

**SANFORD-BROADWAY-LEE COUNTY
UNIFIED DEVELOPMENT ORDINANCE**

APPENDIX A. DEFINITIONS

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A-1 TERMS DEFINED.

Words contained in this Appendix A are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this Appendix A shall be defined by reference to: (1) Chapter 2 of the State Building Code (Standard Building Code, 1997) or, if not defined therein, in (2) the Webster's Third New International Dictionary, unabridged, latest edition, which documents are hereby incorporated by reference as if set forth in their entirety herein. Words and terms not defined in this Appendix but defined elsewhere in the Unified Development Ordinance shall be given the meanings set forth therein. Unless a specific definition is assigned in this Appendix A, particular uses not defined herein shall have the meaning assigned in § 4.6 by cross-reference to the Land-Based Classification Standards ("LBCS") as defined in this Appendix, which documents are hereby incorporated by this reference. If the use cannot be located within one of the LBCS classifications, the use shall be defined as set forth in the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997)(hereinafter the "NAICS"), which document is hereby incorporated by this reference. Unless otherwise provided, references to Chapter 153A of the NCGS shall be deemed to refer to the unincorporated areas of the County, and references to Chapter 160A of the NCGS shall be deemed to refer to the incorporated areas and ETJ.

A-2 WORD USAGE.

In the interpretation of this ordinance, the provisions and rules of this Appendix A shall be observed and applied, except when the context clearly requires otherwise:

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word "shall" is mandatory.
5. The word "may" is permissive.
6. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
7. The phrase "County of Lee" refers collectively to Lee County, the City of Sanford, and the Town of Broadway.
8. The word "City" shall refer to the City of Sanford.
9. The word "Town" shall refer to the Town of Broadway.
10. The word "Board" shall mean the Board of Adjustment.
11. The words "Planning Commission" shall mean the County of Lee Planning Commission.
12. The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
13. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
14. All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the County of Lee; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
15. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.
16. The word "days" refers to calendar days unless otherwise provided. "Working" days means days other than Saturday, Sunday, and legal holidays.

A-3 DEFINITIONS

The words, terms and phrases used in this Ordinance shall have the meanings assigned below:

ABANDONMENT

The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUT

Having Property Lines or District lines in common.

ACCESSIBLE

Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSIBLE, READILY

Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSORY

See Accessory Use.

ACCESSORY APARTMENT

An Accessory Dwelling which is part of the same Structure as the Principal Dwelling Unit.

ACCESSORY DWELLING

A Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit. See § 5.1 of this Ordinance.

ACCESSORY STRUCTURE

A building or other structure, the use of which is incidental to that of the main building and which is located on the same lot and is customarily used in connection with the main building or other structure.

ACCESSORY USE

A subordinate Use of a Building or other Structure, or Use of land which is: (1) conducted on the same Lot as the principal Use to which it is related, and (2) clearly incidental to, and customarily found in connection with, such principal Use. (See § 5.1 of this Ordinance.)

ADDITION

An extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)

ADJACENT

All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADMINISTRATIVE DECISION

Any decision on a development application made by an authorized employee or official pursuant to § 3.1.7.2 of this Ordinance.

ADMINISTRATOR

The officer(s) charged with the authority and duty to administer the Department of Community Development (see § 2.1 herein.)

ADT

Average daily traffic.

ADULT CARE HOME

An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the North Carolina Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS § 131D-2, NCGS § 131D-20, NCGS § 131E-76, § 131E-101 (including any "combination home").

ADULT DAY CARE CENTER

A day care program operated in a structure other than a single-family dwelling.

ADULT DAY CARE HOME

A day care program for up to three (3) adults eighteen years old or older operated in a single-family dwelling.

ADULT DAY CARE PROGRAM

The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. This term is used to refer to adult day care programs, adult day health programs, and adult day care and combined adult day health programs (i.e. combination programs).

ADULT ESTABLISHMENT

Establishment that include an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in NCGS § 14-202.10. (see § 5.2 herein.)

AFFILIATE

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

AGGRIEVED PERSON

The County of Lee, the Planning Commission, or the Department of Community Development; a county or municipality within an area designated as a joint planning area; applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

AGRIBUSINESS

A business that sells agricultural products that were produced on the property where they are offered for sale.

AGRICULTURE

The commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3)

AGRICULTURAL ANIMALS

The following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea.

AGRICULTURAL CONSERVATION EASEMENT

A negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement: (1) May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and (2) Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

AGRICULTURAL LAND

Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program, as defined in NCGS § 105-277.3. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(1), and each tract must be under a sound management program.

