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## **CHAPTER 17 - DEFINITIONS**

### **17.1 Intent.**

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.

### **17.2 Rules of Construction.**

The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standards dictionary, except for the specific words and phrases defined in this chapter.

- Tense. Words used in the present tense include the future tense.
- Number. The singular number includes the plural number and the plural number includes the singular number.
- Person. The word "person" includes a firm, association, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person.
- Shall and May. The words "shall," "must," and "will" are mandatory in nature. The word "may" is permissive in nature.
- Used or occupied. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."
- Lot. The word "lot" includes the words "plot" and/or "parcel."
- Structure. The word "structure" includes the word "building."
- On the Premises Of. The phrase "on the premises of," as applied to accessory uses or structures, shall be interpreted to mean "on the same lot."
- LBCS—American Planning Association Land-based Classification Standards.
- NAICS—North American Industrial Classification System.

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### 17.3 Definitions, Use Type.

**Adult Establishment.** Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NC General Statute, Section 14.210.10 (or any successor thereto).

**Alcoholic Beverage Sales Store.** The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

**Amusements, Indoor.** Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, and bowling alleys. (LBCS F5320, F5380, F5390 and S3200)

**Amusements, Outdoor.** Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides. (LBCS F5310 and S4440)

**Animal Production.** Industries in the Animal Production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector. (NAICS)

**Animal Production Support Services.** This industry comprises establishments primarily engaged in performing support activities related to raising livestock (e.g., cattle, goats, hogs, horses, poultry, sheep). These establishments may perform one or more of the following: (1) breeding services for animals, including companion animals (e.g., cats, dogs, pet birds); (2) pedigree record services; (3) boarding horses; (4) dairy herd improvement activities; (5) livestock spraying; and (6) sheep dipping and shearing. [NAICS 115210]

**Animal Services.** Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. (LBCS F2418 and F2720)

**ATM.** Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

**Auto Parts Sales.** Establishments selling new, used, or rebuilt automotive parts and accessories. Examples include auto supply stores, automobile parts dealers, automotive audio equipment stores, tire dealers, parts & accessories dealers, and used automotive parts and tire dealers. (LBCS F2115)

**Banks, Credit Unions, Financial Services.** Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies. (LBCS F2200, F2210 and F2230)

**Bar/Tavern/Night Club.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

**Bed and Breakfast Homes (Up to 4 Rooms).** A private home containing not more than four (4) guest rooms that offers bed and breakfast accommodations to no more than eight (8) guests per night. (LBCS F1310)

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**Billiard/Pool Hall.** Any place where one or more billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.

**Boarding House.** Short or long-term accommodations that serve a specific groups or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services. (LBCS F1320, S1320, and S1340)

**Business Support Services.** These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, and office product sales. (LBCS 2424)

**Campground.** A designated area in which tents or recreational vehicles may be set up for temporary occupancy. Accessory facilities and uses may include, but are not limited to, bathing facilities, swimming pools, the retail sale of camping-related merchandise, maintenance buildings, and picnic shelters.

**Cemetery.** A parcel of land used for internment of the dead in the ground or in mausoleums. (LBCS S4700)

**Child/Adult Day Care Center (More than 8 persons).** An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than eight children or adults at a time based on State regulations; not an accessory to residential use.

**Child/Adult Day Care Home (8 or less persons).** Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than eight children (no more than five of which may be of pre-school age).

**Civic/Social/Fraternal Organization.** Non-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

**College/University.** Junior colleges, colleges, universities, and professional schools with physical structures (excluding online programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. (LBCS F6130)

**Construction and Maintenance Services.** Office use and associated enclosed storage (limited to one outbuilding or garage) where some short-term parking (not overnight) or small construction equipment, maintenance vehicles, or construction trucks is expected.

**Correctional Institution.** Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court. [LBCS F6222]

**Cottage** - a detached single-family or two-family residence constructed to specific design standards and arranged around common open space as a part of a cottage development.

**Crop Production and Nurseries.** Industries in the Crop Production subsector grow crops mainly for food and fiber. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, primarily engaged in growing crops, plants, vines, or trees and their seeds. [NAICS] Also includes Soil Preparation, Planting, and Cultivating [NAICS 115113] and Postharvest Crop Activities (except Cotton Ginning) [NAICS 115115].

**Crop Production Support Services.** Establishment and activities primarily engaged in provide support activities for growing crops including Crop Harvesting, Primarily by Machine [NAICS 115114].

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**Cryptocurrency Mining Facility.** A facility that exists for the purpose of operating computer equipment in order to mine or store crypto currencies or the data associated with mining or storing of crypto currencies. The individual use of personal computers for the mining of cryptocurrencies is not included in this definition. This definition does not limit the use of computer equipment for personal or commercial purposes of a permitted land use.

**Cultural or Community Facility.** Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA. (LBCS S3800, S4400, F5110, F5210, and FS6830)

**Data Center Facility.** Facilities that exist for the sole of purpose of storing, processing, or sharing data or applications. Such facilities may include computers, servers, routers, storage systems, firewall, and other similar components. These establishments may provide complete processing and preparation of reports from data, cloud services, automated data entry services, data storage, file sharing, virtual communication services, artificial intelligence, or make data processing resources available to clients on an hourly or timesharing basis. This definition does not include data centers that are necessary or incidental to the function of permitted land uses within the same property.

