

---

# ARTICLE 9 DEFINITIONS

---

---

## 9.1 WORD INTERPRETATION

---

For the purpose of this Ordinance, certain words shall be interpreted as follows:

1. Words in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
2. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
3. The word "structure" shall include the word "building."
4. The word "lot" shall include the words, "plot," "parcel," or "tract."
5. The word "shall" is always mandatory and not merely directory.
6. The word "will" is always mandatory and not merely directory.
7. The word "may" or "should" is suggestive and not mandatory.

**THIS PAGE LEFT INTENTIONALLY BLANK**

---

## 9.2 DEFINITIONS

---

**Academic School:** A school approved by the North Carolina Department of Public Instruction for academic purposes.

**Access Easement:** A recorded nonexclusive easement which grants public right-of way for ingress and egress over, upon and across land not exceeding ten acres in size for the purpose of gaining access to a public street to serve no more than three single family dwellings or manufactured home lots.

**Access Point:** A point of ingress, egress or both, which may be a private driveway or a public or private street.

**Accessory Apartment:** A small residential unit located inside its associated principal residential unit and provides sufficient facilities for independent living, including cooking, sleeping, and personal sanitation.

**Accessory Dwelling:** A small, detached residential unit located on the same lot as its associated principal residential unit and provides sufficient facilities for independent living, including cooking, sleeping, and personal sanitation.

**Accessory Structure/Building:** A subordinate building or structure located on the same lot as, and detached from, the principal building, the use of which is an accessory use to that of the principal building.

**Accessory Use:** A structure or use that meets all of the following:

1. It is clearly incidental to and customarily found in connection with a principal building or use;
2. It is subordinate to and serves a principal building or use;
3. It is subordinate in area, extent or purpose to the principal building or use;
4. It contributes to the comfort, convenience or needs of occupants, business or industry in the principal building or use; and
5. It is located on the same lot as the principal building or use.
6. It is permitted within the zoning district.

**Administrator:** The Director of Planning and Community Development, or his/her designee.

**Administrative Decision:** Per G.S. 160D-102, Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in the Unified Development Ordinance.

**Administrative Hearing:** Per G.S. 160D-102, A proceeding to gather facts needed to make an administrative decision.

**Adult Bookstore:** A bookstore (1) that receives a majority of its gross income during any calendar month from the sale of printed and/or video materials/publications (including but not limited to videocassettes, DVD's, books, and magazines) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Section; or (2) having as a preponderance of its of printed and/or video materials/publications that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Section.

**Adult Establishment:** An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, lingerie modeling business, or massage business as defined in this Section.

**Adult Live Entertainment Business:** Any establishment or business wherein adult live entertainment is shown for observation by patrons; or any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this Section.

**Adult Motion Picture Theater:** An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or described anatomical areas, as defined in this Section, for observation by patrons therein. Adult motion picture theater does not include any adult mini-motion picture theater as defined in this Section.

**Adult Mini-Motion Picture Theater:** An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this Section, for observation by patrons therein.

**Agricultural Use:** Property used to raise, harvest or store crops, feed, breed, or manage livestock, or to produce plants, trees, fowl, or animals useful to man. It includes, but is not limited to, property used for grazing, horticulture, forestry, dairying, and mariculture. For the purpose of Section 5.8 (Watershed Protection) agricultural use means the use of waters for stock watering, irrigation and other farm purposes. For the purpose of Section 5.9 and 5.10, agriculture land use is separate from residential land use, does not include forestry or fishing activities, and is divided as follows: agriculture (except livestock), livestock farming and breeding, animal breeding, and agriculture related activities (e.g., agricultural processing, animal husbandry services, and horticultural services).

**Alley:** A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

**Antenna:** Equipment designed to transmit or receive electronic signals.

**Approval Authority:** The Administrator, City Council, Board of Adjustment, or other Board or official designated by ordinance or this Ordinance as being authorized to grant specific zoning, subdivision, land use or development permits, or other approvals.

**Arterial Street:** Streets designed to carry volumes of intra-area and local vehicular traffic with access controls and medians where feasible.

**Attention Attracting Device:** Any device or object visible from any public right of way, which is primarily designed to attract the attention of the passing public to a business, institution, sign or activity through such means including, but not limited to, illumination, movement, color, size or location.

**Awning:** Any non-rigid material, such as fabric or flexible plastic, that extends from the exterior wall of a building and is supported by or attached to a frame.