AGRICULTURAL PRODUCE

Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIRPORT AND RELATED USES

Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

AIRPORT HAZARD

Any structure or object of natural growth located on or in the vicinity of a public airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

ALLEY

Any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use, and which is used to provide a secondary means of access to abutting property. (Source: North Carolina State Building Code, Vol. 1, § 202, as modified)

AMERICAN STANDARD FOR NURSERY STOCK

The publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA")(formerly

the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

AMPLITUDE

The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

AMUSEMENT ARCADE

A primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

ANIMAL UNIT ("AU")

A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

ANIMAL OPERATION

Any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

ANIMAL SHELTER

A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. (Source: NCGS § 19A-23)

ANIMAL WASTE

Livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

ANIMAL WASTE MANAGEMENT SYSTEM

A combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

ANIMATION

The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

ANTENNA, MICROWAVE

Any antenna, excluding any support structure, designed to send or receive signals from any microwave transmitter or receiver.

APARTMENT HOUSE

Any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

APIARY

Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

APPEAL

A request for a review of the Department of Community Development's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Department of Community Development pursuant to this Ordinance.

APPLICANT

Any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

APPLICATION FOR DEVELOPMENT APPROVAL OR "APPLICATION"

A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES

These zones apply to the area under the approach, transitional, horizontal and conical surfaces defined in Federal Aviation Regulations (FAR) Part 77.

ARCHITECT

A person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

ARCHITECTURAL TRIM

The ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

ARCHITECTURALLY INTEGRATED TOWER

A tower which is adequately disguised by the structure on which the antenna is located so as to disguise or camouflage the tower in such a manner so that the structure housing the tower takes on the appearance of a structure other than a telecommunications tower. Additionally, the design and materials used on the structure and its exterior materials must blend harmoniously with the buildings and use of the host site.

AREA, BUILDING

The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, GROSS FLOOR

The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202). For purposes of this definition, a "corridor" is a passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, NET FLOOR

The area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

AREA OF SHALLOW FLOODING

A designated AO or VO zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD

See "Base Floodplain."

ARTIFICIAL OBSTRUCTION

Any obstruction to the flow of water in a stream that is not a natural obstruction, including any that, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream. For purposes of the Floodplain Regulations, an "artificial obstruction" does not include: (1) An electric generation, distribution, or transmission facility; (2) A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility; (3) A water treatment or distribution facility, including a pump station; (4) A wastewater collection or treatment facility, including a lift station; or (5) Processing equipment used in connection with a mining operation. [Source; NCGS § 143-215.52]

ARTISAN

See "Custom Manufacturing."

ASSISTED LIVING RESIDENCE

Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2 or NCGS § 131D-20.

ATRIUM

An opening through two or more floor levels other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. (Source: North Carolina State Building Code, Vol. 1, § 404.1.1)

AUCTION

Any place where items are sold at auction to the highest bidder.

AUDITORIUM

A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

AUTHORIZED AGENT

Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE GRAVEYARD

See "Junkyard."

AUTOMOBILE REPAIR, MAJOR

An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

AUTOMOBILE REPAIR, MINOR

An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

AUTOMOBILE SALES ESTABLISHMENT

An open area used for the display, sale or rental of new and/or used motor vehicles.

AVIGATION EASEMENTS

A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING

An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

AWNING SIGN

A sign that is part of a fabric or other nonstructural awning.

BALCONY, ASSEMBLY ROOM

That portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY (EXTERIOR)

An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

BALLOON

A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

BANNER

A sign made predominantly of lightweight and flexible material, such as cloth, paper, vinyl, fabric, plastic, that does not qualify as an Awning Sign, a Canopy Sign, or a Flag.

BAR

Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

BASE FLOOD

See Floodplain, 100-Year. The term "base flood" is used in the National Flood Insurance Program to indicate the minimum level of flooding to be addressed by a community in its floodplain management regulations. [Source; NCGS § 143-215.52]

BASE FLOODPLAIN

that area subject to a one percent (1%) or greater chance of flooding in any given year, as shown on the current floodplain maps prepared pursuant to the National Flood Insurance Program or approved by the North Carolina Department of Crime Control and Public Safety. [Source; NCGS § 143-215.52]

BASEMENT

That portion of a building which is partly or completely, or having a floor, below grade (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

BASE COURSE

The layer of material that lies immediately below the wearing surface of a street pavement.

