ARTICLE X - Permissible Uses

§136 Definitions
(a) Agricultural Use. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities.

(b) Airplane Hangar. A building used for storage of aircraft, the location of which is either on municipal airport property or property adjoining a municipal airport. This use shall be permitted in accordance with the Table of permissible Uses provided an “Agreement Regarding Airport Access”, allowing access to Town property, runways and taxiways, has been fully executed.

(c) Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

(d) Automobile Graveyard. Any 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.

(e) Bar (Night Clubs). A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted.

(f) Beauty salon. An establishment dealing with cosmetic treatments (hair, skin, health, feet, nails, etc.) for men and women.

(g) Billiard & Pool Halls.
   (1) An establishment that has three (3) or more billiard tables on site available for use by patrons of said establishment, or occupying more than fifty (50) percent of the gross floor area of an establishment.
   (2) Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses.

(h) Boarding House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guest.

(i) Bufferyard. Open Space setbacks which separate site improvements from adjacent property lines and street right-of-way. These may contain natural materials including but not limited to vegetation, ground cover, much, etc. Fencing, paving, gravel, buildings, dumpsters, storage, curb and gutter, etc. are all prohibited within the bufferyard.

(j) Child Care Homes. A Home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

(k) Child Care Institution. An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

(l) Church, Synagogue, or Temple. Buildings used for religious and spiritual activities, particularly for
worship services and prayer and include rooms for study, fellowship, and offices.

(m) **Conditional-Use Permit.** A permit issued by the town board of commissioners that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the town board.

(n) **Consignment store.** An establishment that receives goods, merchandise, and equipment to be placed on sale from persons. The ownership of these goods may remain with the sender. The agent sells the goods on behalf of the sender according to an agreement. The sender of goods is known as the "consignor" and the agent entrusted with the custody and care of the goods is known as the "consignee".

(o) **Convenience Store.** A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Pantry", "Fast Fare", and "7-11" chains.

(p) **Cottage Industry.** A small scale industry where the owner/artisan (craftsman) works directly with the employees. An artisan is a skilled manual worker who makes items that may be functional or strictly decorative. The products and services created are handmade, unique and distinctive given the fact that they are not mass-produced. Labor is intensive and production uses traditional equipment and techniques. Custom products include wood working, furniture, sculpture, clothing, household items, tools, ceramics, jewelry, metal working, leather, fiber, crafts, bakery, value added food and beverage, etc.

(q) **Crematorium.** A furnace or establishment for the incineration of corpses.

(r) **Day Care Center.** Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age.

(s) **Emergency Management Operation.** A facility established in an effort to protect the citizens during emergencies and disasters. Emergency management is the creation of plans through which communities reduce vulnerability to hazards and cope with disasters.

(t) **Event Center Limited.** A venue to allow for various public or private gatherings/events, including, but not limited to, weddings, receptions, arts and craft shows, meetings, outdoor movies, etc. on a smaller scale (less than five hundred (500) people) and which can be indoor or outdoor or a combination thereof.

(u) **Food Commissary.** Any commercial kitchen where mobile food vendors and other food service providers prepare and store food including parking, storage, and maintenance of vehicles and equipment.

(v) **Gaming Establishment, Adult.**
   (1) Any establishment deemed legal by state law, featuring six (6) or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving six (6) or more patrons in such a capacity at any one time, or occupying more than fifty (50) percent of the gross floor area of an establishment, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors.
   (2) Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses.
   (3) State of North Carolina sanctioned lottery functions shall not be considered as adult gaming establishments for the purposes of this ordinance.
(w) **Gaming Establishment, General.**

(1) Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children’s toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions.

(2) Examples include traditional video game arcades and children’s and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

(3) This shall be considered a primary use when occupying more than fifty (50) percent of the gross floor area of an establishment.

(x) **Halfway House.** A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.

(y) **Handicapped or Infirm Home.** A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with no more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

(z) **Handicapped or Infirm Institution.** An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

(aa) **High-Volume Traffic Generation.** All uses in the 2.0 classification other than low-volume traffic generation uses.