**Awning Sign:** A sign located on an awning.

**Banner:** A sign or outdoor advertising display having the character, letters, illustrations, symbols, colors or visual representations applied to cloth, paper, vinyl, fabric, plastic or similar material with or without a frame. National flags and state or municipal flags shall not be considered banners. Flags with corporate logos shall be considered banners. One standard sized official corporate flag of an institutional or business flown on a flagpole shall not be considered a banner.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**Bars, Clubs, Taverns etc:** Commercial establishments open to the general public either without charge or upon payment of a cover charge or membership fee, licensed to sell alcoholic beverages, or holding a brown bag permit, offering entertainment involving the use of pre-recorded or live amplified sound, provided by paid employees, paid private contractors, unpaid entertainers or customers.

**Bed and Breakfast:** A private home offering bed and breakfast accommodations to eight (8) or fewer persons per night for a period not to exceed one (1) week.

**Best Management Practices (BMP):** A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters to achieve water quality protection goals.

**Boardinghouse/Roominghouse:** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming/boarding house is distinguished from tourist accommodations by its occupation by longer-term residents (at least month to month tenants) as opposed to overnight or weekly guests.

**Bona Fide Farm:** A tract of land greater than 10 acres used primarily for agricultural purposes and having a farm land use exemption from the Wayne County Tax Department. Additionally, any tract of land on which agricultural activities are clearly a primary activity may also be considered as a bona fide farm upon determination by the Administrator.

**Branch Collar:** A “shoulder” or bulge formed at the base of a branch by the annual production of overlapping layers of branch and stem tissue.

**Buffer:** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the

normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**Buffer Yard:** A landscaped area that provides a transition between uses that may differ in development intensity and/or density. These landscaped planting yards are intended to insure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts or uses.

**Building:** Subject to the restriction of G.S. § 160D-706(b), any structure used or intended for supporting or sheltering any use or occupancy.

**Buildable Area:** The portion of the lot remaining after the required setbacks have been provided and lot coverage limits have been met.

**Building Front or Frontage:** The linear length of a building facing a street right of way or, in the case of a PUD or shopping center, a legal private access road.

**Building Height:** Building height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof.

**Built Upon Area:** That portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (such as tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool or storm water control facility are considered pervious.)

**Caliper:** A measurement of the diameter of a tree trunk taken six inches above the ground for up to and including the four inch size and taken twelve inches above the ground for larger sizes.

**Cambium Layer:** Also known as vascular cambium. It is the tree cell generator, layer of cells between the inner bark and wood.

**Campaign Sign:** A sign expressing support for a candidate for public office or another position regarding a public figure or issue, but bearing no commercial message.

**Canopy:** A roof structure constructed of rigid materials including, but not limited to, metal, wood, plastic, glass or masonry, which is attached to and supported by a building, or which is freestanding and supported by columns, poles or braces extended to the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.

**Canopy Sign:** Any sign that is part of or attached to a structural protective cover or canopy over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

**Car wash – Full Service:** A facility providing vehicle cleaning where the entire cleaning operation is done for the customer, such as vacuuming, waxing, detailing and general washing. This is separate from automatic and self-service car washes.

Changeable Copy Sign: Any sign that is designed so that letters or numbers attached to the sign may be periodically changed to indicate a different message.

Child Day Care Facility: Includes child care centers, family child care homes and any other childcare arrangement not excluded by GS 110-86(2) that provides child care, regardless of the time of day, wherever operated and whether or not operated for a profit.

1. **Child Care Center:** An arrangement where, at any one time, there are three or more preschool aged children or nine or more school-aged children receiving child care.
2. **Family Child Care Home:** A childcare arrangement located in a residence where, at any one time, more than two children, but less than nine children receive child care.

Cluster Development: Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed-use development are considered as cluster development.

Collector Street: A street designed to carry medium volumes of vehicular traffic, provide access to the major street system and collect the vehicular traffic from the intersecting minor streets.

Commercial/Advertising message: Any sign, wording, logo or other representation, except for the actual name of the business, that, directly or indirectly names, advertises or calls attention to a business, product, service, attraction or other commercial activity.

Concept Plan: A plan associated with a conditional zoning district depicting the location of uses in the district.

Conditional Zoning: Per G.S. 160D-102, A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Construction sign: Any sign bearing the names of contractors, architects, engineers, developers and the like or advertising, promotions, price ranges and similar information that is placed at a construction site that has received developmental approval.

Convenience Food Stores: Retail stores with not more than 3,000 square feet of gross floor area, primarily engaged in the sale of packaged foods and beverages, but not fresh fruits and vegetables, or fresh meat, fish and poultry. This may also include accessory uses like gas and/or car wash facilities.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines

may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**Critical Root Zone (CRZ):** A circular area measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of a tree's diameter measured at breast height.

