

## **ARTICLE 12 – DEFINITIONS**

**DRAFT DATE – 02.19.2020**

# ARTICLE 12 - DEFINITIONS

## ARTICLE 12 – DEFINITIONS

### 12.01 GENERAL

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These definitions are grouped in the following functional groups:

- Buildings and Structures
- Drainage and Watershed Protection
- Dwelling
- Easements
- Erosion and Sedimentation Control
- Farming & Agriculture
- Flood Damage Prevention
- General
- Hazardous Waste
- Historic Districts
- Lighting
- Lot
- Setback
- Signs
- Streets
- Uses

### 12.02 INTENT

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For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

### 12.03 ACRONYMS ABBREVIATIONS

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ADU – Accessory Dwelling Unit

BFE – Base Flood Elevation

BUA – Built Upon Area

DBH – Diameter at Breast Height

FIRM – Flood Insurance Rate Map

FIS – Flood Insurance Study

GFA – Gross Floor Area

HAG – Highest Adjacent Grade

LAG – Lowest Adjacent Grade

MHP – Mobile Home Park

NCDEQ – The North Carolina Department of Environment Quality

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NCGS or GS - North Carolina General Statutes

NCDOT - North Carolina Department of Transportation

RV – Recreational Vehicle SCM – Stormwater Control Measures

SFHA – Special Flood Hazard Area

WSE – Water Surface elevation

## 12.04 DEFINITIONS

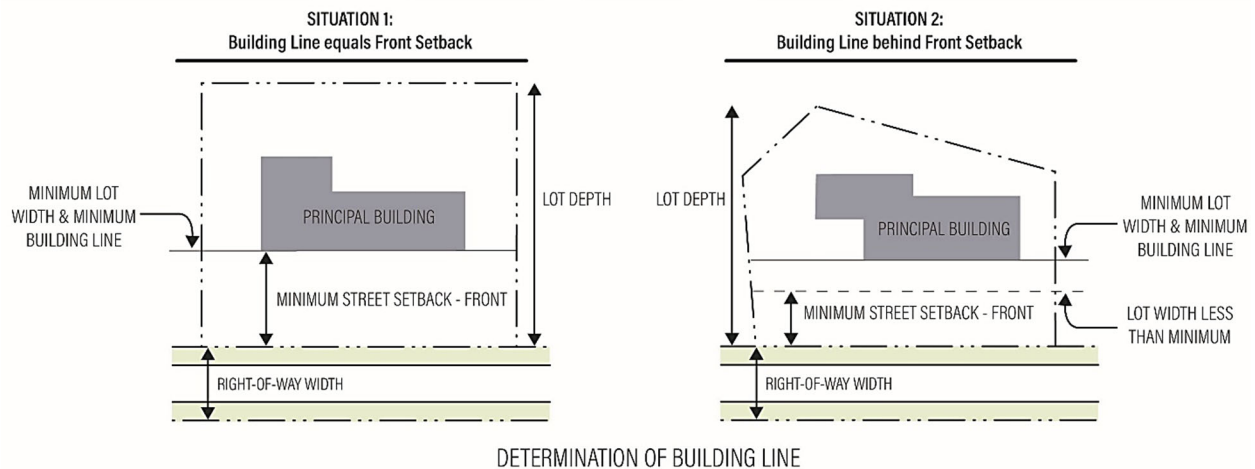
### BUILDINGS AND STRUCTURES

**ACCESSORY USE OR STRUCTURE.** A use or detached minor structure(s) which is subordinate in area, extent, and purpose to a principal building the use of which is incidental to that of the principal structure and located on the same lot therewith.

**BUILDING.** See “structure” definition.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

**BUILDING LINE.** A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.



**BUILDING SEPARATION.** The minimum required horizontal distance between buildings.

**DWELLING.** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**PRINCIPAL USE OR PRINCIPAL STRUCTURE.** A structure in which the main or primary use of the lot on which it is located or, in a group development, of the site on which it is located.

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**STRUCTURE.** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, commercial, agricultural, or other purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, sewage treatment plants, sheds, barns and similar accessory construction.

For the purpose of the Flood Damage Prevention provision of this ordinance, a structure shall mean a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**TEMPORARY STRUCTURE.** Any structure of an impermanent nature and which is designed for use for a limited time, including any tent or canopy.

**UTILITY SUBSTATION.** Any public or private utility facility which is designed for the purposes of switching, storage, compression, transfer, rebroadcast or transmission or re-transmission purposes, exclusive of individual transmission lines(s), which provides services including, but not limited to, cable television, telephone, gas, and electricity.

### DRAINAGE AND WATERSHED PROTECTION

**ACCESS TRAILS.** Pedestrian trails constructed of pervious or impervious surfaces and related structures including boardwalks and steps, rails, and signage, generally to access a surface water

**AIRPORT FACILITIES.** All properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility", "airport", or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities.

Notwithstanding the foregoing, the following shall not be included in the definition of "airport facilities":

- Satellite parking facilities;
- Retail and commercial development outside of the terminal area, such as rental car facilities; and

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- Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of 'airport facilities'.

**BUILT-UPON AREA (BUA).** That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water containment area of a swimming pool are not considered built-upon area).

**CHANNEL.** A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

**DBH.** Diameter at breast height of a tree measured at four and one half (4 ½) feet above ground surface level.

**DEVELOPMENT.** The term “development” shall mean any of the following:

- Construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- The excavation, grading, filling, clearing, or alteration of land.
- The subdivision of land as defined in N.C.G.S.
- The initiation or substantial change in the use of land or the intensity of use of land.

**DEVELOPMENT, EXISTING.** Those projects that are built and those projects that, at a minimum, have established a vested right under N.C. zoning law prior to the implementation of applicable stormwater regulations, based on at least one of the following criteria: 1) substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or 2) having a valid outstanding building permit; or 3) having expended substantial resources (time, labor, money) and having an approved site specific (or phased) development plan in compliance with the NCGS. (This definition applies only with respect to watershed protection regulations.)