(bb) **Home Occupation.** An accessory use of a dwelling unit for gainful employment which:

(1) is clearly incidental and subordinate to the use of the dwelling unit as a residence;
(2) is carried on only within the main dwelling;
(3) occupies no more than 33% of the gross floor area of the dwelling;
(4) does not use accessory structures (except for unheated storage);
(5) does not alter or change the exterior character of appearances of the dwelling;
(6) no display of goods, products or services shall be visible on site;
(7) traffic and parking generated and associated with the use shall not be:
   i. detrimental to the neighborhood or create congestion on the street where the home occupation is located; and
   ii. in greater volumes than would normally be expected in a residential neighborhood.
(8) vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation;
(9) only two commercially licensed vehicles shall be allowed;
(10) no equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site;
(11) is created and operated by the residents on the premises;
(12) has no more than one (1) employee who is not resident on the premises;
(13) child day care (no more than eight (8) total and no more than five (5) preschool age)
(14) hours for visits shall be between 8:00 am and 8:00 pm; and
(15) includes customary uses such as accounting, appraisals, architect, art studio (no mass production), baking, bookkeeping, computer systems design and training, cooking, craft making, dentist, dressmaking engineering, hair dressing, financial planning, florist,
information and data processing, insurance sales, interior decoration (no studio permitted),
law office, mail order (order taking only, no stock in trade), manufacture and assembly of
goods and products, merchandising and sale of goods and products at retail, millinery,
musical instruction or repair, photography, physician, real estate, surgeon, tailoring, tax
services, teaching, tutoring.

(16) Occupations that have no non-resident employees, no signs, no on-site retail sales, or no
visits from the general public do not require a zoning permit for a home occupation.

(cc) **Home Occupation, Rural.** An accessory use of a nonfarm household located in a rural area intended for
creating gross income, as defined in IRC 61, 26 U.S.C §61, from the sale of goods and services that is
conducted either from within the dwelling or accessory buildings occupied by the family conducting the
home occupation. The following requirements shall apply to home occupation, rural:

1. is clearly incidental and subordinate to the use of the dwelling unit as a residence;
2. occupies no more than thirty-three percent (33%) of the gross floor area of the dwelling;
3. occupies up to one hundred percent (100%) of the gross floor area of accessory buildings;
4. does not alter or change the exterior character of appearances of the dwelling;
5. display of goods, products or services shall be at least one hundred (100) feet from any
   property line;
6. traffic and parking associated with the use shall not be detrimental to the neighborhood or
   create congestion on the street where the home occupation is located;
7. vehicles used primarily as passenger vehicles shall be permitted in connection with the home
   occupation;
8. is created and operated by the residents on the premises;
9. no more than five (5) employees who are not residences on the premises.
10. no equipment or process shall be used in connection with the home occupation that creates
    noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site; and
11. in addition to the above subsections, home occupation activities including motor vehicle (repair,
    maintenance, body work, painting), welding and fabricating service, machining, lawn mower
    repair, cabinet making, sawmill, veterinarian service, kennel, pet grooming, and any other such
    use that would not otherwise comply with §136(a)(13) shall:
    i. contain at least four (4) contiguous acres; and
    ii. accessory buildings shall be located in the rear yard (behind the rear building line of the
dwelling) and at least thirty-five (35) feet from side and rear property lines.

(dd) **Inert Debris Beneficial Fill.** Operation that does not require North Carolina Division of Waste
Management permits, that only fills valley, holes, etc. for purpose of leveling up land for future
construction The fill material shall be solid waste that consists solely of material that is virtually inert
(non-reactive under normal conditions), that is likely to retain its physical and chemical structure under
expected conditions of disposal including but not limited to brick, concrete, cement, cinderblock, asphalt,
gravel, rock soil, and similar materials that are not painted, treated, contaminated by petroleum
products, nor biodegradable.

(ee) **Intermediate Care Home.** A facility maintained for the purposed of providing accommodations for not
more than seven occupants needing medical care and supervision at a lower level than that provided in a
nursing care institution but at a higher level than that provided in institutions for the handicapped or
infirm.

(ff) **Intermediate Care Facility.** An institutional facility maintained for the purpose of providing
accommodations for more than seven persons needing medical care and supervision at a lower level
than that provided in a nursing care institution but at a higher level than that provided in institutions for
the handicapped or infirm.