**Drive Thru Service.** A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

**Drive-Thru Commercial.** A facility where products may be purchased by motorists without leaving their vehicles. Examples include: fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

**Dry Cleaning and Laundry Services.** Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

**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.

**Dwelling—Accessory.** A smaller, secondary dwelling unit either detached or attached, such as a garage apartment or cottage, designed for occupancy by one or two persons and located on a lot with an existing single-family dwelling. Said units shall not exceed one per lot.

**Dwelling—Multifamily.** A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging. (LBCS S1121 and S1140)

**Dwelling—Single-Family.** A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code. (LBCS F1100 and S1100)

**Dwelling—Townhome.** Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from any other unit by one (1) or more vertical common fire-resistant fire walls, and the land underneath each unit is titled to the unit.

**Dwelling—Two-Family.** A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule. (LBCS F1100 and S1121)

**Event Space.** An establishment that is available to the general public for hosting weddings, receptions, conferences, parties, business meetings, banquets, social gatherings, or similar indoor or outdoor events.

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**Family Care Home (6 or fewer residents).** A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons and is certified by the State of North Carolina. (NCGS 168-21)

**Feed Lots.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for forty-five (45) or more days, which may or may not be consecutive in a 12-month period. Pastures shall not be considered feedlots for the purposes of this ordinance.

**Fish Hatcheries.** Fish hatcheries are used to cultivate and breed a large number of fish in an enclosed environment until they are ready to be eaten, released into the wild or sold to aquarium stores.

**Forestry and Logging.** Industries in the Forestry and Logging subsector grow and harvest timber on a long production cycle (i.e., of 10 years or more). Long production cycles use different production processes than short production cycles, which require more horticultural interventions prior to harvest, resulting in processes more similar to those found in the Crop Production subsector. Consequently, Christmas tree production and other production involving production cycles of less than 10 years, are classified in the Crop Production subsector. [NAICS]

**Forestry Support Services.** This industry comprises establishments primarily engaged in performing particular support activities related to timber production, wood technology, forestry economics and marketing, and forest protection. These establishments may provide support activities for forestry, such as estimating timber, forest firefighting, forest pest control, and consulting on wood attributes and reforestation. [NAICS 115310]

**Freight Hauling/Truck Terminals.** Establishments in the truck and freight transportation category that provide over-the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers. These establishments may handle a variety of commodities, involve local or long distance trucking, and require specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo (LBCS F4140).

**Funeral Homes.** Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). (LBCS F6700-6702)

**Gas Station.** Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station. (LBCS F2116 and S2270)

**General Commercial—Greater than 60,000 s.f.** A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Greater than 60,000 square feet in GLA. (LBCS F2100)

**General Commercial.** A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser. (LBCS F2100)

**Golf Course/Country Club.** A clearly defined area designed for playing golf, consisting of a course of at least 9 holes, each with a tee, fairway, and green. Accessory facilities and uses may include, but are not limited to, clubhouses (with or without food and beverage service), locker and shower facilities, event facilities (ballrooms, pavilions, conference rooms, etc.), lodging facilities, driving ranges, the retail sale of golf-related merchandise, maintenance buildings, and golf cart storage, rental, and sale facilities. This definition does not include miniature golf courses or stand-alone driving ranges.

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**Government Services.** Includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority. (LBCS F6200)

**Halfway Houses.** A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

**Home Occupation.** An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include day care centers where daytime care is provided to less than six children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence and produce stands.

**Hospital.** A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. (LBCS F6530 and S4110)

**Hotel/Motels (More than 30 Rooms).** Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes "motels." (LBCS F1300 and F1330)

**Inn (Up to 30 Rooms).** Any building or group of buildings in which there are thirty (30) or fewer guest rooms, used for the purposes of offering public lodging on a day-to-day basis.

**Kennels, Outdoor.** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (LBCS F2700)

**Landfill.** A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills. [LBCS F4345]

**Laundry, Dry cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

**Live-Work Units.** An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

**Manufactured Home Parks.** The location of two or more manufactured or mobiles homes on a parcel of land shall constitute a mobile home park.

**Manufactured Housing.** A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (LBCS S1150)

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**Manufacturing, Heavy.** A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, seven days a week). (LBCS S2620)

**Manufacturing, Light.** A non-residential use that involves the manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. (LBCS S2613)

**Manufacturing, Neighborhood.** The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This includes medical and testing laboratories but shall not include uses that require frequent deliveries by truck with more than two axles. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. (LBCS S2610)

**Materials Recovery and Waste Transfer Facilities.** This industry comprises establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories. [NAICS 562920]

**Medical Outpatient Care Center.** Facilities that provide ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers dialysis centers outpatient family planning services; community health centers and clinics; and blood and organ banks. (LBCS F6510, F6512, and F6514)

**Metal Products Fabrication, Machine or Welding Shop.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include:

- Blacksmith and welding shops
- Plating, stripping, and coating shops
- Sheet metal shops
- Machine shops and boiler shops

**Mini-Warehouses.** A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**Mobile Food Vendor.** A mobile food vendor is a person or organization that sells food out of a portable vehicle, cart, or trailer. Examples include food trucks, food trailers and food pushcarts.

**Monopole Wireless Communications Tower.** A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

**Neighborhood Commercial.** A place of business limited to 3,000 gross square feet that provides the sale of goods directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

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**Neighborhood Restaurant.** A place of business limited to 3,000 gross square feet that sells ready-to-eat food and/or beverages for on- or off-premises consumption. Customers may be served from an ordering counter (cafeteria or limited service restaurant), at their tables (full-service restaurant), and/or at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter, but not from drive-thru windows.