**Cul-De-Sac:** A street permanently terminated by a turnaround.

**Customary Home Occupation:** See Home Occupation.

**Deciduous:** Plants that lose their leaves annually.

**Decision-making Board:** Per G.S. 160D-102, A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. 160D.

**Determination:** Per G.S. 160D-102, A written, final and binding order, requirement, or determination regarding an administrative decision.

**Developer:** Per G.S. 160D-102, A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development:** Per G.S. 160D-102, (a) The construction, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. (b) Excavation, grading, filling, clearing, or alteration of land. (c) The subdivision of land as defined in G.S. 160D-802. Or (d) The initiation or substantial change in the use of land or the intensity of use of land.

**Development Approval:** Per G.S. 160D-102, An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development Regulation:** Per G.S. 160D-102, A unified development ordinance, zoning regulation, subdivision regulation, erosion and sediment control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D or a local act or charter that regulates land use or development.

**Directional Pruning:** Pruning a one-year-old shoot back to a bud or cutting an older branch back to a lateral branch to redirect new growth, often called heading or heading back.

**Directory Sign:** A freestanding or wall-mounted sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.

**Display Area:** Inside areas where specific users display merchandise, such as retail uses.

**Drip Line:** An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**Drive-in Restaurant:** Any place or premises used for sale, dispensing or serving of food, refreshments, and beverages in automobiles including those establishments where customers may serve themselves and are encouraged or allowed to eat or drink the food, refreshment or beverages on the premises in areas other than the restaurant seating area.

**Drop Crotch Pruning:** A pruning technique that reduces the height of a tree by thinning the terminal end of a branch to a large lateral branch.

**Duplex – See Dwelling, Two-Family.**

**Dwelling:** Subject to the restriction of G.S. § 160D-706(b), 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, except for purposes of G.S. 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**Dwelling Unit:** Subject to the restriction of G.S. § 160D-706(b), a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Dwelling – Single Family:** A detached single dwelling unit on its own lot, other than a manufactured home, designed for, used or held ready for permanent use by one family only.

**Dwelling – Two Family:** A residential building containing two dwelling units designed for, used or held ready for permanent use by no more than two families, such as duplexes.

**Dwelling – Multi-Family:** A residential building containing three or more dwelling units, designed for, used or held ready for three or more families, such as apartments, townhomes, and condominiums. A multi-family dwelling with only two dwelling units is classified as a duplex.

**Environmental Management Commission:** The North Carolina Environmental Management Commission.

**Evergreen:** Those plants that retain their foliage throughout the year.

**Evidentiary Hearing:** Per G.S. 160D-102, a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

1. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
2. having an outstanding valid building permit as authorized by the General Statutes (GS 160D-102); or
3. having an approved site specific or phased development plan as authorized by the General Statutes (GS 160D-102).

Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Family: One or more persons related by blood, marriage or adoption occupying a single dwelling unit; or a group of not more than three (3) persons, one or more of whom is not related by blood, marriage, or adoption to the others. Domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families.

Farmers' Market: A retail establishment primarily engaged in the sale of fresh fruits, vegetables and similar perishable goods. This definition does not include "roadside stands" as defined in Section 154.136.

Filling Station, Gas Station, or Service Station: Buildings and premises where gasoline, oil, grease, batteries and tires and automobile accessories shall be supplied and dispensed and retailed and where in addition, the following services may be rendered and sales made and no other:

- 1) Sale and servicing of spark plugs, batteries and distributors and distributor parts;
- 2) Tire servicing and repairs but not recapping or regrooving;
- 3) The replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- 4) Radiator cleaning and flushing;
- 5) Washing and polishing and sale of automotive washing and polishing materials;
- 6) Greasing and lubrication;
- 7) Providing and repairing fuel pumps, oil pumps and lines;

- 8) Minor servicing and repair of carburetors;
- 9) Emergency wiring repairs;
- 10) Adjusting and repairing brakes;
- 11) Minor motor adjustments, not involving removal of the head or crankcase or racing the motor;
- 12) Sales of cold drinks, packaged foods, tobacco and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- 13) Provision of road maps and other informational materials to customers; provision of restroom facilities;
- 14) Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other characteristics to an extent greater than normally found in filling stations. A Filling Station or Service Station is not a repair garage, nor a body shop.

**Flea Market:** Buildings or open area in which booths or sales areas are provided for rent by various unrelated individuals to sell a variety of merchandise. This does not include yard sales, rummage sales or farmer's markets.

**Food Stores:** Retail stores also known as supermarkets, grocery stores, and delicatessen stores, primarily engaged in the sale of all sorts of canned foods and dry goods, either packaged or in bulk, fresh fruits and vegetables, and frequently fresh, smoked or prepared meats, fish and poultry.