**LANDFILL, DISCHARGING.** A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. These facilities require approval and a discharge permit from the N.C. Department of Environmental Management for legal operation.

**DITCH OR CANAL.** A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

**DRAINAGEWAY AND OPEN SPACE EASEMENT.** Land designated for use as an open channel conveying the flow from a one-hundred-year storm event and for use as open space. Granting of the easement

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does not transfer title. Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover. The area within the easement can be included in the gross property area used for calculation of density of development.

**DRAINAGE, REQUIRED CHANNEL.** The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

**DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION.** A cross-sectional view of a required drainage channel.

**DRAINAGEWAY.** Any natural or manmade channel that carries surface runoff from precipitation.

**GREENWAY/HIKING TRAILS.** Pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage.

**HAZARDOUS MATERIAL.** Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Hazardous Substances (42 USC 9601 et seq.); or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

**HIGH DENSITY OPTION.** A density or intensity option for development wherein the density or intensity exceeds the applicable limit for development, thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of Article 9 of this Ordinance.

**HIGH VALUE TREE.** A tree that meets or exceeds the following standards: for pine species, fourteen (14)-inch DBH or greater or eighteen (18)-inch or greater stump diameter; or for hardwoods and wetland species, sixteen (16)-inch DBH or greater or twenty-four (24)-inch or greater stump diameter.

**JORDAN NUTRIENT STRATEGY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY.** The set of Rules 15A NCAC 2B .0262 through .0273 and .0311(p).

**JORDAN RESERVOIR.** The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in Rule 15A NCAC 2B .0262(4).

**JORDAN WATERSHED.** All lands and waters draining to B. Everett Jordan Reservoir.

**LOW DENSITY OPTION.** A density or intensity option for development wherein the density, expressed in dwelling units per acre, and/or the intensity, expressed in percentage of the land surface covered by built-upon area, does not exceed certain limits established in Article 9 of this Ordinance. The limits vary depending upon the classification of the watershed and upon which overlay zone. Stormwater runoff

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from the development shall be transported by vegetated conveyances to the maximum extent practicable.

**NEW DEVELOPMENT.** Any development project that does not meet the definition of existing development set out in this Ordinance.

**REDEVELOPMENT.** Any land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

**SHORELINE STABILIZATION.** The in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.

**SLUDGE.** Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the N.C. Environmental Management Commission.

**STORMWATER CONTROL MEASURE (SCM).** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**STORM DRAINAGE FACILITIES.** The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

**STORM, TEN (10)-YEAR.** The surface runoff resulting from a rainfall of an intensity that has a ten (10) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**STORM, ONE-HUNDRED (100)-YEAR.** The surface runoff resulting from a rainfall of an intensity that has a one (1) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**STORMWATER RUNOFF.** The direct runoff of water resulting from precipitation in any form.

**STREAM.** A body of concentrated flowing water in a natural low area or natural channel on the land surface.

**STREAM BUFFER.** A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the top of bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)



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**STREAM, EPHEMERAL.** A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

**STREAM, INTERMITTENT.** A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.

**STREAM, PERENNIAL.** A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

**STREAM RESTORATION.** The process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. 'Referenced' or 'referenced reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

**STUMP DIAMETER.** The diameter of a tree measured at six (6) inches above the ground surface level.

**SUBSTANTIALLY COMPLETED.** Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

**SURFACE WATERS.** All waters of the state as defined in G.S. 143-212 except underground waters.

**TEMPORARY ROAD.** A road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.



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**TREE.** A woody plant with a DBH equal to or exceeding five (5) inches or a stump diameter exceeding six inches. This term is only applicable in reference to drainage and watershed protection standards. This definition is not transferable to the Landscape, Buffering and Screening Requirements in Article 6 of this ordinance.

**VARIANCE, MAJOR WATERSHED.** Variance of the existing regulations that does not meet the definition of a Minor Watershed Variance. The North Carolina Environmental Management Commission is designated to rule on all major watershed variance requests.

**VARIANCE, MINOR WATERSHED.** Variance of the existing regulations that meets one of the following criteria: (A) Variance of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Variance of any standard on which the level of performance required by the Ordinance exceeds that required by the corresponding section of the State Water Supply Watershed Protection Rules, provided that approval of the variance does not lower the level of performance below that required by the State regulations; (C) Variance of the State Water Supply Watershed Protection Regulations by a factor of up to five (5%) percent under the high density option or ten (10%) percent under the low density option of any standard expressed as a number; or (D) Variance to National Pollutant Discharge Elimination System (NPDES) standards.

**VELOCITY.** The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

**WALL, RETAINING.** A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

**WATER DEPENDENT STRUCTURES.** Structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

**WATERSHED, CRITICAL AREA (WCA).** That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article 9.

**WATERSHED, WATER SUPPLY.** The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Polecat Creek Lake, Reidsville Reservoir, Lake Mackintosh, Ramseur Reservoir, Madison intake, and the Randleman Dam reservoir.

### DWELLING

**ACCESSORY DWELLING UNIT (ADU).** 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 residential.

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**CONDOMINIUM.** Portions of real estate which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**DWELLING UNIT (DU).** One (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein, and that is designed for residential occupancy in accordance with approved residential occupancy standards.

**DWELLING, MULTI-FAMILY.** A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and residential condominiums.

**DWELLING, MODULAR HOME.** A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**DWELLING, PRINCIPAL.** Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

**DWELLING, SINGLE-FAMILY DETACHED.** A separate, detached building designed for and occupied exclusively by one (1) family.

**DWELLING, TENANT.** A dwelling located on a bona fide farm, and occupied by a farm worker employed for agricultural purposes by the owner, or operator of the farm.

**DWELLING, TOWNHOUSE.** A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

**DWELLING, TWO-FAMILY.** A building on one (1) zone lot arranged and designed to be occupied by two (2) families living independently of each other.

**DWELLING, MOBILE HOME.** A dwelling that 1) is composed of one (1) 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; 2) exceeds forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings.

1. Class AA: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:
  - a. Is occupied only as a single-family dwelling.
  - b. Has a minimum width of sixteen (16) feet.