**Outside Storage.** The storage of any material for a period greater than forty-eight (48) hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

**Outside Sales.** The sale of goods and products outside of a permanent structure such as landscape materials, lawn and garden supplies, and produce. This definition includes farmer's markets and flea markets.

**Parking Lot/Structure—Principal use.** A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

**Pawnshops.** Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

**Personal Services.** Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers, non-permanent makeup services, and tattoo parlors.

**Post Office.** Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations. (LBCS F4170).

**Produce Stands in Conjunction with Crop Production.** A temporary open air stand or place for the seasonal selling of agricultural produce, located on the same development parcel upon which the produce is grown.

**Professional Services.** Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician's and dentist's offices. (LBCS F2230, F2240, F2300, F2410-2417, and F6511)

**Public Transportation Facilities.** Terminals, stations or major passenger transportation facilities for community or regional public transportation such as bus or rail. (LBCS F4120 and F4130)

**Racetrack.** An outdoor course prepared for horse, dog, automobile, or other vehicle racing.

**Radio and Television Broadcasting Facilities (Except Towers).** Satellite dishes and other similar facilities greater than 12 feet in height or diameter for the broadcast of signals.

**Recreation Facilities, Indoor.** Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

**Recreation Facilities, Outdoor.** Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, and riding stables and their customary accessory uses including, but not limited to, maintenance sheds, food concessions, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

**Recreational Vehicle Park.** Any site of land designated specifically for two or more recreational vehicles, campers, and/or travel trailers with individual parking spaces and hook ups as temporary living or sleeping quarters for less than 180 days out of a 365-day year.



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**Recycling Collection Stations.** A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

**Religious Institution.** Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores. (LBCS F6600 and S3500)

**Residential Care Facilities.** A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

**Restaurant.** A retail business selling ready-to-eat food and/or beverages for on or off-premises consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). (LBCS F2510, F2520, and F2530)

**Riding Stables.** An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing and/or the hiring of horses for riding is offered.

**Schools—Elementary and Secondary.** A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. (LBCS F6100)

**Schools—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. (LBCS F6100 and F6140)

**Shooting Range, Outdoor.** A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

**Storage—Outdoor Storage Yard.** The storage of various materials outside of a structure, as a principal use.

**Storage—Warehouse, Indoor Storage.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

**Studio—Art, dance, martial arts, music.** Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include: individual and group instruction and training in 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.

**Swine Farms.** A tract of land devoted to raising two hundred and fifty (250) or more animals of the porcine species.

**Theater, Indoor.** A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. (LBCS S3110 and S3120)

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**Theater, Outdoor.** An establishment for the performing arts with open-air seating for audiences.

**Theater, Drive-In.** A specialized outdoor theater for showing movies or motion pictures on a projection screen where patrons view movies from their vehicles.

**Utilities.** Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

Class 1 Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 sq. ft.), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

**Vehicle and Heavy Equipment Sales/Rental.** Establishments which may have showrooms or open lots for selling, renting or leasing vehicles or heavy equipment and base operations for taxis, limousines, and courier services. Such vehicles may include automobiles and light trucks, bus, commercial truck, mobile homes, motorcycle, ATV, or boat and marine craft dealers. (LBCS F2110, F2111, F2112, F2113 and F2114)

**Vehicle Services—Major Repair/Body Work.** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

**Vehicle Services—Minor Maintenance/Repair/Wash.** The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

**Video Gaming Parlor.** Any use or structure intended to provide access to video games in which customers purchase retail gift cards or gain access to electronic games of skill or dexterity not otherwise prohibited by law, or other electronically simulated games approved and regulated by the State of North Carolina. Gas/Fueling stations which have up to three such games or as allowable by law, and which are subsidiary and incidental to the primary use are not part of this definition.

**Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include:

- Agents, merchandise or commodity brokers, and commission merchants;
- Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
- Merchant wholesalers;
- Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

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**Wireless Communications Facility, Macro.** An attached wireless communication facility which consists of antennas equal or less than sixteen (16) feet in height or a parabolic antenna up to one (1) meter (39.37 inches) in diameter and with an area not more than one hundred (100) square feet as viewed from any one point.

**Wireless Communications Facility, Micro.** An attached wireless communication facility which consists of antennas equal to or less than six (6) feet in height and with an area of not more than five hundred eighty (580) square inches (e.g. one (1) foot diameter parabola or two (2) feet x one and one-half (1.5) feet panel) as viewed from any one point. A micro facility is also known as a microcell.

**Wireless Communications Facility, Mini.** An attached wireless communication facility which consists of antennas equal to or less than ten (10) feet in height or a parabolic antenna up to one (1) meter (39.37) inches in diameter and with an area not more than fifty (50) square feet as viewed from any one point.

( Ord. No. 05-16 , 6-28-2016; Ord. No. O-22-17 , § 1, 11-28-2017; Ord. No. O-14-18 , § 2, 8-28-2018; Ord. No. O-28-18 , § 1, 11-27-2018; Ord. No. O-20-20 , § 1, 10-27-2020)

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## 17.4 Definitions, General.

**Accessory Structure.** A detached subordinate structure(s), the use of which is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. This term includes "accessory buildings."