**Footcandle:** A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

**Fraternities, Sororities, Lodges, Social, Civic and other Organizations:** Organizations whose premises are restricted to its members and their guests whose purpose is to serve some benevolent function and whose membership is contingent upon mutual interests not common to the general public.

**Full Cutoff Fixture:** An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

**Gasoline Pump Signs:** Signs attached to gasoline pumps and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as fuel type, price and self-service instructions.

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

Glare, Disabling: Light that presents a hazard to drivers or pedestrians by impairing their ability to safely traverse.

Glare, Nuisance: Light that projects or reflects objectionable light onto a neighboring use or property.

Governing Board: Per G.S. 160D-102, the City Council.

Grocery Store: See Food Store.

Ground Cover: A prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as alternatives to grass.

Ground-mounted Sign: A freestanding sign with its base mounted directly on the ground.

Group Housing Development: A group housing development shall consist of two or more dwelling structures on a single property, each structure consisting of two or more units.

Hazardous Material: Any substance listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et. seq.), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et. seq.) or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et. seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health and Natural Resources, Division of Environmental Management, 512 North Salisbury Street, Raleigh, North Carolina. Copies of SARA and CERCLA may be obtained as a single package from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402-9325.

Home Occupation: An occupation or business activity that is an accessory use which results in a product or service and is conducted in whole or in part in the main or principal residential dwelling unit or accessory building as hereinafter set forth. A Home Occupation shall be clearly subordinate, incidental and secondary to the principal use of the dwelling as a residential unit. A home occupation may be classified as major or minor.

Identification Sign: A sign bearing the address of the premises or the name of the occupant, but containing no commercial message.

IESNA: The Illuminating Engineering Society of North America.

Illicit Connection: Any connection which allows the unlawful discharge of non-stormwater to the stormwater conveyance system or waters of the State in violation of Section 6.6 Illegal Discharge Control.

Illicit Discharge: Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the waters of the State, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the State.

Illuminated Sign: A sign that is lit by electrical devices or other artificial devices.

**Impervious Surface:** Surfaces that do not absorb water. They consist of all buildings, paved parking areas, driveways, roads, sidewalks and any areas of concrete, asphalt, or gravel.

**Impervious Surface Intensity (ISI):** A measure of the intensity of a proposed development based on its Impervious Surface Ratio.

**Impervious Surface Ratio (ISR):** A measure of the land use intensity determined by dividing the total area of all impervious surfaces on the lot by the area of the total lot.

**Incidental sign:** A sign, generally informational or directional, that has a purpose secondary to the use of the site on which it is located, such as “no parking,” “entrance,” “loading zone,” “telephone,” or similar information. No sign with a commercial message shall be considered incidental.

**Industrial Development:** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

**Internet Café/Sweepstakes Facilities – Electronic Gaming Operations:** A business enterprise, whether principal or accessory, where persons utilize electronic machines including, but not limited to, computers and gaming terminals to conduct games of odds or chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Café/Sweepstakes facilities or electronic gaming operations do not include any lottery approved by the State of North Carolina but will include any business that uses similar games or promotions for more than one hundred eighty (180) days out of a calendar year. (Ordinance 2017-23)

**Junk yard:** Use of land or buildings or other structures for indoor and outdoor storage, collection, demolition, dismantling, processing, abandonment, sale, or resale of junk including scrap metal, rags, paper, other scrap materials, used lumber, used building materials, salvaged house wrecking, salvaged structural steel, salvaged materials, salvaged equipment, automobiles, and boats or other vehicles or machinery or parts thereof. This definition shall also include automobile graveyards.

**Lamp:** The component of a luminaire that produces light, commonly referred to as a bulb.

**Landfill:** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

**Landowner or Owner:** Per G.S. 160D-102, the holder of the title in fee simple.

**Legislative Decision:** Per G.S. 160D-102, the adoption, amendment, or repeal of a regulation, under G.S. 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. 160D Article 10.

**Legislative Hearing:** Per G.S. 160D-102, a hearing to solicit public comment on a proposed legislative decision.

Loading Space – Off-street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Local Residential Street: A street which provides vehicular access to the abutting properties.

Logo: The graphic or pictorial representation of a message, including, but not limited to the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters or numbers.

Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such setbacks and other open spaces as are herein required. Such lots shall have frontage on an improved public street and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record; or
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Frontage: The distance along which the front boundary of the lot and the street lines or right-of-way lines are coincident. On a corner lot the principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such streets. Such principal frontage shall be considered the front yard for setback purposes.