(gg) **Itinerant Merchant.** A person, other than a merchant with an established retail store in the county,
who transports an inventory of goods to a building, vacant lot, or other location in a county and who,
at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

(hh) **Junkyard.** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more.

(ii) **Kennel.** A commercial operation that: i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or ii) engages in the breeding of animals for sale.

(jj) **Loading and Unloading Area.** That portion of the vehicle accommodation area used to satisfy the requirements of § 288.

(kk) **Low-Volume Traffic Generation.** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

(ll) **Manufactured Home, as defined in NCGS §143-145(7).**

   (1) A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

   (2) "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

   (3) For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

   (4) "Manufactured home" also means a double-wide manufactured home, which is two (2) or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

(mm) **Manufactured Home, Class A.** A manufactured home that meets or exceeds the construction and safety standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and affixed with a HUD label.

(nn) **Manufactured Home, Class B.** A manufactured home that does not meet the construction and safety standards promulgated by the U.S. Department of Housing and Urban Development (HUD) and is not affixed with a HUD label.

(oo) **Manufactured Home, Double Wide.** A Class A manufactured home that is greater than sixteen (16) feet wide and is composed of more than one (1) component.

(pp) **Manufactured Home Park.** A parcel (or continuous parcels) of land that contains two (2) or more manufactured homes.
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(qq) **Manufactured Home Park Rental Community** - Any site or tract of land where land rental and specified services (water and sewer) are provided for manufactured homes.

(rr) **Manufactured Home, Single Wide.** A Class A manufactured home that is sixteen (16) feet wide or less.

(ss) **Mobile Food Unit.** A motor vehicle, pushcart or any mobile apparatus in which, out of which, or from which food and beverage preparation is conducted, stored, sold, and consumed.

(tt) **Mobile Vending Unit (MVU), Temporary Use.** Locations in which licensed motor vehicles, pushcart or any mobile apparatus are parked on a lot as a structure in which, out of which, or from which any goods and merchandise are sold or stored, any services are performed, or other business is conducted including prepare and/or offer for sell and/or consumption of food and beverage. This definition shall include, but is not limited to, itinerant merchants, mobile food units, mobile vending vehicle, peddlers, and transient vendors. This definition also includes, but is not limited to:

1. sell of items by a nonprofit charitable, educational, religious, scientific, or civic organization; and
2. sell of farm products, nursery products, crafts, goods, printed material, wood for fuel, ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cake, pies, or own household property by an itinerant merchant, peddler, or transient vendor.

A MVU shall not:

1. Be connected to on site water, sewer, gas, electrical, phone, or cable hookups; or
2. locate structures, buildings, or tables on site for more than one day.

(uu) **Mobile Vending Vehicle.** Shall include, but not limited to, any motor vehicle, truck, car, trailer, cart, wagon, conveyance, table, or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed, or pulled by hand, towed by a motor vehicle, wheelchair, motorcycle, bicycle, or other mobile device, or carried upon or in a motor vehicle or trailer.

(vv) **Modular Home.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State building code applicable to site-built homes and composed 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 home may consist of two (2) sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(ww) **Motel.** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

(xx) **Motor Vehicle Towing with Temporary Vehicle Storage, Accessory Use.** The storage area for an establishment or place of business that is maintained, used, or operated for storing, parking, sales, repair, and/or processing of inoperative, wrecked, towed, and/or damaged vehicles located outside of an enclosed structure for less than ninety (90) days.

1. The use shall be customarily associated with but not limited too; motor vehicle sales or rental, installation of motor vehicle parts or accessories, motor vehicle repair and maintenance, motor vehicle painting and body work, commercial garages, and automobile service stations.
2. Vehicles may include but not limited too; motor vehicles, automobiles, trailers, trucks, tractor-trailer, boats, recreational vehicles, and motorcycles.
3. This definition does not include junkyard, automobile savage yard or automobiles graveyard operation.
4. Staking, dismantling, and/or disassembling vehicles in order to sale the parts is not permitted under this definition.
(yy) **Night Club.** See “Bar”

(zz) **Nursing Care Home.** A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

(aaa) **Nursing Care Institution.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

(bbb) **Office.** A building or portion of a building wherein services are performed involving predominantly administrative professional, or clerical operations.

