ARTICLE II - Basic Definition and Interpretations

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

§18 Definitions
(a) Abandonment. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

(b) Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

(c) Accessory Structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

(d) Accessory Use. A use incidental to, and on the same lot as, a principal use.

(e) Alley. A public or private way permanently reserved as a secondary means of access to abutting property.

(f) Alteration. Any change, addition, or modification in construction or occupancy of an existing structure.

(g) Applicant. See “Developer”.

(h) Arbor. A garden feature forming a shaded walkway, passageway or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

(i) Aviation Lighted Beacon.
   (1) Lighted beacons are used to locate and identify civil airports, military airports, seaplane bases, and heliports.
   (2) Beacons must appear, at any point throughout 360 degrees in azimuth, as a light source emitting flashes of white and/or colored light at specified rates, colors, and intensities per the latest version of the FAA Advisory Circular 150/5345-12.
   (3) In order to minimize impact to airspace (Part 77 Transitional Surface, in most cases), it is desirable from a safety standpoint to site beacons as far away from the runway as is practical.

(j) Building.
   (1) A structure designed to be used as a place of occupancy, storage or shelter.
   (2) Any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building.
   (3) Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property.
   (4) The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure shall be deemed to make them one building.
   (5) See “Structure”

(k) Building, Principal. The primary building on a lot or a building that houses a principal use.

(l) Building Line. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

(m) Built Upon Area.
(1) For purposes of implementing stormwater programs:
   i. "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil.
   ii. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour) and in accordance with the provisions of G.S. 143-214.7(b2) (S.L. 2015-149)

(2) For purposes of implementing watershed protection ordinance:
   i. Built-upon areas shall include 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 (e.g. tennis courts), etc.
   ii. Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.

(n) **Bus Shelter.** A roofed structure for people to wait under at a bus stop.

(o) **Bus Stop.** A designated place where buses stop for passengers to board or alight from a bus.

(p) **Certify.** Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.

(q) **Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

(r) **Debris.** The worthless remains that result from the destruction or breaking down of anything, including automobiles.

(s) **Deck (building).** An outdoor floor structure open to the weather, attached/detached to a building, extending horizontal, and made of wood or wood like material.

(t) **Development.** All structures and other modifications of the natural landscape above and below ground or water, on a particular site.

(u) **Developer/Applicant.** A person who is responsible for any undertaking that requires a zoning permit, special-use permit, conditional-use permit, or sign permit.

(v) **Development.** That which is to be done pursuant to a zoning permit, special-use permit, conditional-use permit, or sign permit.

(w) **Dimensional Nonconformity.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure of the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
(x) **Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(y) **Dwelling Unit.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

(z) **Easement.** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

(aa) **Eave.**
   
   (1) The edges of a roof which overhang the face of building walls.
   
   (2) Primary function of an eave is to keep rain water off the walls and to prevent the ingress of water at the junction where the roof meets the wall.
   
   (3) Eaves may also protect the pathway around the building from the rain, prevent erosion of the footings, and reduce splatter on the wall from rains as it hits the ground.

(bb) **Expenditure.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

(cc) **Extraterritorial Planning Area.** That portion of the town's planning jurisdiction that lies outside the corporate limits of the town.

(dd) **Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

(ee) **Family.** One (1) or more persons living together as a single housekeeping unit.

(ff) **Fence.** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

(gg) **Floor Area, gross.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet six inches or more; penthouses; attic space, whether or to a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.

(hh) **Frontage.** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

(ii) **Garage, private.** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

(jj) **Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

(kk) **Guardhouse.** A building accommodating a guard who controls entrance to the grounds of a house, housing development, school, or other facility. Also known as a watch house, guard building, guard booth, guard shack, security booth, security building, kiosk.
(ll) **Gutter (rain).** A narrow, shallow trough or duct fixed beneath the edge of a roof for collecting, carrying, and diverting rainwater away from the structure.