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- c. Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part;
  - d. Has a minimum of seven hundred (700) square feet of enclosed and heated living area;
  - e. Has the towing apparatus, wheels, axles, and transporting lights removed, and not included in length and width measurements.
  - f. Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.
  - g. Is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter.
  - h. Has exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of one (1) or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint) 2) cedar or other wood siding 3) wood grain, weather resistant press board siding 4) stucco siding or 5) brick or stone siding.
  - i. Has a roof pitch minimum vertical rise of three and one-half (3½) feet for each twelve (12) feet of horizontal run.
  - j. Has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction.
  - k. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
  - l. Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. The use of wood stairs only is prohibited at any entrance.
2. Class A: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria (a), (c), (d), (e), (g), (h), (i), (k), and (l) for Class AA manufactured dwellings above.
3. Class B: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (e), (g) and (h) for Class AA manufactured dwellings above.

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4. Class C: Any mobile home that does not meet the above definition and criteria of a Class AA, Class A or Class B manufactured dwelling. Class C Manufactured Dwellings, except those used as housing for migrant labor as part of a bona fide farm operation and are certified for migrant labor in accordance with Department of Labor regulations, are not allowed to be located or placed in any zoning district as it does not meet the construction standards of the N.C. Building Code nor those promulgated by the U.S. Department of Housing and Urban Development.

**DWELLING PARK, MOBILE HOME.** A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

**DWELLING SPACE, MOBILE HOME.** A designated area of land within a mobile dwelling park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this Ordinance.

**ROOMING UNIT.** A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

**SHELTER, HOMELESS.** A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address.

**SHELTER, EMERGENCY.** A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

**SHELTER, TEMPORARY.** A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address.

### EASEMENTS

**EASEMENT.** A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

**EASEMENT, ACCESS.** An easement which grants the right to cross property.

**EASEMENT, DRAINAGE.** An easement which grants the right of water drainage to pass in open channels or enclosed structures.

**EASEMENT, DRAINAGE MAINTENANCE.** An easement which grants to the Governing Body the right to alter the typical drainage channel section and/or profile in order to improve water flow.

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**EASEMENT, PEDESTRIAN WAY.** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

**EASEMENT, SIGHT DISTANCE.** An easement which grants the right to maintain unobstructed view across property located at a street or lane intersection.

**EASEMENT, UTILITY.** An easement which grants the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

**EASEMENT, WATER QUALITY CONSERVATION.** A permanent easement in which no structures or land-disturbing activities are allowed. The natural ground cover and the natural tree canopy must be preserved with the following exceptions: 1) the cutting or trimming of overcrowded trees is allowed provided that no trees in excess of three (3) inches in diameter as measured twelve (12) inches or less from the ground are removed; 2) utilities and erosion control structures can be constructed and maintained; 3) normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health and; 4) mechanical mowing of utilities areas is allowed to control growth.

### EROSION AND SEDIMENTATION CONTROL

**ACT.** The North Carolina Sedimentation Pollution Control Act of 1973 N.C.G.S. § 113A-50 et seq., and all rules and orders adopted pursuant to it.

**ACTIVE CONSTRUCTION.** Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

**AFFILIATE.** A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

**AREA, UNPROTECTED.** Any ground surface area disturbed to such an extent that twenty (20) percent or more of the soil surface of any square is exposed to the physical forces of meteorological elements.

**BEING CONDUCTED.** A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

**BERM, EROSION CONTROL.** A mound of material and/or ditch, the purpose of which is to divert the flow of run-off water.

**BORROW.** Fill material which is required for on-site construction and is obtained from other locations.

**BUFFER.** An area of land planted or constructed to separate uses.

**BUFFER ZONE.** The strip of land adjacent to a lake or natural watercourse.

**COMMISSION.** The North Carolina Sedimentation Control Commission.

**COMPLETION OF CONSTRUCTION OR DEVELOPMENT.** No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

**DEPARTMENT.** The North Carolina Department of Environment and Natural Resources.

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**DIRECTOR.** The Director of the Division of Energy Mineral and Land Resources of the Department of Environment and Natural Resources.

**DISCHARGE POINT.** That point at which storm water runoff leaves a tract of land.

**DISTRICT.** The Guilford Soil and Water Conservation District created pursuant to NCGS 139.

**ENERGY DISSIPATOR.** A structure or shaped channel section with mechanical armoring placed at the outlet pipes or conduits to receive and break down the energy from high velocity flow.

**EROSION.** The wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.

**EROSION, ACCELERATED.** Any increase over the rate of natural erosion as a result of land-disturbing activities.

**EROSION CONTROL MEASURE, STRUCTURE OR DEVICE, ADEQUATE.** A device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

**EROSION, NATURAL.** The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

**FACILITIES, STORM DRAINAGE.** The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

**GRADING.** Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity".

**GRADING, PHASE OF.** One (1) of the two (2) types of grading: rough or fine.

**GROUND COVER.** Any natural vegetative growth, masonry, paving, riprap, or other material which renders the soil surface stable against accelerated erosion.

**HIGH QUALITY WATERS.** Those classified as such in 15A NCAC 2B.0101(e)(5) General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS 150B-14(c).

**HIGH QUALITY WATER (HQP) ZONES.** Areas in the coastal counties that are within five hundred seventy-five (575) feet of High-Quality Waters and, for the remainder of the state, areas that are within one (1) mile and drain into HQW's.

**LAKE or NATURAL WATERCOURSE.** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

**LAND-DISTURBING ACTIVITY.** Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.



## ARTICLE 12 - DEFINITIONS

**LOCAL GOVERNMENT.** Any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

**PARENT.** An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

**PERSON.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

**PERSON CONDUCTING LAND DISTURBING ACTIVITY.** Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

**PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION.** As used in this Ordinance, and NCGS 113A-64, a developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; or the landowner or person in possession or control of the land that has directly or indirectly allowed the land-disturbing activity or has benefitted from it, or failed to comply with a duty imposed by any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

**PLAN.** An erosion and sedimentation control plan.

**PLAN, GRADING.** The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development, and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

**PROTECTED AREA.** Any ground surface area having established cover, artificial or natural, of such density that not more than twenty (20) percent of the soil surface of any square yard of surface is exposed to the physical forces of meteorological elements.