**Accessory Use.** A use that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served.

**Addition (To an Existing Building).** An extension or increase in the floor area or height of a building or structure.

**Administrative decision.** A decision made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in Chapter 160D of the NC G.S. and the Town of Waynesville Code of Ordinances.

**Area of Shallow Flooding.** A designated Zone A0 on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

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

**Animal Unit.** A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 cattle (except dairy cows); 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit.

**Antenna.** Equipment used for transmitting or receiving radio frequency signals, which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omni-directional antenna.

**Apron.** The broadened paved area of a driveway where it adjoins the traveled way.

**Arcade.** A series of arches, either supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery or for decorative purposes.

**Attached Wireless Communications Facility.** A wireless communication facility that is affixed to an existing structure, for example, an existing building, tower, water tank, utility pole, etc. which does not include an additional wireless communication support structure.

**Basement.** That lowest level of a building which has its floor below the grade of the fronting window.

**Bay Window.** A window assembly whose maximum horizontal projection is not more than two feet from the plane of an exterior wall and is elevated above the floor level of the home.

**Berm.** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, divert stormwater, or fulfill other such purposes.

**Best Management Practices (BMPs).** Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. With regard to construction, these may include structural devices such as infiltration devices, ponds, filters and constructed wetlands or nonstructural practices such as maintenance practices, street sweeping, public education and outreach programs that are designed to prevent pollutants from entering water or to direct or reduce the flow of water.

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**Best Management Practices/BMPs.** Best Management Practices or "BMPs" control urban storm water runoff and can include "structural BMPs"; and "non-structural BMPs".

**Block.** A unit of land inclusive of private land, alleys/rear lanes, accessways, circumscribed by a combination of streets and public land (such as a park), waterways, or any other barrier to the continuity of development.

**Buffer Yard.** A landscaped area intended to give spatial separation between incompatible land uses.

**Build-To Lines.** The maximum distance from the fronting right-of-way that a building may be aligned.

**Buildable Area.** The portion of a lot or site, exclusive of required yard areas, landscaping or open space within which a structure may be built.

**Building.** A structure with a roof and walls built for permanent use. When used in reference to a residential structure, any one- or two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for habitation for living, sleeping, cooking, or eating purposes or any combination thereof, including accessory structures (NC Building Code: Residential Code Sec 202)

**Built-Upon Area (BUA).** That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate.

**Business Location.** For the purpose of locating and allowing ground signs, a business location shall be defined as one or more businesses, operations, associations, etc., under one common roof or in one unified structure or building.

**Caliper.** A standard trunk diameter measurement for nursery grown trees taken 6 inches above the ground for up to and including 4-inch Caliper size, and 12 inches above the ground for larger sizes.

**Candela.** A unit of measurement of the intensity of light. An ordinary wax candle flame generates approximately one candela.

**Canopy Tree.** A species of tree, which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.

**Civic Space.** An outdoor area dedicated for public use.

**Clear-Cutting.** The large scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing property for non-agricultural development.

**Cluster Development.** The grouping of development on a portion of a parcel in order to conserve land resources and minimize stormwater runoff impacts.

**Co-location.** The use of a single support structure and/or site by more than one (1) wireless communications provider.

**Common Area Recreation and Service Facilities.** Recreational (swimming pools, etc.) and service (laundry, etc.) facilities built to serve housing developments.

**Contiguous.** Bordering or adjoining, meeting or joining at the border or surface.

**Corner Lot.** A lot located at the intersection of two or more public rights-of-way.

**Cottage Development-** a development of 3 or more structures (commercial or dwellings of single family or duplex design) arranged with common open space, often with shared parking, driveways, and other amenities. A cottage development may also include commercial and/or mixed-use units as a part of Planned Unit Development, as permitted by the zoning district.

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**Cul-de-sac.** A street permanently terminated by a turnaround.

**Development.** Any man-made change to improved or unimproved real estate, including, but not limited to:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The clearing, excavation, dredging, grading, filling, paving, drilling operations, mining, or alteration of land.
- c. Storage of equipment or materials.
- d. The subdivision of land as defined in this ordinance.
- e. The initiation of substantial change in the use of land or the intensity of use of land.

For stormwater calculation, development shall be considered any land disturbing activity that increases the amount of built upon area or otherwise decreases the infiltration of precipitation into the soil.

**Development Parcel.** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used for or developed as a unit or which has been used or developed as a unit.

**Door, Main Entrance.** A method of public ingress and egress unlocked during normal business hours easily recognizable to a pedestrian as a principal point of entry.

**Driveway.** A private vehicular access connecting a dwelling, carport, garage, parking area or other buildings with a street. A driveway is not a road, street, boulevard highway or parkway.

**Driveway Approach.** The improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well-defined area on private property.

**Driveway, Joint.** A joint-use driveway serving two (2) abutting properties.

**Driveway, Shared.** A shared driveway with the similar characteristics as a street that serves 3 or fewer dwelling structures (single family or duplex structures), often used to reach landlocked parcels or for access management purposes.

**Driveway, Width.** The horizontal distance between the sides of a driveway measured at the right-of-way or the back of the sidewalk (whichever is farthest from the traveled way) and measured parallel with the centerline of the traveled way. Medians shall not be included in the calculations for the width of driveways.

**Dwelling Unit.** A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (NC Building Code, Vol. 1, § 202 and Vol. VII, § 202).

**Easement.** A grant by the property owner of use, by the public, a corporation, or a person, of a strip of land for specified purposes.