Lot Measurements:

1. *Depth.* Depth of a lot shall be the average horizontal distance between the front and rear property lines of a lot as determined by the center line measurement.
2. *Width.* Width of a lot shall be the horizontal distance between the side property lines of a lot measured at the rear line of the required front setback.

Lot of Record: A lot, which is a part of a subdivision, a plat of which has been recorded in the Office of the County Registrar of Deeds or a lot described by metes and bounds, the description of which has been so recorded.

Lot Types: A Corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior

angle of less than 135 degrees. An Interior lot is defined as a lot other than a corner lot with only one frontage on a street. A Through lot is defined as a lot other than a corner lot with a frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots. A Reversed-frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, and interior lot, or a through lot.

Lumen: A quantitative unit measuring the amount of light emitted by a lamp.

Luminaire: A complete lighting unit including a lamp, components designed to direct light, to position and protect the lamp and to connect the lamp to a power supply. Commonly called a light fixture.

Major Home Occupation: A business or occupation conducted from the primary residence of the business owner or principal person or persons providing the service or conducting the business. A home occupation must meet the requirements of Section 5.5.4 (Special and Conditional Use Specific Regulations) for Home Occupations.

Major Street: A major street facility is designed for high traffic volumes, serving long intra-city and through traffic movements and features such controls as control of access, grade separation and interchanges, barriers, medians and frontage roads.

Major Variance: A variance from the minimum statewide watershed protection rules that results in one or more of the following:

1. the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low-density option;
2. the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high-density option; and/or
3. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Manufactured Home: A structure, which meets all of the following:

1. Is transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length or, when erected on site, is 320 square feet or more of enclosed and heated area;
2. Is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems contained therein; and
3. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

**Marginal Access Street:** A minor street which parallels and is adjacent to a major street or highway; and which provides access to abutting properties and protection from through traffic.

**Marquee:** A roof like structure that cantilevers from the wall of a building over its principal entrance that has no vertical supports other than the wall from which it cantilevers and that provides a vertical signage area at least four feet high.

**Marquee Sign:** A sign attached to or mounted on a marquee.

**Massage:** The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

**Massage Business:** Any establishment or business wherein massage is practiced including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors. Massage Therapy offices shall be excluded from these provisions provided the applicant is a licensed therapist by the State of North Carolina or a member of the American Massage Therapy Association.

**Menu Board:** An accessory sign providing items and prices associated with a drive-thru window.

**Microbrewery:** An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. Microbreweries may also include beverage tasting facilities and entertainment on premise with approved ABC permits. (Ordinance 2019-46)

**Minor Home Occupation:** A home occupation that meets the approval criteria of Section 5.5.4 (Special and Conditional Use Specific Regulations) for Minor Home Occupations.

**Minor Variance:** A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent, of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

**Modular Home:** A dwelling unit constructed in accordance with North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent, completely enclosed foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. For purposes of this Ordinance, a modular home built to the standards of the North Carolina State Building Code is permitted by right in the same zones in this Ordinance and are considered the same permitted uses by right as single-family, two-family and multi-family dwelling units.

Monument Sign: A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall or similar structure. Supporting elements may not exceed twenty-four inches in height, and are included when calculating sign height.

Municipal Separate Storm Sewer System (MS<sup>4</sup>): A stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural and man-made channels, or storm drains), that:

1. Is located within the jurisdictional limits of the City; and
2. Is owned or operated by the State, County, the City, or other public body;  
and
3. Discharges to waters of the State, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the State.

National Pollutant Discharge Elimination System: A permitting system established pursuant to §402 of the Clean Water Act et seq.

Federal law reference: National Pollutant Discharge Elimination System Permits, 33 USC §1342

New development: New principal buildings or open uses of land constructed, reconstructed or established after the effective date of this Ordinance.

New Development or Land Disturbance: For the purposes of Section 6.5, Stormwater Management for New Development, new development or land disturbance shall be defined to include the following:

1. Any activity that disturbs greater than one acre of land in order to establish, expand or modify a single-family or duplex residential development or a recreational facility;
2. Any activity that disturbs greater than one-half acre of land in order to establish, expand or modify a multi-family residential development or a commercial, industrial or institutional facility; and
3. Any grubbing, stump removal and/or grading activity.

Nonconforming Features: A physical feature or characteristic of a use, building, structure, site or other development of land that was lawful prior to the adoption, revision or amendment to this Ordinance but fails by reason of such adoption to conform to the present requirements of this Ordinance. Nonconforming features include, but are not limited to, physical features or characteristics that exceed maximum allowable standards (such as lot coverage, height, lighting levels etc.) and those that lack or fall short of required minimum standards (such as lot area, lot width, setbacks, setbacks, buffering, landscaping, open space, sight distance, parking and loading etc.)

