of time not to exceed a specific number of consecutive days, which are detailed in the permit and fees section.

Temporary Vendor refers to a retail display or food vendor operating in one location not to exceed a specific number of consecutive days.