**Elevated Building.** For floodplain management purposes, 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, Building.** Any portion of a structure of appurtenance extending beyond a designated setback, easement, property line, or right-of-way.

**Exterior Features.** For the purposes of historic preservation, this term shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. "Exterior features" may also include historic signs, color and significant landscape, and archaeological and natural features of the area.

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**Extraterritorial Jurisdiction.** That land lying within one (1) mile in all directions of the corporate limits of the town, and not located in the corporate limits of any other municipality, nor within any part of that area lying within the extraterritorial jurisdiction of any other municipality.

**FAA.** The Federal Aviation Administration

**Façade.** That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

**Family.** An individual, or two (2) or more persons related by blood, marriage or law, or a group of not more than any five (5) persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or more persons related by blood, marriage or law, are a part of the family for this chapter.

**FCC.** The Federal Communications Commission.

**FEMA.** The Federal Emergency Management Agency.

**Fill.** Any material, such as (by way of illustration) earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind, that is placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

**Floor.** The top surface of an enclosed area in a building (including basement), that is, the top of the slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Footcandle.** A unit for measuring illumination equal to the amount of direct light thrown by a source of one candela on a square foot of surface every part of which is one foot away from the source and facing directly toward the source.

**Frontage.** All the property abutting on one side of a street along the block face measured along the street line. "Frontage along a public street" requires means of direct access by the public.

**Geological Hazard Indicator.** A condition or series of conditions which suggest or from which a reasonable inference may be drawn that a particular tract of land may have qualities of instability or danger which require further investigation and possible remediation. Such indicators may include, but are not limited to one or more of the following: fault zone cataclastic (broken) rocks; pre-existing landslide deposits; daylighting fracture sets; daylighting sedimentary layers (bedding), foliations (metamorphic layering), or other planar structures; thick soils (greater than 10 feet thick), zones of likely debris flow deposition.

**Geotechnical Engineer.** A North Carolina licensed engineer in the full-time practice of geotechnical engineering including design and construction overview of site preparation and foundation installation of projects.

**Grandfathered.** The exception of not applying certain more recent regulations to sites or plans that had previously been constructed or approved.

**Gross Floor Area (GFA).** The area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features; used in determining the required number of exits or in determining occupancy classification. (IBC)

**Gross Leasable Area (GLA).** The total floor area designated for tenant occupancy and exclusive use. The area of tenant occupancy is measured from the centerlines of joint partitions to the outside of tenant walls. All tenant areas, including areas used for storage, shall be included in calculating gross leasable area. (IBC)

**Height, Sign.** The vertical distance measured from ground level at the lowest point of the sign structure to the top of the structure.

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**High Density Project, Stormwater.** Any project that exceeds the low density threshold for dwelling units per acre (two dwelling units per acre) or built-upon area (24%).

**Historic Structure.** Any structure that is: (a) listed individually in the National Register of Historic Places or preliminarily determined by the US Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the US Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without an approved program.

**Impervious Surface.** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, block pavers (unless allowing vegetative growth through the pavers), roads, sidewalks and paved recreation areas. Impervious surface includes all structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure. Wooden slatted decks and the water area of a swimming pool are considered pervious.

**Individual Sewer System.** Any septic tank, ground absorption system, privy, or other facility serving a single source or connection and approved by the Haywood County Health Department or other department with appropriate jurisdiction.

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

**Large Maturing Tree.** Large maturing trees are trees that grow to be over thirty-five (35) feet in height at maturity.

**Larger common plan of development or sale.** Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

**Legislative decision.** The adoption, amendment, or repeal of a regulation under NC G.S. Chapter 160D or Town of Waynesville Code of Ordinances. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of the NC G.S. 160D.

**Levee.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Lot.** A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership. The term "lot" includes the term "plot" or "parcel."

- (a) **Double-frontage lot:** A lot of the same depth as the width of a block containing 2 tiers of lots and which is accessible from both of the streets upon which it fronts.
- (b) **Single-tier lot:** A lot which backs upon limited access highway, a railroad, a physical barrier, or a nonresidential use and to which access from the rear is usually prohibited.
- (c) **Corner lot:** A lot which has continuous frontage at 2 intersecting streets.
- (d) **Pipestem lot (also known as flag lot or panhandle lot):** A lot which contains a relatively narrow strip that provides street access.



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**Lot, Infill.** The development of new housing or other buildings on vacant sites in a built-up area.

**Lot Width.** The distance between side lot lines measured at the front building line.

**Low Density Project, Stormwater.** A project that has no more than two dwelling units per acre or twenty-four percent built-upon area (BUA) for all residential and non-residential development.

**Low Impact Development (LID).** A site design strategy with the goal of maintaining or replicating the pre-development hydrologic conditions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater management areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID practices may include any combination of site design techniques, strategies, and BMPs to store, infiltrate, evaporate, retain, and detain runoff on the site to more closely replicate pre-development runoff thereby limiting the increase in pollutant loads caused by development. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, mature trees, flood plains, woodlands and highly permeable soils.

**Master Plan.** A map or plan showing the layout and specifications of a site which is presented for approval. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Master Plan shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

**Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Mezzanine.** An intermediate level or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located (IBC).

**Minor Works.** For the purposes of historic resource preservation, a minor work is defined as those exterior changes which do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or the historic district in which it is located. Such minor works shall be limited to those listed in the historic preservation commission's "Bylaws and Rules of Procedure."