**Nonconforming Lot of Record:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance (including watershed protection regulations) but that fails due to such adoption, revision or amendment to conform to the present requirements of this Ordinance or statewide watershed protection rules.

**Nonconforming Signs:** A sign, the size, type, location, illumination or other characteristics of which was lawful prior to the adoption, revision or amendment to this Ordinance but fails by reason of such adoption to conform to the present requirements of this Ordinance.

**Nonconforming Situation:** A situation that was lawful prior to the adoption, revision or amendment of this Ordinance, but due to such adoption, revision or amendment does not conform to the present requirements of this Ordinance.

**Nonconforming Structure:** A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance but fails by reason of such adoption, revision or amendment to conform to the present requirements of this Ordinance.

**Nonconforming Use:** A use or activity that was lawful prior to the adoption of this Ordinance but that fails due to such adoption, revision or amendment to conform to the present requirements of this Ordinance.

**Non-residential Development:** All development other than residential development, agriculture and silviculture.

**Off Premise Sign:** A sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, entertainment or residential area 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. However, this definition shall not include outdoor advertising or "Billboard" signs.

**Official Sign:** Any sign, symbol or device erected and maintained by any government agency or body for the purpose of guiding or informing the public.

**Outdoor Advertising Structure ("Billboard"):** A permanently installed sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, 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.

**Outdoor Display of Goods:** The display and sale of products outside of a building or structure including garden supplies, clothing, toys, play equipment, agricultural products, building and landscape materials, food and beverages for periods not exceeding twenty-four (24) hours.

**Outdoor Lighting Fixtures:** Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. This shall not include

the display of vehicles for sale in a new or used auto sales lot, manufactured home sales, landscaping materials, and products stored within five (5) feet of a building.

**Overhead Banner:** Any banner erected and maintained by a federal, state, county or municipal government or any such governmental agency, within any street right-of-way for the purpose of informing or guiding the public.

**Parapet Sign:** A sign that extends the entire wall length to form the parapet.

**Parking Space:** A space which is designed for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way.

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

**Pharmacy (including incidental retail sales):** A store or shop involving the preparation and sale of prescription and nonprescription drugs or compounds for medical purposes, and appliances and equipment for the treatment of illness which are prescribed by a licensed physician. In addition, retail sales accessory and incidental to the permitted nonresidential principal use including sales of goods distributed at wholesale, repair and/or replacement parts, products and/or goods resulting from, utilized in and related to commercial, medical and professional or personal services shall also be permitted.

**Planned Unit Development:** An optional zoning process whereby relatively large tracts of land are planned in a comprehensive and coordinated fashion. Planned unit developments allow variation from the strict terms of the Ordinance to promote efficient, environmentally sensitive, mixed-use developments that could not otherwise be achieved through other zoning districts.

**Planting Area:** The landscape area prepared for the purpose of accommodating the planting of trees shrubs and ground covers, eighty five percent free of impervious surfaces.

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

**Political sign:** A sign attracting attention to a political candidate or issues.

**Pollutant:** Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Pollution:** Man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

**Portable/Mobile Sign:** Any sign not permanently attached to the ground or other structure or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels or on portable structures such as trailers, tent signs, A frames, T frames and normal

advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

Projecting sign: A sign erected upon or attached to a building wall with the sign face perpendicular to the building wall. No portion of such a sign shall project more than two feet into a public right-of-way, nor shall any portion of such a sign extend above the roof line of the building on which it is installed.

Protected Area: The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Protected Street Yard: The area of a lot immediately adjacent to a recorded street public or private right of way, measured perpendicularly from the lot line/right of way to a distance of eight feet.

Pruning: The act of removing or cutting back parts of a tree or shrub.

Quasi-judicial Decision: Per G.S. 160D-102, a decision involving the findings of fact regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Real Estate Sign: A sign advertising real property for sale or lease.

Residential Development: Buildings for residence such as single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and the like, and their associated accessory structures such as garages, storage buildings, gazebos, etc. and home occupations.

Residential Yard: The landscaped area around a residential structure including a planting strip in front of the structure and abutting the street that consists of at least one large tree per forty feet of frontage. In addition, the yard requires one large tree be plant in both the front and rear setbacks. These landscaped planting yards are intended to insure that a natural area of appropriate size and density of plantings defines and separates residential uses from travel lanes and provides shade in both the rear and front of the structure.