**SEDIMENT.** Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**SEDIMENTATION.** The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity, or into a lake or natural watercourse.

**SILTATION.** Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

**SITE or TRACT.** All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.



## ARTICLE 12 - DEFINITIONS

**STORM, TEN-YEAR.** The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**STORM, TWENTY-FIVE-YEAR.** The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**STORM WATER RUNOFF.** The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

**SUBSIDIARY.** An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.

**UNCOVERED.** The removal of ground cover from, on, or above the soil surface.

**UNDERTAKEN.** The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

**VELOCITY.** The average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

**WASTE.** Surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.

**WORKING DAYS.** Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

### FARM & AGRICULTURE

**BONA FIDE FARM.** Bona Fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture.

Agriculture includes but is not limited to the production, harvesting, cultivation of crops, fruits, vegetables, ornamental/flowering plants, shrubs, the planting and production of trees and timber, the operation, management, raising, care, and training of dairy, livestock, poultry, bees, horses, and aquaculture, and grain warehouse operations where grain is held 10 days or longer as well as any associated structure or building related to the agriculture operation. When performed on the Bona Fide farm, agriculture also includes the marketing and selling of agricultural products, agritourism, packing, treating, processing, sorting, storage and other activities performed to add value to agricultural items produced on the farm.

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For purposes of determining whether a property is being used for Bona Fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for Bona Fide farm purposes (the burden of proof lies with the owner of the subject property or a designated agent):

- A copy of the property tax listing showing that the property is participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105- 277.7.
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's federal income tax return.
- A farm sales tax exemption certificate issued by the Department of Revenue; or
- A forest management plan.
- A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

**FARM BUILDING.** A structure meeting the definition of a Farm Building, Greenhouse, Primitive Camp, or Primitive Farm Building as defined by NCGS 143-138:

- A Farm Building shall include any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training of horses and the instruction and training of riders. Structures that are associated with equine activities include, but are not limited to, free standing or attached sheds, barns, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with equine activities. The specific types of equine activities, structures, and uses set forth in this subdivision are for illustrative purposes, and should not be construed to limit, in any manner, the types of activities, structures, or uses that may be considered under this subsection as exempted from building rules. A Farm Building that might otherwise qualify for exemption from building rules shall remain subject only to an annual safety inspection by the county building inspection department of any grandstand, bleachers, or other spectator-seating structures in the Farm Building. An annual safety inspection shall include an evaluation of the overall safety of spectator-seating structures as well as ensuring the spectator-seating structure's compliance with any building codes related to the construction of spectator-seating structures in effect at the time of the construction of the spectator seating.
- A Greenhouse is a structure that has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five (95%) percent of which is used to grow or cultivate plants, is built in accordance with the National Greenhouse Manufacturers Association Structural Design manual, and is not used for retail sales.
- A Farm Building shall include any structure used for the display and sale of produce, no more than one thousand (1,000) square feet in size, open to the public for no more than one hundred and eighty (180) days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.
- A Primitive Camp shall include any structure primarily used or associated with outdoor camping activities, including structures used for educational, instructional, or recreational purposes for campers and for management training, that are 1) not greater than four thousand (4,000)

## ARTICLE 12 - DEFINITIONS

square feet in size and 2) are not intended to be occupied for more than twenty-four (24) hours consecutively. "Structures primarily used or associated with outdoor camping activities" include, but are not limited to, shelters, tree stands, outhouses, sheds, rustic cabins, campfire shelters, picnic shelters, tents, tepees or other indigenous huts, support buildings used only for administrative functions and not for activities involving campers or program participants, and any other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with outdoor camping activities such as hiking, fishing, hunting, or nature appreciation, regardless of material used for construction. The specific types of primitive camping activities, structures, and uses set forth in this subdivision are for illustrative purposes and should not be construed to limit, in any manner, the types of activities, structures, or uses that are exempted from building rules.

- A Primitive Farm Building shall include any structure used for activities, instruction, training, or reenactment of traditional or heritage farming practices. "Primitive Farm Buildings" include, but are not limited to, sheds, barns, outhouses, doghouses, or other structures that are utilized to store any equipment, tools, commodities, livestock, or other items supporting farm management. These specific types of farming activities, structures, and uses set forth by this subdivision are for illustrative purposes and should not be construed to limit in any manner the types of activities, structures, or uses that are exempted from building rules.
- A Farm Building shall not lose its status as a Farm Building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

### FLOOD DAMAGE PREVENTION

**ADDITION (TO AN EXISTING BUILDING).** An extension or increase in the floor area or height of a building or structure.

**ADMINISTRATOR, FLOODPLAIN.** The individual appointed to administer and enforce the floodplain management regulations.

**APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance. (This definition applies only with respect to flood hazard regulations.)

**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)

**BASE FLOOD.** The flood having a one (1%) percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE).** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source

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using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

**ELEVATED BUILDING.** A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCROACHMENT.** The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to flood hazard regulations.)

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

**FACILITY, CHEMICAL STORAGE.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD INSURANCE.** The insurance coverage provided under the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**FLOOD INSURANCE STUDY (FIS).** An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**FLOODPLAIN.** Any land area susceptible to being inundated by water from any source.

**FLOODPLAIN DEVELOPMENT PERMIT.** Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS.** This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of

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police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**FLOODPROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOD ZONE.** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FREEBOARD.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**HIGHEST ADJACENT GRADE (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**LOWEST ADJACENT GRADE (LAG).** The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR.** Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". (This definition applies only with respect to flood hazard regulations.)

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. (This definition applies only with respect to flood hazard regulations.)

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**MARKET VALUE.** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MEAN SEA LEVEL.** For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. (This definition applies only with respect to flood hazard regulations.)