(ccc) **Open Air Market.** A public marketplace where food, beverage, goods, and merchandise are sold. Including but not limited to: farmer’s market, craft market, flea market, produce market, specialty market, and mobile vending market. An open air market is further defined as a site in which one of the following may occur:

(1) On site water, sewer, gas, electrical, phone, or cable hookups are available to merchants, mobile vending units, peddlers, vendors, etc.; or

(2) Structures, buildings, or tables are placed on property and remain for more than one day.

(ddd) **Park.** Any public or private land available for recreational, educational, cultural, or aesthetic use.

(eee) **Peddler.** A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

(ff) **Place of Worship.** A structure or space where people congregate to perform acts of devotion or religious study including, but not limited to, church, synagogue, or temple.

(ggg) **Planned Residential Development (PRD).** A development constructed on a tract of at least three (3) acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multi-family residences, or both, all developed in accordance with §148.

(hhh) **Planned Unit Development (PUD).** A development constructed on a tract of at least three (3) acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district (see §128) in accordance with §149.

(iii) **Planning Jurisdiction.** The area within the town limits as well as the area beyond the town limits within which the town is authorized to plan for and regulate development.

(jj) **Pool Hall.** See “Billiard Hall”.

(kkk) **Public Water Supply System.** Any water supply system furnishing portable water to 10 or more dwelling units or businesses or any combination thereof.

(lll) **Rendering Plant.** An operation that converts animal products including animal waste, fatty tissue, bones, and entire carcasses into stable, value added materials such as purified fats like lard and protein meal. Raw materials come from slaughterhouses, restaurant grease, butcher shops, and expired meat from grocery stores.

(mmm) **Residence, Duplex.** A two-family residential use in which the dwelling units share a common wall and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
(nnn) **Residence, Multi-Family.** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall.

(ooo) **Residence, Multi-Family Apartments.** A multi-family residential use other than a multi-family conversion or multi-family townhouse.

(ppp) **Residence, Multi-Family Conversion.** A multi-family residence containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

(qqq) **Residence, Multi-Family Downtown Apartments.** Multiple dwelling units located within the central business district intended for renter occupancy only and that share means of egress and other essential facilities.

(rrr) **Residence, Multi-Family Downtown Condominiums.** Multiple dwelling units located within the central business district intended for owner occupancy, with the interior space is individually owned but the land beneath each unit and all common areas are owned proportionately by each unit owner in the development. Walls between units are constructed in accordance with state building code requirements.

(sss) **Residence, Multi-Family Townhouses.** A multi-family resident use in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

(ttt) **Residence, Primary with Accessory Apartment.** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than fifty (50) percent of the gross floor area of the building nor more than a total of one thousand (1,000) square feet.

(uuu) **Residence, Single-Family Detached, More Than One Dwelling Per Lot.** A residential use consisting of two or more single-family detached dwelling units on a single lot.

(vvv) **Residence, Single-Family Detached, One Dwelling Unit Per Lot.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

(www) **Residence, Two-Family.** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

.xxx) **Residence, Two-Family Apartment.** A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

(yyy) **Residence, Two-Family Conversion.** A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross area that was in existence on the effective date of this Ordinance.

(zzz) **Restaurant.** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

(aaaa) **Salvage Yard.** A business or a person who possesses five (5) or more derelict vehicles, regularly engages in buying and selling used vehicle parts.

(bbbb) **Shelter House.** Short term housing for not more than twelve (12) women and children and up to six bedrooms in need of safe and secure dwelling for victims of domestic abuse, sexual assault, and
homeless with no more than two (2) on site managers. Residents are responsible for the care of their children. This is not to be considered a treatment facility nor housing because of transiency, de-institutionalization, chronic unemployment, alcoholism, or drug abuse and shall be permitted in accordance with the Table of Permissible uses provided there is not a similar facility on the same lot.

(cccc) **Slaughterhouse.** A facility where animals are killed for consumption as food products. Animals slaughtered include cattle, bison, sheep, hogs, goats, chickens, turkeys, and ducks.

(dddd) **Specialty Market.** A location, other than a permanent retail store, where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail.

(eeee) **Specialty Market Operator.** A person, other than the State or a unit of local government, who rents space, at a location other than a permanent retail store, to others for the purpose of selling goods at retail or offering goods for sale at retail.