BASE ZONING DISTRICT

Any zoning districts other than an Overlay Zoning District. In other words, where an Overlay Zoning District applies, the property will lie in a Base Zoning District and an Overlay Zoning District.

BEACON

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST

A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that: a. Does not serve food or drink to the general public for pay; b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business; c. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business. (Source: NCGS § 130A-247).

BERM

A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or bufferyard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs)

Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

BICYCLE

A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES

A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE)

A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH

A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

BIG BOX STORE:

A big box store is a store contained within one large, usually single-story building with the following characteristics: (1) at least one acre of parking, and (2) the majority of the parking spaces or parking areas are located in front of the building, and (3) the building contains at least 60,000 square feet of gross floor area.

BLOCK

That property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, un-subdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

BLOCK FRONTAGE

All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

BOARD

Unless otherwise indicated in the text, Board shall refer to the Lee County Board of Adjustment.

BOARD OF COMMISSIONERS OR "TOWN BOARD OF COMMISSIONERS

The Board of Commissioners of the Town of Broadway, North Carolina.

BOARDING HOUSE OR ROOMING HOUSE

A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

BONA FIDE FARM PURPOSES

See NCGS § 153A-340. (Note: this statute currently defines the term as follows: "The production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.")

BORROW PIT

An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance. (Source: The Mining Act of 1971, NCGS § 74-49)

BREWERIES

See definition of "Regional Brewery."

See definition of "Large Brewery."

See definition of "Microbrewery."

BREW PUB

A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to off-site accounts.

BUFFER YARD

A planting yard comprised of a strip of land containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this Ordinance.

BUFFER, PERIMETER

A Bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA

The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING

Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

BUILDING AREA

The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING CODE

The latest edition of the North Carolina State Building Code, which is hereby incorporated by this reference.

BUILDING ENVELOPE

The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FAÇADE

See "Façade."

BUILDING FRONT

The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

BUILDING HEIGHT

A vertical distance from the highest point of a building to grade, measured in accordance with § 4.7 of this Ordinance.

BUILDING, MAIN OR PRINCIPAL

A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

BUILDING, MIXED USE

A Building which contains Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live-Work Units." Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail uses are also permitted.

BUILDING PERMIT

An authorization to construct a structure as issued by the Lee County Building Inspections Department and as required by the Building Code.

BUILDING, TEMPORARY

A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BUILT-UPON AREA

That portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source:15A NCAC 2H.1002).

BULK

The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

BULK STORAGE

The storage of raw products or materials in massive quantities typically for the purposes of (a) wholesale sales and distribution or (b) on-site consumption in association with the manufacture or creation of a finished product.

BULLETIN BOARD

A sign erected by a nonprofit entity or a public body, which is erected upon the same property as such institution.

BUSINESS OR BUILDING IDENTIFICATION SIGN

A sign attached to a building, which bears only the name, number(s) and/or logo of the building and/or the tenant.

CALIPER

A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

CAMP, THERAPEUTIC

See Article 5.

CAMPGROUND

See Article 5.

CANOPY

A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations.)

CANOPY SIGN

A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.

CARNIVAL

See "Outdoor Event, Temporary."

CARPORT

A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CARRIAGE HOUSE

See "Accessory Dwelling."

CELLAR

That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

CEMETERY

Any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes: a. A burial park, for earth interment. b. A mausoleum. c. A columbarium. (Source: NCGS § 65-48)

CENTERLINE

The true centerline of a street right-of-way that has been fully dedicated to the required width.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS

The gap between the centerline of streets adjoining a common road from opposite or same sides.

CENTRAL WATER SYSTEM

See Public Water System.

CERTIFICATE OF OCCUPANCY

The certificate issued by the North Carolina Department of Buildings, indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CERTIFICATE OF STORMWATER COMPLIANCE

The approval for activities that meet the requirements for coverage under a storm water general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

CERTIFY

A certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

CHANGE IN USE

A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANGEABLE COPY SIGN

A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

CHANNEL

A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CHILD CARE

As defined in NCGS § 110-86.

CHILD CARE CENTER

An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS § 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS § 110-86).

CHILD CARE HOME, FAMILY

A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: NCGS § 110-86).

CHURCH

See "Religious Institutions."

CITY COUNCIL

City Council of Sanford, North Carolina.

COLLECTOR STREET

See Street, Collector.

COMMERCIAL BUILDING

Any Building listed in the Use Matrix under LBCS 2000, "Commercial buildings, structures or uses."