**NON-ENCROACHMENT AREA.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

**POST-FIRM.** Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

**PRE-FIRM.** Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

**PRINCIPALLY ABOVE GROUND.** That at least fifty-one (51%) percent of the actual cash value of the structure is above ground.

**RECREATIONAL VEHICLE (RV).** A vehicle, which is:

- Built on a single chassis.
- Four hundred (400) square feet or less when measured at the largest horizontal projection.
- Designed to be self-propelled or permanently towable by a light duty truck.
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REFERENCE LEVEL.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

**REGULATORY FLOOD PROTECTION ELEVATION.** The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of Freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.



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**REMEDY A VIOLATION.** To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. (This definition applies only with respect to flood hazard regulations.)

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 7-5.3(B) of this Ordinance.

**START OF CONSTRUCTION.** Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (This definition applies only with respect to flood hazard regulations.)

**STRUCTURE.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred. (This definition applies only with respect to flood hazard regulations.)

**SUBSTANTIAL IMPROVEMENT.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1)-year period for which the cost equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of



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the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(This definition applies only with respect to flood hazard regulations.)

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 3-3.5 and 7-5.8 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood hazard regulations.)

**WATER SURFACE ELEVATION (WSE).** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### GENERAL

**ADDRESS.** The official street number assigned by the Jurisdiction for a specific lot, building or portion thereof.

**AIRPORT AND FLYING FIELD, COMMERCIAL (principal use).** A public or private establishment engaged in operating and maintaining, as a permitted principal use, a general aviation airport or flying field. Such establishment may also service aircraft and provide minor aircraft repair and maintenance; provide aircraft storage and hangar facilities; and furnish coordinated handling services for air freight or passengers.

**AREA, RURAL.** Those portions of unincorporated Guilford County not currently served by municipal water and/or sewer services, including any new development or redevelopment project that will not utilize municipal water and/or sewer service as a prerequisite for project approval.

**AREA, URBAN.** Those portions of unincorporated Guilford County currently served by municipal water and/or sewer services, and any new development or redevelopment project that will receive municipal water and/or sewer services as a prerequisite for project approval.

**ASSEMBLY.** A joining together of completely fabricated parts to create a finished product.

**ATHLETIC FIELD.** Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

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**AUTO TOWING AND STORAGE SERVICES.** A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

**AUTOMOBILE REPAIR SERVICES, MAJOR.** An establishment primarily engaged in one (1) or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair of exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

**AUTOMOTIVE REPAIR SERVICES, MINOR.** An establishment primarily engaged in one (1) or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

**BASEMENT.** A story of a building or structure having one-half (½) or more of its clear height below grade.

**BED AND BREAKFAST HOMES (UP TO 8 ROOMS).** A private home containing not more than 8 guest rooms that offers bed and breakfast accommodations to guests.

**BLOCK.** The land lying within an area bounded on all sides by streets.

**BOARDING HOUSE.** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) or more boarders.

**CALIPER INCHES.** Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

**CERTIFICATE OF APPROPRIATENESS (COA).** A statement issued by the County 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.

**CERTIFICATE OF OCCUPANCY (CO).** A statement, signed by the Administrator, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

**COLLEGE/UNIVERSITY.** Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

**COMMON AREA(S).** All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

**COMMUNITY SEWAGE TREATMENT SYSTEM.** A sewage treatment system designed to treat waste water from, three (3) or more dwelling units, more than one (1) principal nonresidential use, or a Group

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**Development.** A Community Sewage Treatment System is not public sewer or a utility under the terms of this Ordinance.

**COMMUNITY/SOCIAL SERVICES AGENCY.** Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

**COMMUNITY WELL SYSTEM.** A system that supplies ground water to twenty-five (25) or more persons or has fifteen (15) or more connections. A Community Well System is not public water or a utility under the terms of this Ordinance.

**COMPREHENSIVE PLAN.** The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

**CONGREGATE CARE FACILITY.** A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age, who by reason of their 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.

**CORRECTIONAL INSTITUTION.** Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

**COUNTY.** Refers to Guilford County, North Carolina.

**CRITICAL ROOT ZONE.** The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

**DENSITY CREDIT.** The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures, or development density or intensity, or a fraction or multiple of that potential that may be transferred to other portions of the same parcel, or to contiguous land that is part of a common development plan.

**DEVELOPER.** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**DEVELOPMENT, DENSITY OF.** The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

**DEVELOPMENT.** The term “development” shall mean any of the following:

- Construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

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- The excavation, grading, filling, clearing, or alteration of land.
- The subdivision of land as defined in N.C.G.S.
- The initiation or substantial change in the use of land or the intensity of use of land.

**DORMITORY, PRIVATE.** A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such an institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

**DOWNZONING.** A zoning change that affects an area of land in one of the following ways: 1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. 2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

**DRIPLINE.** A vertical line extending from the outermost portion of a tree's canopy to the ground.

**EQUIPMENT REPAIR/RENTAL, HEAVY.** Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

**EQUIPMENT REPAIR/RENTAL, LIGHT.** The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

**ESTABLISHMENTS OR USES, ADULT-ORIENTED.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination, or any combination of the foregoing or any like or similar use as same are defined in Section 11-39, Guilford County Code, entitled "Ordinance Regulating Adult-Oriented Establishments," as amended.

**FACILITY, AGRICULTURAL TOURISM.** An Agricultural use where agricultural products are processed blended, made, stored, sold at wholesale or retail for consumption off or on the premises that offers tours to the public and provides samples and/or sales of agricultural products. A minor facility includes the production and sales of the product and offers tours. A major facility includes the uses listed above plus restaurants, tourist homes, outdoor event or activity/centers, or similar uses that will enhance the over-all property in relation to tourism and is subject to issuance of a special use permit.

**FACILITY, GROUP CARE.** 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 for not more than thirty (30) people.

**FAMILY.** One (1) or more persons occupying a dwelling unit and living as a single household.

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**FAMILY CARE HOME.** A facility as defined in NCGS 168-21 as a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six (6) resident persons with disabilities.