(mm) **Habitable Floor.** Any floor useable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

(nn)**Handicapped.** As used herein, the term "handicapped" shall mean having:

1. a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. a record of having such an impairment; or
3. being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

(oo)**Handicap Ramp.** An inclined plane installed in addition to or instead of stairs. Ramps permit wheelchairs users, as well as people pushing strollers, carts, or other wheeled objects, to more easily access a building.

(pp)**Hazardous substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

(qq)**Height.** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than 10 feet from the front lot line or from the grade in all other cases.

(rr)**Homeowners Association.** A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and upkeep of semiprivate community facilities.

(ss)**HUD Label.** The form of certification required by the United States Department of Housing and Urban Development (HUD) to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States to indicate that the manufactured home conforms to all applicable federal construction and safety standards.

(tt)**Industry, heavy.** A use engaged in the basic processing and industrial of materials or products predominately from extracted or raw materials, or use engaged in storage of, or industrial processes using flammable or explosive materials, or storage or industrial processes that potentially involve hazardous or commonly recognized offensive conditions.

(uu)**Industry, light.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

(vv)**Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(ww)**Junked Motor Vehicle.** A vehicle that does not display a current license plate lawfully upon that vehicle and that:

1. Is partially dismantled or wrecked; or
(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

(xx) **Litter.** Rubbish or refuse scattered about any development.

(yy) **Lot.** A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

(zz) **Lot Area.** The total area circumscribed by the boundaries of a lot, except that:
   1. when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and
   2. in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

(aaa) **Lot, corner.** A lot abutting on and at the intersection of two or more streets.

(bbb) **Lot depth.** The average horizontal distance between the front and rear lot lines.

(ccc) **Lot, flag.** Lots or parcels that the town has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

(ddd) **Lot line.** A line dividing one lot from another lot or from a street or alley.

(eee) **Lot substandard.** A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provide that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.

(fff) **Manager.** See “Operator”

(ggg) **Manufactured Home Skirting.** The enclosure of the perimeter of a manufactured home.

(hhh) **Manufactured Home Space.** A plot of land within a manufactured home park rental community designed for the accommodation of a single manufactured home.

(iii) **Manufactured Home Stand.** That portion of the manufactured home space designed for and used as the area occupied by the manufactured home.

(jjj) **Masonry.** The building of structures from individual units, which are often laid in and bound together by mortar; the term masonry can also refer to the units themselves. The common materials of masonry construction are brick, building stone such as marble, granite, travertine, and limestone, cast stone, concrete block, glass block, and adobe. Masonry is generally a highly durable form of construction. However, the materials used, the quality of the mortar and workmanship, and the pattern in which the units are assembled can substantially affect the durability of the overall masonry construction. A person who constructs masonry is called a mason or bricklayer.

(kkk) **Mobile Home Skirting.** The enclosure of the perimeter of a mobile home.

(ill) **Mobile Home Space.** A plot of land within a mobile home park rental community designed for the accommodation of a single mobile home.
(mmm) **Mobile Home Stand.** That portion of the mobile home space designed for and used as the area occupied by the mobile home.

(nn) **Motor Vehicle or Vehicle.** All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle. This term includes but is not limited to: automobiles, motorcycles, scooters, trucks, tractor trailers, dump trucks, farm tractor, utility trailers, boat trailers, and recreational vehicles.

(oo) **Operator/Manager.** The individual that is responsible for the daily operations of a use.

(pp) **Parcel.** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

(qq) **Parking Area Aisles.** A Portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

(rr) **Parking Space.** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

(ss) **Pergola.** A garden feature forming a shaded walkway, passageway or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice. Also give climbing plants a structure on which to grow or woody vines are trained.

(tt) **Person.** An individual, a firm, an association, a partnership, a limited liability company, a corporation, a unit of government, or another group acting as a unit.

(uu) **Principal building.** A building in which the primary use of the lot on which the building is located is conducted.