COMMERCIAL MESSAGE or COMMERCIAL COPY

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL PARKING LOT

Any Parking Lot which constitutes the Principal Use of a lot or parcel, and in which parking is permitted only with a fee.

COMMERCIAL STABLE

See "Stable, Commercial."

COMMERCIAL STRUCTURE

Any Building listed in the Use Matrix under LBCS 2000 (Structure), "Commercial buildings, structures or uses."

COMMERCIAL USE

Any Use listed in the Use Matrix under LBCS 2000 (Function), "Commercial buildings, structures or uses."

COMMISSION

Unless otherwise indicated in the text, Commission shall refer to the Planning Commission.

COMMON OWNERSHIP

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

COMMON SIGNAGE PLAN

A plan for all signs associated with a development project. If the project consists of several buildings or businesses which are related in a single development, the signage shall include all signs within the development, including outparcels.

COMMUNITY DEVELOPMENT (DEPARTMENT OF)

The agency charged with the authority and duty to administer this Ordinance pursuant to § 2.1 herein.

COMMUNITY WATER SYSTEM

See definition of "Public Water System."

COMPREHENSIVE PLAN

A comprehensive plan for development of the County of Lee, or any County-wide Comprehensive Plan adopted by the County of Lee, pursuant to NCGS §§ 160A-383 and 153A-341, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. For purposes of this Ordinance, the Sanford/Lee County Land Use Plan (see § 1.3) shall be considered the Comprehensive Plan.

CONCEALED TELECOMMUNICATION TOWERS

Telecommunication towers and associated equipment, which are totally concealed within a building or structure, so that they are architecturally indiscernible, shall not be considered towers for transmitting and receiving electronic signals.

CONCEPT PLAN

A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

CONCESSIONAIRE VENDOR

A vendor of food, drink or other similar consumable products which may operate from a cart or other similar mobile or temporary structure and has been given permission to locate at the exterior of an existing business site for the purposes of vending such products to the customers of that existing business. Concessionaire vendors' trailers/carts shall:

- be restricted to a maximum dimension of 8.5 feet x 20 feet;
- be located within 50 feet of one of the main entrances to the business which is sponsoring the vendor; and
- be located so as to not block or otherwise impede the minimum standards for ingress/egress of a building as set forth in the State Building and Fire Codes.

A vendor shall have a completed "Proof of Concessions Agreement" to demonstrate its standing as a valid concessionaire, which will require annual renewal and approval by the Administrator.

CONDOMINIUM

The ownership of single units in a multi-unit structure with common areas and facilities. (Source: Unit Ownership Act, NCGS § 47A-3), real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

CONFORMING USE

A use that is permitted within the applicable zoning district (see Use Matrix in Table 4.6-1).

CONNECTIVITY INDEX

The index of the connectivity of a street system prescribed by the Street Improvement Standards (§ 10.5.3) of this Ordinance.

CONSERVE AND CONSERVATION

To use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

CONSERVATION EASEMENT

A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

CONSTRUCTION PLAN

The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

CONTIGUOUS

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

CONTROLLED-ACCESS FACILITY

A State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

CONVENIENCE STORE

A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales.

CONVENTIONAL SUBDIVISION

Any application requesting approval of a subdivision other than a TND, TOD district, or a Conservation Subdivision.

CONVEY

To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CORNER LOT

See "Lot, Corner."

CORRIDOR (road)

A street or roadway identified as a principal link or gateway within the community.

COUNTY

The County of Lee, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Lee County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Lee County.

COUNTY OF LEE

Refers collectively to Lee County, City of Sanford, or Town of Broadway.

COUNTY COMMISSION

The Board of County Commissioners of Lee County, North Carolina.

COURTYARD

A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

CRITICAL ROOT ZONE (CRZ)

A circular region 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 every inch of tree DBH with a minimum of eight feet.

CROSSWALK

A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

COUNTRY CLUB

A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

CREEK

A small stream of water which serves as the natural drainage course for a drainage basin of nominal, or small size. In the technical literature, the term is a relative one as to size, some creeks in the humid section would be called rivers if they occurred in the arid portion. For purposes of this Ordinance, a "creek" is a stream which has a drainage basin of less than one mile.

CROWN

The upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York: Van Nostrand Reinhold & Co., 1988), at 790).

CUL-DE-SAC

A dead-end street terminating in a vehicular turn-around area.