**FENCE.** A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

**FLOOR AREA, GROSS (GFA).** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**GARDEN CENTER OR RETAIL NURSERY.** Industries in the nursery and garden center subsector grow crops mainly for commercial food and fiber. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds.

**GRADE, FINISHED.** The final elevation of the ground surface after development.

**GRADE, NATURAL.** The elevation of the ground surface in its natural state before man-made alterations.

**GREENWAY.** Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

**GROUP DEVELOPMENT.** A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites such as shopping centers, multi-family complexes, mobile home parks, etc. for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises.

**HISTORIC STRUCTURE.** Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Secretary of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a National Register historic district, or a district preliminarily determined by the Secretary of Interior to qualify as a National Register historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with Certified Local Government preservation programs as determined by the Secretary of Interior..

**HOME OCCUPATION.** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

**JUNK/SALVAGE YARD.** Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used

## ARTICLE 12 - DEFINITIONS

building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**LANDFILL, BENEFICIAL FILL AREA.** A disposal site that meets all of the following conditions:

1. The fill material consists only of inert debris strictly limited to concrete, unpainted brick, concrete block, uncontaminated soil, rock, and gravel.
2. The fill activity involves no excavation.
3. The fill activity will cover two (2) acres or less and be in operation one (1) year or less;
4. The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
5. Any disposal site not meeting all the requirements listed above shall be considered a Land Clearing and Inert Debris (LCID) Landfill.

**LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MAJOR).** A disposal site, other than a Minor Construction or Demolition Landfill, for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, and which complies with all Sanitary Landfill requirements of Section 15.5-5 of the Guilford County Code and with all zoning and Special Use Permit requirements of this Ordinance.

**LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MINOR).** A disposal site for solid waste that meets the following criteria:

1. The waste results solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures located on the same property and under the same ownership, and does not include inert debris, land-clearing, or yard trash.
2. The disposal site must be one (1) acre or less.

**LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MAJOR).** A disposal site other than a Minor Land Clearing and Inert Debris Landfill as defined in this Ordinance for stumps, limbs, leaves, concrete, concrete block, unpainted brick, uncontaminated soil. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.

**LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MINOR).** A disposal site that meets all of the following conditions:

1. The fill material consists of debris strictly limited to concrete, unpainted brick, concrete block, uncontaminated soil, rock, gravel, limbs, leaves, and stumps. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.
2. The fill activity will cover two (2) acres or less, be in operation three (3) years or less, provided that the Planning Board may upon request grant one (1) or more three-year renewals, and have direct access to a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions.



## ARTICLE 12 - DEFINITIONS

Any disposal site not meeting all the requirements listed above shall be considered a Major Land Clearing and Inert Debris (LCID) Landfill.

**LANDFILL, SANITARY/SOLID WASTE.** A site for solid waste disposal from residential, industrial or commercial activities.

**LOT, NONCONFORMING .** A Lot of Record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

**MANUFACTURING, LIGHT.** The use of an establishment in assembly, processing, packaging, or finishing activities, in the course of any trade or business other than agriculture, that that are carried on without an unreasonable detrimental effect of noise, vibration, smell, fumes, smoke, ash, or dust onto the surrounding community. This is intended to function as a transitional use between the more intense general manufacturing and industrial uses and other less intense uses. Uses related to research and development, including laboratories and other facilities for basic or applied research and development, pilot plants, prototype production facilities, manufacturing uses with a high degree of scientific input, and facilities for organizations or associations that promote research. This includes the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.

**MANUFACTURING, HEAVY.** The use of an establishment in the mechanical or chemical transformation of materials or substances into new products, in the course of any trade or business other than agriculture, such as creation of products, assembly and blending of materials, manufacturing of large items, and processing. Such establishments may include hazardous operations and the use of combustible materials. Materials utilized in such establishments include, but are not limited to oils, plastics, resins, or liquors.

**MIXED DEVELOPMENT.** A mixture of residential and permitted office and/or commercial uses.

**NONCONFORMING.** A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

**NURSING AND CONVALESCENT HOME.** An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**ON-SITE SEWAGE TREATMENT SYSTEM.** A sewage treatment system designed to serve a maximum of two (2) dwelling units or a principal permitted use where the system and dwelling unit(s) or use are located on the same zone lot.

**OFF-SITE SEWAGE TREATMENT SYSTEM.** A sewage treatment system designed to serve a maximum of two (2) dwelling units or a principal permitted use where the system is on a separate Special Purpose Lot from the dwelling unit(s) or use.



## ARTICLE 12 - DEFINITIONS

**OPEN SPACE.** Any area of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or property owners' association. Public open space is open space owned by a governmental jurisdiction.

**OWNER.** A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

**PERSON.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

**PERSONAL SERVICES.** An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning, and personal care services; psychics and mediums; martial arts schools; dance or music classes.

**PLANNED UNIT DEVELOPMENT (PUD).** An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

**PLAT.** A surveyed map or plan of a parcel of land which is to be, or has been, subdivided.

**PLAT, FINAL.** The final map of all or a portion of a subdivision or site which is presented for final approval for purpose of recording in the register of deed.

**PLAN PRELIMINARY.** A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements this ordinance, which is presented for preliminary approval.

**RECREATIONAL VEHICLE (RV).** A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

**RECREATIONAL VEHICLE PARK.** Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

**RECREATIONAL VEHICLE SPACE.** A plot of land within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle in accordance with the requirements set forth in this Ordinance.

**RECYCLING FACILITY.** A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end-user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

## ARTICLE 12 - DEFINITIONS

**RESERVATION.** An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

**ROOF LINE.** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**SEWER, PRIVATE.** A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

**SEWER, PUBLIC.** A system which provides for the collection and treatment of sanitary sewage from more than one (1) property and is owned and operated by a government organization or sanitary district.

**SITE PLAN.** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

**SLOPE.** An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one", (2:1), and "one and one-half to one", (1.5:1) etc.

**SOIL SCIENTIST.** A Soil Scientist certified and licensed by the State of North Carolina under NCGS 89F.

**SOLAR COLLECTOR (ACCESSORY).** A device or structure for which the primary purpose is to transform solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use.