(vv) **Principle use.** The main use of land or structures, as distinguished from a secondary or accessory use.

(ww) **Residence.** A person’s home. The place where someone lives.

(xx) **Residential.** Designed for people to live in.

(yy) **Road, public.** All public property reserved or dedicated for street traffic.

(zz) **Road, private.** All private ways used to provide motor vehicle access to:
   (1) two or more lots; or
   (2) two or more distinct areas or buildings in unsubdivided developments.

(aaa) **Roof.** The structure forming the upper covering of a building or shelter which provides protection from animals and weather.

(bbb) **Sign.** Any device that:
   (1) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (2) of this definition; and
   (2) is designed to attract the attention of such persons or to communicate information to them.

(ccc) **Stairs.** A construction designed to bridge a large vertical distance by dividing it into smaller vertical distances, called steps.
(ddddd) **Stoop.** A small staircase ending in a platform and leading to the entrance of a house or other building. Also known as a small porch with steps.

(eeee) **Streets.** The roadway or roadways that provide access to vehicles and pedestrians.

(ffff) **Structure.**
   (1) Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.
   (2) A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

(gggg) **Structure, Completely/Fully Enclosed.** A building or structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.

(hhhh) **Structure, Substantially Enclosed.** A structure that has a ceiling or roof but there is an opening or aggregate area of openings in the walls which is less than half of the total area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premise. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be open or shut. A roof includes any fixed or moveable structure or device, such as a retractable canvas awning, capable of covering all or part of the premises. The definition includes temporary structures such as tents and marquees.

(iiii) **Substantial Clearing, Grading, or Excavation.** One (1) contiguous acre or more of land:
   (1) Cleared and/or grubbed of timber, brush, roots, stumps, trees, and/or other vegetation;
   (2) Graded, made level, and/or sloped; and/or
   (3) Excavated, dug out, and/or removed.

(jjjj) **Substantially Opaque.** Seventy-five percent (75%) or more not able to be seen through; Seventy-five percent (75%) or more not transparent.

(yyyy) **Trash.** Any accumulation of waste materials no longer in use, including but not limited to paper, bottles, grass and shrubbery cuttings, leaf raking and the like.

(llll) **Trellis.** An architectural structure usually made from interwoven pieces of wood, bamboo or metal that is often made to support climbing plants.

(mmmm) **Variance.** A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

(nnmm) **Vegetative Buffer.** An area measured from the water’s edge (on each side) at full pond (lake) or normal levels (rivers and streams) that are not to be developed and left in its natural state, except as may be specifically authorized by the UDO and/or the permitting authority.

(oooo) **Vehicle.** See “Motor Vehicle”

(pppp) **Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

(qqqq) **Vehicle Storage.** Trucks, trailers, cars, etc. that:
   (1) are stored on site for more than seven (7) consecutive days;
   (2) are stored in an unorderly fashion;
(3) do not display a current license plate;
(4) are not operable;
(5) cannot be self-propelled or moved in the manner in which it was intended to move;
(6) under repair;
(7) missing parts;
(8) partially dismantled;
(9) junked; and/or
(10) wrecked.

(rrrr) **Water Meter Building.** A building that contains required utility appurtenances such as large water meters, reduced pressure zone (RPZ) devices, sprinkler system RPZ, sprinkler system fire department connection (FDC), and double check valve assembly. The building may have lights and heat.

(ssss) **Wooded Area.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

(tttt) **Yard.** An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front yard, side yards, and rear yards.

(uuuu) **Yard, Front.** The yard between the front façade of the principal structure(s) on a lot and the front lot line, and extending the full width of the lot.

(vvvv) **Yard, Rear.** The yard between the rear façade of the principal structure(s) on a lot and the rear lot line, and extending the full width of the lot.

(wwww) **Yard, Side.** The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line, and extending between the front yard and rear yard of the lot.


§19 through §22 Reserved