CURB FACE

The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB

A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM

Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CUSTOM MANUFACTURING

An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUT, LAND

Land surface which is shaped through the removal of soil, rock or other materials.

DAY CARE

See "Child Care."

DAYS

When used to establish time limits on various processes in this Ordinance, days shall mean business days.

DBH

Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

DECIDUOUS

Plants that lose their leaves annually.

DECIDUOUS TREE

A tree which sheds or loses foliage at the end of the growing season.

DECISIONMAKER

The agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

DECLARATION

An instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

DEDICATION

A gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

DE NOVO HEARING

A new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

DENSITY

The total number of dwelling units per gross acre.

DENSITY, NET

The number of dwelling units divided by the net acreage remaining after subtracting all Critical Areas and streets.

DEPARTMENT

Unless otherwise noted in the text, Department shall refer to the County of Lee Planning and Department of Community Development.

DEVELOPED LOT

Any lot which includes a Building or Structure and which has direct access to and which abuts a public street.

DEVELOPER

A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

DEVELOPMENT

The division of a parcel of land into two or more parcels; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated by this reference, and any of the following activities: a) Change in use (which would otherwise require a Building Permit). b) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site. c) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials. d) Erection of a permanent sign. e) Any activity increasing the need for parking. f) Construction, elimination or alteration of a driveway onto a public street.

DEVELOPMENT ORDER

Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL

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

DEVELOPMENT PERMIT

Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; Special Use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the County of Lee or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DEVELOPMENT RIGHT

The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DEVELOPMENT SERVICES DEPARTMENT

The Lee County Development Services Department.

DIMENSIONAL NONCONFORMITY

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or 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.

DIMENSIONAL REGULATIONS

See § 4.7 of this Ordinance.

DIRECTIONAL SIGN

An on-premise sign giving information or direction for the convenience and necessity of the public, such as “entrance,” “exit,” “telephone,” “parking,” etc.

DISPOSITION

A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DORMITORY

A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

DRAINAGE AREA OR WATERSHED

The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

DRIP LINE

A vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT

A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

DRIVEWAY

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

DUPLEX

A building containing two single-family dwelling units totally separated from each other and containing separate cooking and bathing facilities

DUST-FREE

A land surface that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

DWELLING

Any building which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

DWELLING, ATTACHED

A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units, or stacked one (1) above the other, or attached to a non-

residential use. An Attached Dwelling includes any Duplex, Triplex, Quadruplex, Townhouse or Rowhouse.

DWELLING, MIXED USE

See "Building, Mixed Use."

DWELLING, MULTIPLE

A building or portion thereof designed for or occupied as three (3) or more dwelling units.

DWELLING, MULTI-FAMILY

See Dwelling, Multiple.

DWELLING, SINGLE-FAMILY

A building designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY DETACHED

A Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards.

DWELLING UNIT

A dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

EASEMENT

A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

EASEMENT, NON-ACCESS

An easement prohibiting vehicular access from a public street.

EFFECTIVE DATE OF THIS ORDINANCE

The effective date of this Ordinance determined in accordance with Article 1 of this Ordinance. For purposes of Article 13 of this Ordinance, a reference to the "effective date of this ordinance" shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation

ELECTRONIC MESSAGE BOARD

A sign which displays messages, such as time and temperature, in alternating light cycles.

ELEMENTARY SCHOOL

A school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program. (Source: NCGS § 115C-75)

ELEVATED BUILDING

A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

ENGINEER

See "Professional Engineer, Registered."

ENHANCEMENT

Improvement of the functions or an existing wetland system. enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

ENLARGEMENT OR "TO ENLARGE"

An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

ENTRANCE ROAD

A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

ENVIRONMENTAL MONITORING STATIONS

A structure, or combination of structures, such as a sensor, particulate sampler, monitoring well, weather instrument, or similar structure, that is designed for and devoted to collecting environmental data such as air or water quality, air and soil temperatures, humidity, wind speed and direction, barometric pressure, water levels and similar parameters.

ENVIRONMENTALLY SENSITIVE AREAS

Any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, any Watershed Protection Overlay District, or within one-hundred (100) feet of a River or Stream.

EQUIPMENT

Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

ERECT

To build, construct, attach, hang, place, suspend, affix and/or apply.

ESTABLISHMENT

Any use other than a one-, two-, or three-family dwelling.

EVERGREEN SCREEN

A dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year round used for purposes of visual mitigation between zoning districts and/or uses.

EVERGREEN TREE

A tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York; Van Nostrand Reinhold & Co., 1988) at 791).