Residuals: Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Roof Sign: Any sign attached to or erected upon the roof or above any portion of the roof of a building or structure.

Rooming house: See Boardinghouse.

Rummage Sales: A sale by a nonprofit organization where individual members bring personal property to be sold to raise funds for the organization.

Rural Access Streets: Rural access streets provide access to low density residential subdivisions in R-20, RM-9 and RMSF-9 residential districts with lots containing 20,000 sq. ft. or more and with a minimum lot width of 120 ft. measured at the required setback line.

Satellite Dish/Antenna: A device used to receive communications or other signals from a transmitter relay located in planetary orbit.

Screening: Depending on the size and nature of the area to be screened, a combination of fencing, walls or evergreen shrubs/trees installed between or around the area to be screened and the public's view that together will form a complete visual barrier with three years.

Semi-Cutoff Fixture: An outdoor light fixture that conforms to the standard published by the IESNA for semi-cutoff fixtures. Such fixtures are shielded or constructed in such a manner that they emit no more than five percent of their light above the horizontal plan of the fixture and no more than twenty percent of their light ten degrees below the horizontal plan of the fixture.

Service Station: See Filling Station.

Setback: That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure cannot be erected or placed. The area within the setback is required open space which shall not be occupied or obstructed by a structure or portion thereof with the exception of fences, walls, walkways, driveways, parking lots and other features which are expressly permitted by this Ordinance.

Setback, Front: A setback extending across the front of a lot that is bounded by the front property line, the two side property lines and a line extending along the front of the foremost structure permitted on the lot. Depth of the required front setbacks shall be measured along a line drawn perpendicular to the front property or right of way line.

Setback, Rear: A setback extending across the rear of the lot between inner side setback lines and the rear property line. Depth of required rear setbacks shall be measured along a line drawn perpendicular to the rear property line.

Setback, Side: A setback extending from the rear line of the required front setback to the rear property line and being parallel to the side lot lines. The width of required side setbacks shall be measured along a line drawn perpendicular to the side lot line on the side of the lot in question.

Sexually Oriented Business: Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified in GS 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment or Adult Entertainment business as defined in this Section.

Sexually Oriented Devices: Without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Shielded: Shielded fixtures are such that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running from the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that allows no direct or internally reflected light to shine above the light fixture.

Shrub, Large: A plant used for ornamental or screening that is expected to grow to at least six feet in height at maturity. At planting, a large shrub shall be a minimum of thirty-six inches in height.

Shrub, Medium: A plant used for ornamental or screening purposes that is expected to be three to six feet in height at maturity. At planting, a medium shrub shall be a minimum of eighteen inches in height.

Shrub, Small: A plant used for ornamental or screening purposes that is expected to be less than three feet in height at maturity. At planting, a small shrub shall be a minimum of twelve inches in height.

Sight Triangle: On City maintained streets, the triangular area formed by the right-of-way lines and a straight line drawn from a point 25 feet from the intersectional corner on one curb line to a point 25 feet from the intersectional corner on the other curb line, sides of triangle to be 25 feet by 25 feet by 35-5/10 feet.

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

**Single Family Residential:** Any development where:

1. no building contains more than one dwelling unit (except as may include an accessory dwelling unit);
2. every dwelling unit is on a separate lot; and
3. where no lot contains more than one dwelling unit (except when permitted with an accessory dwelling unit).

Site Plan: Per G.S. 160D-102, a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include but is not limited to, site-specific details such as building areas, building height, and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of

standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

**Special Use Permit:** Per G.S. 160D-102, a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”

**Special Population Housing Residence:** A dwelling unit in which unrelated persons may reside who are battered individuals, abused children, pregnant teenagers, runaway children, temporarily or permanently disabled, mentally, emotionally, or physically, individuals recovering from drug or alcohol abuse and all other persons who possess a disability which is protected by the provisions of either the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 or GS 168-20 through 168-23, as they may be amended, along with family members and support and supervisory personnel. A special population housing residence that accommodates six or less unrelated persons or more than six unrelated persons shall not be located within one-quarter mile (1,320 feet) of an existing special population housing residence as measured from property line to property line.

**Specified Anatomical Areas:** Less than completely and opaquely covered (1) human genitals or pubic region; (2) buttock, or (3) female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities -** Human genitals in a state of sexual stimulation, or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**Spinner:** A wind activated, propeller-type device, which may or may not be attached to advertising copy.

**Stormwater:** Any flow resulting from, and occurring during or following, any form of natural precipitation.

**Stormwater Conveyance or stormwater Conveyance System:** Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made and natural channels, pipes, culverts, and storm drains, and any other natural or man-made feature or structure designed or used for collecting or conveying stormwater.