**SOLAR COLLECTOR (PRINCIPAL):** A device or structure for which the primary purpose is to transform solar radiant energy into another source of energy for interconnection with the power grid to permit offsite energy consumption (Solar Farm).

**SOLID WASTE.** Garbage, trash, refuse and other discarded solid materials.

**STUDIO (ARTIST & RECORDING).** Small facilities for individual and group instruction and training in areas such as the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

**SUBDIVIDER.** Any person who subdivides land.

## ARTICLE 12 - DEFINITIONS

**SUBDIVISION.** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new street or a change in existing streets.

**SUBDIVISION, MAJOR.** A subdivision involving more than five (5) lots.

**SUBDIVISION, MINOR.** A subdivision involving not more than five (5) lots, not requiring extension of public sewer or water line.

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

**SWIMMING POOL, NONPERMANENT.** A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

**STRUCTURE, NONCONFORMING .** A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

**TATTOO PARLOR.** An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, 2) using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

**TENANT.** Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

**TRACT.** All contiguous land and bodies of water in one (1) ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

**TREE, CANOPY.** A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.

**TREE, UNDERSTORY.** A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.

**USE.** The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

**USE(S), ACCESSORY().** A use that: 1) is subordinate to and serves a principal building or a principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of occupants in the principal building or principal use served; and 4) is located on the same lot as the principal building or use served.

**USE, MIXED.** Occupancy of building or land by more than one (1) use.

## ARTICLE 12 - DEFINITIONS

**USE, NONCONFORMING.** A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance, or any subsequent amendment.

**USE(S), PRINCIPAL.** The primary purpose or function that a vacant lot or structure serves or is proposed to serve.

**UTILITY EQUIPMENT & STORAGE YARD.** The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

**UTILITY, MAJOR.** Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

**UTILITY, MINOR.** Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

**VARIANCE.** An application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with this ordinance.

**VOCATIONAL/TECHNICAL.** A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

**WAIVER.** Official permission as described in this ordinance from the Planning and Development Services Director or the Technical Review Committee to depart from the requirements of this Ordinance.

**WATER, PRIVATE.** A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, but which is not operated or maintained by a government organization or utility district.

**WATER, PUBLIC.** A system which provides distribution of potable water for more than one (1) property and is owned and operated by a government organization or utility district.

**WAREHOUSE (GENERAL STORAGE, ENCLOSED).** Facilities for the storage of goods and materials of any nature. Includes cold storage. Does not include storage, or mini-storage facilities offered for rent or lease to the general public; or warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

**WAREHOUSE (SELF-SERVICE).** A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**ZONING DISTRICT.** A geographic area of land designated on the Official Zoning Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

## ARTICLE 12 - DEFINITIONS

**ZONING VESTED RIGHT.** The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-1-8 or under common law.

### HAZARDOUS WASTE

**DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)).** The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

**DISPOSAL FACILITY.** A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

**HAZARDOUS WASTE GENERATOR.** Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules, or whose act first causes a hazardous waste or toxic substance to become subject to regulation, provided that "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

**HAZARDOUS OR TOXIC SUBSTANCE.** Any solid waste as defined in NCGS 130A-290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS WASTE LONG-TERM STORAGE FACILITY.** Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

**HAZARDOUS WASTE MANAGEMENT.** The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

**HAZARDOUS WASTE TREATMENT FACILITY.** A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following equipment and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate "reuse" or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

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**LONG-TERM RETRIEVABLE STORAGE OF HAZARDOUS WASTE.** The storage in closed containers in facilities (either above or below ground) with adequate lights; impervious cement floors; strong visible shelves or platforms; passageways to allow inspection at any time; adequate ventilation if underground or in closed buildings; protection from the weather; accessible to monitoring with signs on both individual containers and sections of storage facilities; and adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.

### HISTORIC DISTRICTS

**CERTIFICATE OF APPROPRIATENESS (COA).** A form of approval for changes to the exterior of a property within a locally designated historic district.

**ROUTINE MAINTENANCE.** Work activities not already listed under minor or major work and which include ordinary repair and replacement when there is no change in the design, materials, or general exterior appearance of a structure, its grounds or a site when viewed from the street right-of-way; therefore, not requiring design review or a Certificate of Appropriateness.

**STRUCTURE, CONTRIBUTING.** A structure listed as historically and architecturally significant in the design guidelines for any locally designated historic district.

**STRUCTURE, NONCONTRIBUTING.** A structure listed as not historically and architecturally significant in the design guidelines for any locally designated historic district.

**WORK, MINOR.** Work activities which do not result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds, or site when viewed from the street right-of-way; therefore, not requiring design review by the Historic Preservation Commission (HPC), but requiring approval of a Certificate of Appropriateness by the HPC staff.

**WORK, MAJOR.** Work activities which could result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds or site when viewed from the street right-of-way; therefore, requiring design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission.

### LIGHTING

**CUT-OFF FIXTURE.** *An out-door lighting fixture that directs light where it is needed below the Horizontal Plane of the fixture (twenty-five (25) candelas per one thousand (1,000) lamp lumens at or above 90°... 2.5% above 90°).*

**FOOT-CANDLE.** A unit of measure of the intensity of light falling on a surface equal to one lumen per square foot.

**FULLY SHIELDED FIXTURE.** *A fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal Plane of the fixture.*



## ARTICLE 12 - DEFINITIONS

**GLARE.** The effect produced within the visual field by a light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance and ability.

**LUMEN.** A quantitative unit measuring the amount of light emitted by a light source.

**PHOTOMETRIC PLAN.** A plan submitted as part of a site plan that illustrated the measurement of the site's intensity of light or of relative illuminating power.

### LOT

**BUILDABLE OR ZONE LOT.** One (1) or more lots of record in one (1) undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient dimensions; and access to permit construction thereon of a principal use or building together with its required parking and planting yards.