**Mobile Home.** A single-family dwelling, factory built and factory assembled, which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. § 5401, 1978, as amended) or the North Carolina Building Code.

**New Construction.** Structures for which the start of construction commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures.

**Nit.** A unit measure of luminance or brightness equal to one candela per square meter, measured perpendicular to the rays of the source.

**Nonconforming Occupied Lot.** A lot containing a structure at the time this ordinance was adopted or at the time the lot was brought into the town's jurisdiction, but which lot does not meet the minimum requirements for the land development district in which it is located.

**Nonconforming Open Uses of Land.** An open use on a lot when the only structures are incidental and accessory to the principal open use but which would not be permitted by this chapter in the land development district in which it is located.

**Nonconforming Site.** An occupied lot that contains one or more site features that do not comply with the standards of this ordinance such as landscaping, parking location, lighting, etc.

**Nonconforming Structures Occupying Conforming Lots.** A structure that does not meet the minimum requirements for a structure in the land development district in which it is located but which is located on a lot which does conform to the district requirements.

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**Nonconforming Uses of Structures.** A structure, said use of which would not be permitted by this chapter in the land development district in which it is located.

**Nonconforming Vacant Lot.** A lot that is not occupied by a building, structure or use and that does not meet the dimensional requirements for the land development district in which it is located.

**Nonconformity.** A legal use, structure, and/or development which existed prior to the adoption of this chapter or any amendment thereto, that does not presently conform to this chapter or its amendments.

**Overflow Parking.** Event or assembly parking in excess of the minimum required by this chapter which is designed not to be used more than ten (10) times per year.

**Owner.** The legal or beneficial owner of land or business, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

**Parking, Informal.** Parking that is allowed along lanes and residential streets, but is not designated or marked as parking areas.

**Parking Space.** An area for parking a vehicle exclusive of access drives, maneuvering space, and paved areas intended for the display of merchandise (e.g., cars, boats).

**Perennial Stream.** A stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall. "Perennial" streams are contrasted with "intermittent" streams which normally cease flowing for weeks or months each year, and with "ephemeral" channels that flow only for hours or days following rainfall. During unusually dry years, a normally perennial stream may cease flowing, becoming intermittent for days, weeks, or months depending on severity of the drought. The boundaries between perennial, intermittent, and ephemeral channels are indefinite, and subject to a variety of identification methods adopted by local governments, academics, and others with a need to classify stream-flow permanence.

**Performance Bond.** A document issued by a surety, in return for a fee or premium, guaranteeing the performance of the terms and conditions of development approval.

**Pervious.** A surface that allows inflow of rainwater into the underlying construction or soil.

**Planned Unit Development (PUD)-** a development that integrates residential and non-residential uses as permitted by the zoning district.

**Plat.** A plat means and includes the terms: survey, plan, map or replat; and means a survey or plan of a parcel of land for recordation or for development, redevelopment, or subdivision review.

**Plat, Final.** The final map of all or a portion of a subdivision or development which is presented for final approval. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Final Plat demonstrates compliance with development standards, rights-of-way, and other Town requirements necessary for recordation with Haywood County Land Records.

**Plat, Preliminary.** A map indicating the proposed layout of a development and related information that is submitted for preliminary review. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Preliminary Plat shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

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**Principal Building.** The building or structure in which is conducted the principal use of the land development lot on which it is located. This shall include any buildings that are attached to the principal structure by a covered structure. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

**Principal Use.** The main or primary use of a parcel of land.

**Public Safety and/or Nuisance.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

**Public Sewer System.** Any sewer system owned and operated by a local government, or other sewage treatment facility serving two (2) or more connections, or any wastewater treatment system having a discharge to surface waters when approved by the North Carolina Division of Environmental Management, or a ground absorption system serving two (2) or more connections when approved by the county sanitarian.

**Public Water System.** A system for the provision to the public of piped water for human consumption if the system serves more than fifteen (15) or more service connections or which regularly serves twenty-five (25) or more year-round residents.

**Public Way.** A street, alley, sidewalk or other parcel of land open to the outside air leading to a street that has been dedicated or otherwise permanently appropriated to the public use. **Quasi-Judicial.** The action, discretion, etc. of public administrative officers or bodies who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis of their official action, and to exercise discretion of a judicial nature.

**Quasi-judicial decision.** A decision involving the finding of facts regarding a specific application of an ordinance and that requires the exercise of discretion when applying the standards of the ordinance. The term includes, but is not limited to decisions involving variances, special use permits, or certificates of appropriateness. (160D-102(28)).

**Recreational Vehicle (RV).** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

**Redevelopment, Stormwater.** 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.

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

**Ridgeline.** A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

**Right-of-Way.** A strip of land whose legal title has been offered for public access and is occupied or intended to be occupied by a street and is also available, with the consent of the appropriate governmental agency, for installation and maintenance of traffic control devices, regulatory and information signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

**Screening.** A fence, wall, hedge, landscaping, buffer area, or any combination thereof intended to create a visual separation between certain uses or buildings.

**Seasonal Business.** A business use of a property that operates for only a portion of a year but which continues to operate each year at the same time. Examples of seasonal businesses include: fruit stands, Christmas tree sales, etc.

**Setback.** The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member, whichever is nearest to the property line or right-of-way.