(ffff) **Specialty Market Vendor.** A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a specialty market and, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

(gggg) **Solar Collector, Accessory.**

1. A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use.
2. Solar panels and related equipment may be ground-mounted, roof-mounted or integrated into the building design.
3. Is as an accessory use and is incidental to the principal use on a property.

(hhhh) **Solar Farm.**

1. A device or structure which transforms solar radiant energy into other forms of energy, which may take the form of a series of photovoltaic cells or an array of panels aimed to directly collect the sun’s rays, along with necessary lines, wires, pumps, batteries, mounting brackets, framing, and other related equipment to support the placement of the solar energy receiving elements and to assist in the delivery or transformation of the received energy.
2. Interconnection with a utility power grid for primarily off-site energy consumption.
3. An entire tract or portion of a tract that contains a collection of ground-mounted solar panels, components, and related equipment and structures.
4. The size of a solar farm may vary from a few acres to hundreds of acres.
5. May also be referred to as a solar energy generation facility, solar power plant, solar collector installation, or solar photovoltaic farm.

(iiii) **Special Events.** Circuses, fairs, carnivals, festivals, or other types of special events that:

1. run for longer than one day but not longer than two weeks (fourteen (14) days);
2. are intended to or likely to attract substantial crowds;
3. are unlike the customary or usual activities generally associated with the property where the special event is to be located; and
4. may reoccur up to four (4) times a year (see § 151 for additional requirements).

(jjjj) **Special-Use Permit.** A Permit issued by the board of adjustment that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the board of adjustment.

(kkkk) **Stockyard/livestock auction sale with sale of agriculture related goods/equipment and restaurant as accessory/incidental uses.** A gathering point for livestock to be bought and sold by offering up for bid, taking bids, and then selling to the highest bidder.
Synagogue. See “Church”.

Temple. See “Church”.

Temporary Emergency, Reconstruction, or Repair Residence. A residence (which may be a single wide manufactured home or travel trailer) that is located on the same lot as an existing previously occupied single family residence made uninhabitable:

1. by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or
2. that is undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

Tourist homes and other temporary residences.

1. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units.
2. A tourist home is distinguished from a boarding or rooming house in that the former is designed to be occupied by overnight or weekly guest as opposed to longer term residents (at least month-to-month tenants).
3. May also be referred to as a bed and breakfast.

Tower. Any structure whose principal function is to support an antenna.

Tract. A lot. The term tract is used interchangeably with the term lot. Particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

Transient Vendor. Any person who does not maintain a residence or place of business in town, but brings property into the town to sell to consumers.

Travel Trailer. A structure that:

1. is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and
2. is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definition criteria of a manufactured home.

Use. The activity or function that actually takes place or is intended to take place on a lot.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by [the appropriate provision of state law]and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Except from this definition are utility lines and supporting structures listed in Subsection 141(2).

Utility Facilities, Community or Regional. All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
Yard Sale. A display and sale from a residence or residential property of personal property which has been owned or previously used. The term “yard sale” or "garage sale” does not include the mere incidental sale of one (1) or two (2) items of personal property when such sale is not part of a general sale of a number of items of personal property.

Zoning Permit. A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

§137 Use of the Designations P,S,C in Table of Permissible Uses
(a) Subject to §138, when used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the administrator. The letter "S" means a special-use permit must be obtained from the board of adjustment, and the letter "C" means a conditional-use permit must be obtained from the Town Board.
(b) When used in connection with residential uses (use classification 1.000), the designation "PSC" means that such developments of less than five dwelling units must be pursuant to a zoning permit, developments of five (5) or more but less than thirteen (13) dwelling units need a special-use permit, and developments of thirteen (13) or more dwelling units require a conditional-use permit.
(c) When used in connection with nonresidential uses, the designation "PS" or "PC" means that such developments require a zoning permit if the lot to be developed is less than one acre in size and a special- or conditional-use permit, respectively, if the lot is one acre or larger in area.
(d) Use of the designation PSC for combination uses is explained in §144.

§138 Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit
Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of §137 and the other provisions of this article) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special-use permit shall nevertheless be required if the administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

§139 Permissible Uses and Specific Exclusions
(a) The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one (1) zoning district in the Town's planning jurisdiction. Therefore, because the list of permissible uses set forth in the Table of Permissible Uses cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
(b) Notwithstanding §139(a), all uses that are not listed in the Table of Permissible Uses, even given the liberal interpretation mandated by §139(a), are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one (1) zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
(1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the town's fire prevention code.