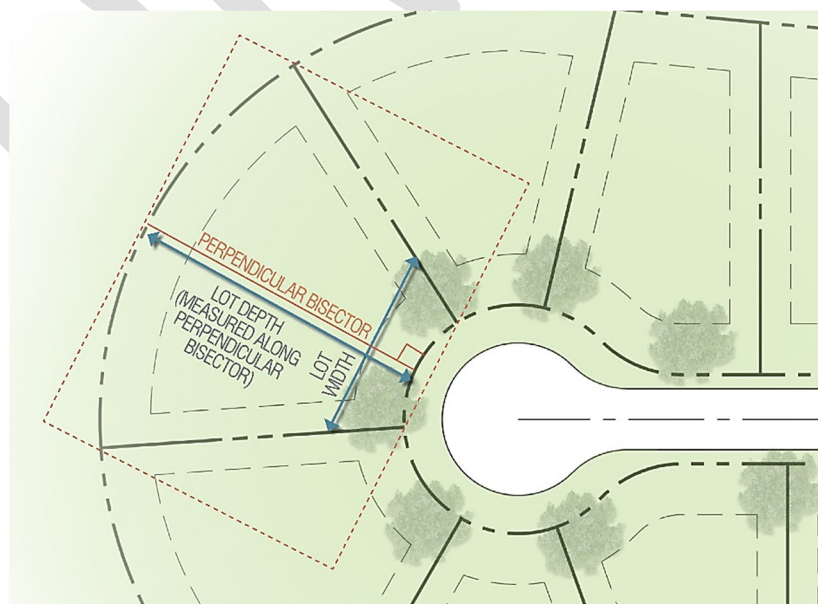
**CORNER LOT.** A lot abutting two (2) or more streets at their intersection.

**FLAG LOT.** A lot, created by a subdivision, with less street frontage than is required by Article IV (Zoning), and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

**LOT.** A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word "lot" includes "plot", "parcel," or "tract."

**LOT COVERAGE.** The portion of a lot covered by buildings(s) and/or structure(s).

**LOT DEPTH.** The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.



## ARTICLE 12 - DEFINITIONS

**LOT OF RECORD.** A lot, plot, parcel, or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation or before the ordinance was adopted in 1965.

**LOT WIDTH.** The mean width measured at right angles to the lot depth at the building line.

**REVERSE FRONTAGE LOT.** A through-lot which is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

**THROUGH-LOT.** A lot abutting two (2) streets that do not intersect at the corner of the lot.

**TOWNHOUSE LOT.** A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in nonresidential group development.

**SETBACK.** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

**SETBACK, INTERIOR.** A setback from any property line not alongside a street.

**SETBACK, REAR.** A setback from an interior property line lying on the opposite side of the lot from the front street setback.

**SETBACK, SIDE.** Any interior property line setback other than a rear setback.

**SETBACK, STREET.** Any setback from right-of-way of a street, road, or lane.

**SETBACK, ZERO SIDE.** An alternate form of dimensional requirements that allows a dwelling unit to have one (1) side setback of zero (0) from a side property line. This definition does not include townhouses.

### SIGNS

**ANIMATED SIGN.** Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

**BANNER SIGN.** A temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two (2) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**BILLBOARD.** A freestanding sign designed for the display of information and/or advertising and erected as a principal use in accordance with the provisions of this Ordinance.

**HISTORICAL OR MEMORIAL MARKER.** A sign indicating the name of a building or site and date and incidental information about its construction or historical significance.

**CANOPY SIGN.** Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

**DIRECTIONAL SIGN.** Any sign with no commercial message that indicates the direction to churches, hospitals, colleges and similar institutional uses.

## ARTICLE 12 - DEFINITIONS

**ELECTRONIC CHANGEABLE COPY SIGN.** A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour, shall be considered a flashing sign.

**FREESTANDING SIGN.** Any sign which is an accessory to the principle use on a lot that is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

**GOVERNMENTAL SIGN.** Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

**IDENTIFICATION SIGN.** Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

**INFORMATION BOARD.** Signs which display messages in which the copy may be arranged or rearranged by hand.

**INSTRUCTIONAL AND WARNING SIGN.** Any sign with no commercial message that provides assistance with respect to the premises on which it is maintained, or for the instruction, safety, or convenience of the public such as "entrance", "exit", "one way", "telephone", "parking" and similar information.

**MARQUEE.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN.** Any sign attached to, in any manner, or made a part of a marquee.

**NONCONFORMING SIGN.** Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of the Ordinance or any subsequent amendment.

**OFF-SITE DIRECTIONAL REAL ESTATE LEAD-IN SIGN.** A temporary sign displayed for the purpose of directing to property or development that is being offered for sale, lease or rent which is not erected, affixed or otherwise established on the same lot for the property or development being offered for sale, lease or rent.

**PENNANT.** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

## ARTICLE 12 - DEFINITIONS

**PLAYBILL.** Any sign announcing entertainment offered, or to be offered, at a business location on the site where the sign is displayed.

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T-Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operation of the business.

**PROJECTING SIGN.** Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

**ROOF SIGN.** Any sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**SIGN.** Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

**SIGN OWNER.** Any person holding legal title or legal right to occupy or carry on business in a structure or any facility, and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than one (1) owner, as defined, their duties and obligations under this chapter are joint and several, and shall include the responsibility for such sign.

**SPECIAL PROMOTION.** An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

**SUSPENDED OR PROJECTING SIGN.** A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

**TEMPORARY SIGN.** Any sign that is displayed for a limited period of time and is not permanently mounted. This includes yard signs, banners, and windblown signs.

**TEMPORARY EVENT SIGN.** An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events and other similar activities. Such signs are permitted four (4) times annually with thirty (30) days per occurrence. .

## ARTICLE 12 - DEFINITIONS

**VEHICLE SIGN.** Any sign on a vehicle which is parked in a location which is visible to the public, and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

**WALL SIGN.** Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one (1) sign surface.

**WARNING SIGN.** Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing," and similar directives.

**WINDOW SIGN.** Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, placed inside a window or upon the window panes or glass and which is visible from the exterior of the window.

### STREETS

**PUBLIC STREET.** A dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

**STREET RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.