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**Shielded (Light).** Outdoor lighting features constructed so that light rays emitted by a light fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

**Sign.** Any display of letters, words, numbers, symbols, emblems, pictures or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle or object.

**Sign, Abandoned.** A sign that advertises an activity or business no longer conducted on the property on which the sign is located.

**Sign, Attached.** A sign erected parallel to the facade of any building to which it is attached, and supported throughout its entire length by the building face.

**Sign, Canopy/Awning.** A sign, which is painted, stitched, sewn, or stained onto the exterior of a canopy or awning.

**Sign, Directional.** A sign or guide whose sole purpose is to direct pedestrian or vehicular traffic on the premises on which it is displayed. Examples include: "entrance," "exit," "driveway", "one-way traffic," etc.

**Sign Face.** The part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose.

**Sign, Facsimile.** An over-sized, three dimensional object, such as an automobile, human figure, etc. that may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.

**Sign, Electronic Changeable Face.** A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information, and trivision outdoor advertising signs. Electronic changeable face outdoor advertising signs do not include animated or scrolling images, graphics, video active images (similar to television images), projected images or messages onto buildings or other objects, or static outdoor advertising signs.

**Sign, Ground.** A free-standing sign that is mounted generally flush with the surrounding grade.

**Sign, Incidental.** A single-faced sign attached wholly to a building, window or door containing information relative to emergencies, store hours, credit cards honored and other similar accessory information.

**Sign, Marquee.** A sign of a theater, auditorium or museum which advertises current and scheduled events. Marquees may include, incorporate or consist of electronic message signage.

**Sign, Movable.** A sign that may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a portable sign in that it may be equipped for transporting by motor vehicle or other mechanical means and includes sign referred to as trailer signs.

**Sign, Off-Premise.** A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased produced, manufactured and/or furnished at a place other than the real property on which said sign is located. This definition shall include signs commonly referred to as "outdoor advertising" or "billboards."

**Sign, Pedestrian.** A sign which is suspended from and attached to a canopy or awning.

**Sign, Portable.** A sign that is movable by a person without aid of a motor vehicle or other mechanical equipment.

**Sign, Real Estate.** Temporary signs advertising the sale, rental or lease of property.

**Sign, Temporary.** A sign advertising a special event or sale and not intended to be displayed on a permanent basis.

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**Slope, Percent of.** The ratio of vertical rise or fall to horizontal distance of terrain measured perpendicular to the contour lines at horizontal intervals of more than ten (10) feet.

**Start of Construction.** The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, 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.

**Stealth Facilities.** Telecommunications facilities designed to blend into the surrounding environment or integrated into the physical structure to which it is attached.

**Stormwater Control Measure (SCM).** A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater or a combination thereof.

**Story.** A space in a building between the surface of any floor and the surface of the next floor above, and if there is no floor above, then the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under-roof area with dormers does not count as a story.

**Street.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**Street Yard.** A required open yard area in which street trees are planted.

**Streetwall.** An opaque freestanding wall or landscaping hedgerow, built on the front property line or on the line of the street side of a façade of a building. The purpose of constructing a street wall is to create continuity in the line of building facades along the street and to mask parking or outdoor storage from adjacent street and pedestrian ways.

**Structure.** A walled and roofed building that is principally above ground, a gas or liquid storage tank, or other man-made facilities or infrastructure.

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**Subdivision.** All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development. This definition shall include all division of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition nor be subject to the regulations:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown by the regulations prescribed by this chapter.
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (3) Public acquisition by purchase of strips of land for the widening or opening of streets.
- (4) The division of a tract in single ownership, whose entire area is not greater than two (2) acres, into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the town, as required by this chapter.
- (5) The conveyance to lineal descendants for the purpose of dividing real estate among said lineal descendants. At such time that any lineal descendants or their successors in interest develop or building upon their respective property, the property must conform in all respects to the regulations of the Town of Waynesville.

**Subdivision, Conservation** – is a type of subdivision that preserves undivided, buildable tracts of land as open space by grouping dwelling units close together.

**Subdivision, Major.** The division of a tract of land into eight (8) or more lots and/or the division of land which involves the dedication of public streets or utilities.

**Subdivision, Minor.** The division of a tract of a land into no more than seven (7) lots and which does not involve the dedication of public streets or utilities.

**Substantially Improved Existing Manufactured Home Park or Subdivision.** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Substantial Progress.** For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

**Surety.** A pledge or formal promise made to secure against loss, damage, or default; a security.

**Surface Runoff.** The cumulative runoff calculated from a particular storm event using hydrologic and hydraulic equations and methodologies.

**TIA AADT.** Average Annual Daily Traffic gathered through a small sample size and projected to an annual rate.

**TIA ADT.** Average Daily Traffic gathered through a 365-day data collection process.

**TIA Background Conditions.** No Build. Conditions at the time of proposed project completion but not including any site generated trips. The background condition contains additional trips based on natural growth rates or other planned and scheduled projects in the study area.

**TIA Build Out Conditions.** Conditions at the time of project completion including site generated trips, natural growth, or other planned and scheduled projects in the study area.

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**TIA Existing Conditions.** Current conditions not including any growth or new development

**TIA Growth Rate.** The natural traffic growth rate of the study area roadway area. The growth rate generally takes into account an additional or reduced number of homes, small commercial establishments, and the number of local drivers. Significant changes in these areas should be addressed specifically.

**TIA Horizon Conditions.** Conditions 2 years beyond Build Out Conditions including another 2 years of natural growth and other planned and scheduled projects in the study area.