(2) Use of a travel trailer as a temporary or permanent residence except for temporary emergency, reconstruction, or repair residence as defined in §136 and regulated in §150.

(3) Manufactured home, Class B.


§140 Accessory Uses
(a) The Table of Permissible Uses (§ 147) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special-use permit.

(b) For purposes of interpreting Subsection (a):
   (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,
   (2) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(c) Without limiting the generality of Subsections (a) and (b) the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
   (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation
   (2) Hobbies or recreational activities of a noncommercial nature.
   (3) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.
   (4) Yard sales or garage sales, so long as such sales are not conducted inconsistent with “Section 23-27. – Regulations.” of the Town of Siler City Code of Ordinances.
   (5) Temporary health care structures. On property that is residentially zoned, a temporary health care structure shall be regarded as an accessory use to a single-family detached dwelling to the extent authorized and in accordance with the provisions of G.S. 160A-383.5 (S.L. 2014-94).


§141 Permissible Uses Not Requiring Permits
Notwithstanding any other provisions of this ordinance, no zoning, special-use, or conditional-use permit is necessary for the following uses:
(a) Streets.

(b) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

(c) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.
§142 Change in Use

(a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one principal use category to another.
(2) If the original use is a combination use or planned unit development, the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development changes to such an extent that the parking requirements for the overall use are altered.
(3) If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.
(4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.
(5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business).

(b) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

(c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

Amended October 2, 2000

§143 Developments in the B-1 Zoning District

The 2,000, 3,000, and 4,000 classifications in the Table of Permissible Uses are written in very broad terms. However, it is the intention of this ordinance that uses described in those classifications are permissible in an area zoned B-1 only when the particular use in accordance with the objectives of the B-1 zoning district set forth in § 126. Thus, tourist-oriented retail stores or outlet stores that are oriented toward intrastate traffic are permitted, while major grocery stores that are primarily oriented toward and draw their business mostly from area residents are not.

Amended October 2, 2000

§144 Combination Uses

(a) When a combination use comprises two or more principal uses that require different types of permits (zoning, special-use, or conditional-use), then the permit authorizing the combination use shall be:

(1) A conditional-use permit if any of the principal uses combined requires a conditional-use permit.
(2) A special-use permit if any of the principal uses combined requires a special-use permit but none requires a conditional-use permit.
(3) A zoning permit in all other cases.

This is indicated in the Table of Permissible Uses by the designation PSC in each of the columns adjacent to the classification.

(b) When a combination use consists of a single-family detached residential subdivision that is not architecturally integrated and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.
(c) When a combination use consists of a single-family detached, architecturally integrated subdivision and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit.

§145 More Specific Use Controls
Whenever a development could fall within a more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls.

§146 Residential Units Allowed Per Building Lot
There shall be no more than one (1) principal residential building on a lot except as may be defined in:
(a) §128, §136, & §149 (Planned Unit Developments);

(b) §136 & §148(c) (Planned Residential Developments);

(c) §147 (Single family detached, more than one (1) dwelling unit per lot, site built and modular) within the Agricultural-Residential (A-R) zone as provided for as follows:
   (1) Two (2) detached principle single family residential units may be situated on one (1) lot provided:
       (i) At least one (1) of the units is a manufactured home, class A (meets US HUD standards) and one (1) of the units is a single family detached home (built according to North Carolina building code standards) or both units are built according to North Carolina building code standards;
       (ii) The lot is at least two (2) acres in area;
       (iii) The second unit placed on the lot must be fifty (50) feet from any State maintained right-of-way and twenty-five (25) feet from the initial dwelling unit and any property lines; or
   (2) There may be more than one (1) single family detached residential unit on a lot if the average area of the property per residence is greater than ten (10) acres and the residential units are situated in such a manner that the distance between units shall not be less than the applicable setback distances required in the A-R zoning district for residential unit situated upon adjoining lots; and

(d) §147, §148(a) and Appendix I (Manufactured Home Park).

§147 Table of Permissible Uses
See Table of Permissible Uses on following page.