**Streamer:** A string or strip of miniature or full-size pennants or flags, which may or may not be suspended between two points.

**Street (Road):** A public right-of-way for vehicular traffic, which affords the principal means of access to abutting properties.

**Street Line:** The right-of-way of a street.

**Street Yard:** The landscaped area from the property line to a maximum distance of twenty-five feet from the property line abutting public and private rights of way, consisting of

planting strips, sidewalks, street trees and/or parking area screening. These landscaped planting yards are intended to insure that a natural area of appropriate size and density of plantings defines and separates travel lanes from pedestrian areas and building fronts.

Street Yard Tree: A large tree planted in an area of land adjacent to a public or private street.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, signs, poster panels, broadcast towers, satellite dish antennas and paved parking lots.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: Per G.S. 160D-102, the division of land for the purpose of sale or development as specified in G.S. 160D-802.

Subdivision Identification Sign: A sign that gives the name of a residential or non-residential subdivision, planned unit development or multifamily development.

Temporary Sign: A banner, pennant, poster or advertising display constructed of cloth, plastic, canvass, cardboard, wall board or other material intended to be displayed for a limited period of time.

Travel Trailer: A structure that is:

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

**Townhouse, Townhome, or Townhouse/Townhome Development: A form of single-family attached dwelling in which three or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are on small individual parcels of land, fronting on a street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. A townhome with only two units is classified as a duplex.**

Toxic Substance or Material: Any substance or combination of substances (including disease-causing agents), which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring, or other adverse health effects.

Tree, large: A tree growing to over forty feet in height and having a crown diameter of over forty feet at maturity, planted primarily to provide shade and canopy cover. Sometimes also known as a Canopy or Overstory Tree

Tree, small: A tree growing to less than forty feet in height and having a crown diameter of less than forty feet at maturity, planted primarily for aesthetic purposes and screening. Sometimes also known as an Understory Tree.

Tree topping: The removal or cutting back of major portions of a tree crown by cutting branches to stubs and/or the trunk. Topping is also referred to as heading, stubbing or dehorning.

Unit Ownership/Condominium: A project of two or more units in one or more buildings designed and constructed for unit-ownership as permitted by the North Carolina Unit-Ownership Act and developed according to the requirements of this Ordinance.

Variance: A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. For the purposes of Section 5.8 (Watershed Protection) Variance means a permission to develop or use property granted by the Watershed review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance (see Major Variance and Minor Variance).

Vehicular Surface Area (VSA): The area of the lot that accommodates vehicles, such as parking spaces, interior drive access areas, and loading areas.

Vehicular Surface Buffer: A five-foot vegetative buffer of medium-size, evergreen shrubs intended to shield the view of impervious surfaces and act as a natural drain for stormwater runoff. The buffer is required when a parking or vehicular surface is within fifteen (15) feet of a road right-of-way.

Vested Right: Per G.S. 160D-102, the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

Wall Sign: Any sign attached to or erected against the wall of building or other structure or which is an integral part of the building or structure.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boathouses, boat ramps, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Water Supply Protection Permit: A permit that is required within a Water Supply Protection District to document new development and uses of property and insure compliance with the Watershed Protection Overlay District.

Waters of the State: Surface waters within or flowing through the boundaries of the State including the following: any intermittent or perennial stream, river, creek, brook, swamp,

lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United States Department of the Interior Geological Survey 7.5 minute series topographic maps. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the State and which are not the result of impoundment of waters of the State, are not waters of the State.

**Watershed:** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

**Watershed Administrator:** The Director of Planning and Community Development of the City of Goldsboro shall be designated responsible for administration and enforcement of the Watershed Protection requirements set forth in Section 2.13 of this Ordinance.

**Watershed Buffer Area:** A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the bank of each side of streams, rivers and other water bodies (including lakes, ponds, etc).

**Watershed Review Board:** The Board of Adjustment of the City of Goldsboro.

**Window Sign:** A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information that can be read off premises.

**Yard Sales:** An occasional sale (no more than two in a 12-month period) held for disposing of personal property. The term yard sales shall include attic sales, garage sales and patio sales.

**Zoning Enforcement Officer:** The Planning Director or his designee shall administer and enforce this chapter.

**Zoning Map Amendment or Rezoning:** Per G.S. 160D-102, an amendment to a zoning regulation to change the zoning district that is applied to a specific property or properties. It does not include the initial adoption of a zoning map or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or conditional zoning district.

**Zoning Regulation:** Per G.S. 160D-102, a zoning regulation adopted pursuant to G.S. 160D Article 7.