EVIDENCE

Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION

The removal of soil, rock or other matter from a land area.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed before the effective date of this Ordinance.

EXOTIC ANIMALS

See Other Animals.

EXOTIC SPECIES (PLANT)

A species or higher tax on of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12).

EXPENDITURE

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

EXTENDED STAY LODGING FACILITY

Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

EXTERIOR FEATURES

See § 4.12.8.1 of this Ordinance.

EXTRACTIVE USES

Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

FAÇADE

That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

FACSIMILE SIGN

An oversized, three-dimensional object, such as a chicken bucket, automobile (or automobile part), or human figure, which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention

FAMILY

An individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or more persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

FAMILY CARE HOME

An adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS § 168-21)

FARM, BONAFIDE

A farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

FARM BUILDINGS

Structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). (Source: North Carolina State Building Code, Vol. 1, § 201.3)

FARM OPERATION

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

FARM RELATED BUSINESS

A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

FARMERS MARKET

A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one seller per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.)

FEED LOT

A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of This Ordinance. (Source: NCGS § 143-215.10B)

FENCE

A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

FENCE SIGN

A sign mounted on, attached to, or constructed as part of a fence or similar structure.

FENCE, LIVING

A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, OPEN

A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

FESTOON LIGHTING

A string of outdoor lights suspended between two or more points.

FILL

Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT

A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 6 of this Ordinance.

FINAL SITE PLAN OR FINAL PLAN

The map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION

Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

FIREWORKS STAND

An establishment principally devoted to the sale of pyrotechnics. For purposes of this subsection, "Pyrotechnics" means any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes, including:

- (1) explosive caps designed to be fired in toy pistols,
- (2) snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning;
- (3) smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke;
- (4) Trick noisemakers which produce a small report designed to surprise the user and which include:
 - (a) A party popper, which is a small plastic or paper item containing an explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.
 - (b) A string popper, which is a small tube containing an explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.
 - (c) A snapper or drop pop, which is a small, paper- wrapped item containing an explosive mixture coated on small bits of sand. When dropped, the device produces a small report.
- (5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition.
- (6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain a chemical compound in the tubes.

(Note: this definition was adapted from NCGS § 14-414. However, compliance with § 14-414 does not excuse a violation of this Ordinance).

FLAG

A sign consisting of a single piece of fabric that is attached on one or two sides to one or more poles or other fixed structures so that the fabric can be blown by the wind.

FLAG LOT

See "Lot, Flag."

FLASHING OR INTERMITTENT SIGNS

Signs with one or more lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.

FLEA MARKETS

A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed

building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

FLOOD HAZARD AREA

The area designated by the City of Sanford, Town of Broadway, and Lee County, Lee County, or Town of Broadway, pursuant to Part 6 of Article 21 of Chapter 143 of the North Carolina General Statutes (hereinafter the Floodplain Regulation Statute), and Article 16 as an area where development must be regulated to prevent damage from flooding. Under Floodplain Regulation Statute, the flood hazard area must include and may exceed the base floodplain. Also, see Article 13 of this Ordinance.

FLOOD HAZARD BOUNDARY MAP (FHBM)

See Article 13 of this Ordinance.

FLOOD INSURANCE RATE MAP (FIRM)

See Article 13 of this Ordinance.

FLOOD INSURANCE STUDY

See Article 13 of this Ordinance.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; and (2) The unusual and rapid accumulation of run-off of surface waters from any source. Also, see Article 13 of this Ordinance.

FLOOD PLAIN DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the flood hazard area. Also, see Article 13 of this Ordinance.

FLOOD PROOFING

Any combination of structural or non-structural additions, changes or adjustments to structures and movable objects, or to surrounding areas, including utility and sanitary facilities, which would preclude the entry of water. Also, see Article 13 of this Ordinance.

FLOODPLAIN

An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark. For purposes of this Ordinance, the "Floodplain" shall include all areas within the Flood Hazard Area. Also, see Article 13 of this Ordinance.

FLOODPLAIN, 100-YEAR

The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also, see Article 13 of this Ordinance.

FLOODPLAIN, 500-YEAR

The flood having a 1/5 (0.2) percent chance of being equaled or exceeded in any given year. Also, see Article 13 of this Ordinance.

FLOODPLAIN REGULATIONS

See Article 13 of this Ordinance.

FLOODWAY ENCROACHMENT LINES

See Article 13 of this Ordinance.