**TIA Level of Service (LOS).** The relationship of travel demand compared to the roadway capacity determines the level of service (LOS) of a roadway. Six levels of service identify the range of possible conditions. Designations range from LOS A, which represents the best operating conditions, to LOS F, which represents the worst operating conditions.

**TIA VPD.** Vehicles per day either gathered for a 24-hour period or expanded from a smaller sample.

**Transportation Impact Analysis or TIA.** A specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure.

**Traveled Way.** That portion of a public right-of-way that is improved for use by self-propelled vehicles or bicycles, including paved or gravel areas and any other area intended for vehicle movement.

**Utility Lines and Related Appurtenances.** All lines and supporting apparatus or equipment related to the distribution, transmission or disposal of water, storm and sanitary sewage, natural gas, power, and telephone and telecommunication cable. "Related appurtenances" shall include such things as: sewage pump stations, telephone poles, hydrants, transformers, switching boxes, and other similar structures.

**Variance.** A grant of relief from the requirements of this chapter which permits construction or development in a manner that would otherwise be prohibited by this chapter.

**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.

**Watershed.** The entire land area contributing surface drainage to a specific point or alternatively, the geographic region within which water drains to a particular river, stream, or body of water.

( Ord. No. O-15-13 , 11-26-2013; Ord. No. O-01-15 , § 12, 1-27-2015; Ord. No. O-03-19 , Pt. 3, 1-22-2019)

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## 17.5 Definitions, Floodplain Damage Prevention.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of applying the standards of Section 12.3, where the definitions of this section differ with those of Section 17.4, the definitions of this section shall prevail.

**Accessory Structure (Appurtenant Structure)** means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**Addition (to an existing building)** means an extension or increase in the floor area or height of a building or structure.

**Alteration of a watercourse** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal** means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

**Area of Shallow Flooding** means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard.** See Special Flood Hazard Area (SFHA).

**Area of Future-Conditions Flood Hazard** means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

**Base Flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** means 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, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the Regulatory Flood Protection Elevation.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Building.** See Structure.

**Chemical Storage Facility** means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**Design Flood** See "Regulatory Flood Protection Elevation."



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**Development.** Any man-made change to improved or unimproved real estate, including, but not limited to:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The clearing, excavation, dredging, grading, filling, paving, drilling operations, mining, or alteration of land.
- c. Storage of equipment or materials.
- d. The subdivision of land as defined in this ordinance.
- e. The initiation of substantial change in the use of land or the intensity of use of land.

For stormwater calculation, development shall be considered any land disturbing activity that increases the amount of built upon area or otherwise decreases the infiltration of precipitation into the soil.

**Development Activity** means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

**Digital Flood Insurance Rate Map (DFIRM)** means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**Disposal** means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**Elevated Building** means 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** means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing building and existing structure** means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community.

**Existing Manufactured Home Park or Manufactured Home Subdivision** means 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 initial effective date of the floodplain management regulations adopted by the community.

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**Flood Insurance** means the insurance coverage provided under the National Flood Insurance Program.

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**Flood Insurance Rate Map (FIRM)** means 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)** means 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.

**Flood Prone Area.** See Floodplain.

**Flood Zone** means 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.

**Floodplain** means any land area susceptible to being inundated by water from any source.

**Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Development Permit** means 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** means 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** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodproofing** means 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.

**Flood-resistant material** means any building product [material, component, or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**Floodway** means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

**Floodway encroachment analysis** means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

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**Freeboard** means 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, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Regulatory Flood Protection Elevation.

**Functionally Dependent Facility** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to 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.

**Hazardous Waste Management Facility** means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**Highest Adjacent Grade (HAG)** means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**Historic Structure** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**Letter of Map Change (LOMC)** means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of

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special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light Duty Truck** means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- b) Designed primarily for transportation of persons and has a capacity of more than 12 persons, or
- c) Available with special features enabling off-street or off-highway operation and use.

**Lowest Adjacent Grade (LAG)** means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**Lowest Floor** means the 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** means 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.

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map Repository** means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products has the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

**Market Value** means 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** means, 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** means structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

**Non-Conversion Agreement** means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

**Non-Encroachment Area** means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

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**Post-FIRM** means construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map.

**Pre-FIRM** means construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map.

**Principally Above Ground** means that at least 51% of the actual cash value of the structure is above ground.

**Public Safety and/or Nuisance** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational Vehicle (RV)** means a vehicle, which is:

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

**Reference Level** is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

**Regulatory Flood Protection Elevation** means 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 one (1) foot 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.

**Remedy a Violation** means 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.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Salvage Yard** means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

**Solid Waste Disposal Facility** means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

**Solid Waste Disposal Site** means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**Special Flood Hazard Area (SFHA)** means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

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**Start of Construction** includes 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 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.

**Structure** means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**Substantial Damage** means 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 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 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage cumulatively within a 5-year period, regardless of the actual repair work performed. The term does not, however, include either:

- (a) 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; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

**Technical Bulletin and Technical Fact Sheet** means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

**Temperature Controlled** means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

**Variance** is a grant of relief from the requirements of this ordinance.

**Violation** means 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 Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

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**Water Surface Elevation (WSE)** means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Watercourse** means 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.

**Watershed.** The entire land area contributing surface drainage to a specific point or alternatively, the geographic region within which water drains to a particular river, stream, or body of water.