FLOOR

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

FLOOR AREA

The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO (FAR)

The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

FORESTER

A Forester, Consulting Forester, or Urban Forester registered by the State Board of Registration for Foresters pursuant to NCGS Chapter 89B-2.

FREESTANDING SIGN

A sign that is not attached to a building and is permanently attached to the ground by one or more supports.

FRONT

Any public street frontage, not including alleys.

FRONTAGE

The frontage of a parcel of land is that distance where a property line is common with a public street or road right-of-way line.

FRONTAGE, DOUBLE

A lot which extends from one street frontage to another street.

FRONTAGE, FULL

Frontage which meets the requirements of § 4.7 of this Ordinance.

FRONTAGE ROAD

A way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

FRONT SETBACK

(See, "Setback, Front")

GABION

A wire basket containing primarily stones deposited to provide protection against erosion.

GARAGE, PRIVATE

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

GAS OR ELECTRIC GENERATION DISTRIBUTION FACILITIES, COMPRESSOR STATIONS, OR SUBSTATIONS

Establishments that provide transmission, control, or distribution of electric power or natural gas. These establishments include electric power transmission and control systems (including lines and transformer stations), and distribution systems (i.e., lines, poles, meters, and wiring). Also included are establishments that arrange the sale of electricity via power distribution systems operated by others. Includes any of the following: gas storage and distribution facilities, gas compressor stations, gas compressor stations (with anchored or unanchored components), electric substation and distribution facilities, electric substation with anchored or unanchored components, geothermal facilities, or facilities producing solar or other forms of energy (including windmills, solar panel farms, air mills, horizontal air mills, post mills, smock mills, and tower mills).

GAS STATION

Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GAS COMPRESSOR STATION

A facility located along a gas pipeline which compresses the gas to a pressure necessary to allow it to continue traveling along the pipeline to the intended recipient.

GASOLINE PUMP SIGNS

Signs attached to gasoline and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as price, fuel type and self-service instructions. The uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest County of Lee or state street curb.

GOVERNING BODY

The City Council of the City of Sanford, the Board of Commissioners of the Town of Broadway, or the Board of County Commissioners of Lee County.

GRADE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

GRADE, FINISHED

The level of the soil after completion of site development.

GRADE, NATURAL

The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

GREENBELT

See § 6.5 of this Ordinance.

GREENFIELD DEVELOPMENT

Development on undeveloped parcels undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

GREENHOUSE

An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

GREENWAY

See § 6.5 of this Ordinance.

GROSS AREA OR GROSS ACRES

The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS LEASABLE AREA (GLA)

The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROUND COVER

A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.

GROUND FLOOR

The first floor of a building in which the floor is located above grade.

GROUND SIGN

A free-standing sign with its base or its supports mounted directly to the ground. A ground sign shall include a single support structure which may include (a) double-sign faces mounted back-to-back such that each sign face cannot be view from the same vantage point or (b) a single-faced sign.

GROUND SUBSIDENCE

A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

GROUND WATER

Subsurface water within and below the zone of continuous saturation.

GROUP HOME/Residential Care Facility

Level I, II, III, or IV. A structured 24-hour care facility with highly-trained staff that provide psychological services to help troubled children and adolescents overcome behavioral emotional, mental, or psychological problems that have had an adverse affect on their family interations and relationships, their school achievement and their peer group relationships and socializations. Level I facilities are considered to be the least restrictive, as clients have little to mild behaviors, while Level II facilities are for clients with moderate behaviors. Level III facilities are more restrictive than previous levels, while Level IV homes are the most restrictive and are locked facilities. Designation as a Level I, II, III, or IV facility shall be determined through licensing with the North Carolina Department of Health and Human Services. Such facilities shall include more than six (6) residents. If less than six person, refer to Family Care Home.

GUEST

Any transient person who rents or occupies a room for sleeping purposes.

GUTTER

A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

HABITABLE ROOM

Any room meeting the requirements of the North Carolina One and Two Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

HAZARD PRONE AREA

An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

HAZARDOUS WASTE DISPOSAL FACILITY

Any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS § 130A-290).

HAZARDOUS WASTE FACILITY

See Article 5.

HAZARDOUS WASTE STORAGE OR TREATMENT (SUBJECT TO NCGS § 130A-293)

Any facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS § 130A-290.

HEAVY EQUIPMENT

Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT

The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, STORY

The vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, WALL

The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

HIGH SCHOOL

A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75)

HIGHWAY

A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HISTORIC BUILDING

(SEE Section 4.12)

HOLIDAY DECORATIONS

Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

HOME OCCUPATION

See Article 5.

HOME OWNERS ASSOCIATION

An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HORSE

Any animal of the genus equus.

HOUSEHOLD PETS

Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

HUD CODE

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

HYDROLOGY

The science of dealing with the properties, distribution, and circulation of water.

HYDROPERIOD

The period during which a soil area is saturated.

IDENTIFICATION SIGN

See "Business or Building Identification Sign."

ILLUMINATION, INDIRECT

Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

IMPERVIOUS SURFACE

Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

IMPROVED OPEN SPACE

Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS

Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

IN KIND

For mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

INCIDENTAL SIGN

A sign not exceeding three (3) square feet in area and three (3) feet in height and that only: (i) provides information to assist with direction or safety with respect to the premises on which it is located, such as signs that state "entrance," "exit," "one way," "telephone," "parking," "no parking," and similar instructions, or (ii) displays information pertinent to the immediate safety or legal responsibilities of passersby or the public, such as signs warning of high voltage and "no trespassing" signs.

INFLATABLE SIGNS

A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate various offices, uses, industrial uses, industrial structures, or industrial buildings, providing them with all necessary facilities and services among compatible uses.

INDUSTRIAL USES, INDUSTRIAL STRUCTURES, or INDUSTRIAL BUILDINGS

Any use classified in the Use Matrix as LBCS Function 3000 through 3440 or LBCS Structure 2600 through 2636.

INDUSTRIAL WASTE

Any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

INDUSTRIAL ZONING DISTRICT

Any of the following zoning districts: LI (Light Industrial District), or HI (Heavy Industrial District).

INFILL

The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

INFILTRATION SYSTEMS

As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

INTEGRAL UNITS

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

INTENSITY

The number of square feet of development per acre by land use type with respect to non-residential land uses.

INTERIOR LOTS

See "Lot, Interior."

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. (Source: Junkyard Control Act, NCGS § 136-143).

JUNKYARD

Any establishment or place of business which maintains or uses more than six hundred (600) square feet of land area for the purposes of storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any Automobile Graveyard." An "Automobile Graveyard is any establishment or place of business which is maintained, used, or operated or storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136-143).

KENNEL

A facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

LAGOON

A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act).

LAND-BASED CLASSIFICATION STANDARDS OR "LBCS"

References to the "Land-Based Classification Standards" or "LBCS" shall refer to the following documents, which documents are hereby incorporated by this reference and which shall be maintained on file in the office of the Department of Community Development: American Planning Association, LBCS Function Dimension tables and Function Dimension with Detail Descriptions, Land-Based Classification Standards (April 1, 2001) and American Planning Association, LBCS Structure Dimension tables and Structure Dimension with Detail Descriptions, Land-Based Classification Standards (April 1, 2001). [Note: the LBCS may be downloaded at <http://c1.planning.org/lbcs/standards/LBCSTables.html>, under "Complete tables for review."]

LAND CLEARING & INERT DEBRIS LANDFILL

See Article 5.

LAND DISTURBING ACTIVITY

Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

LANDFILL

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

LANDFILL, DEMOLITION

See Article 5.

LANDLOCKED PARCEL

A parcel of land without access of record with the County Register of Deeds.

LANDOWNER

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan under this § 13.8, in the manner allowed by this ordinance. (Source: NCGS §§ 153A-344.1 and 160A-385.1)

LANDSCAPE

An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LANDSCAPE ARCHITECT

A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

LANDSCAPE CONTRACTOR

Within the meaning of this Article any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-1).

LAND USE PLAN

The Sanford/Lee County Land Use Plan, adopted by Lee County on May 3, 1999, and by the City of Sanford and Town of Broadway on May 4, 1999, which document is hereby incorporated by this reference.

LARGE BREWERY

A brewery with an annual beer production over 6,000,000 barrels.

LARGE MATURING TREE

Any tree whose height exceeds thirty-five (35) feet at maturity.

LARGE VEHICLE

Trucks, automobiles, or other motorized vehicles exceeding 10,000 pounds gross vehicle weight rating, including single-unit trucks and truck tractors. [Reference: Bureau of Transportation Statistics, Transportation Statistics Annual Report 2000, at http://www.bts.gov/publications/tsar/2000/appendices/appendix_b.html#1; see Use Matrix]

LATERAL SEWER

A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LBCS

See "Land-Based Classification Standards."

LEVEE

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

LEVEE SYSTEM

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIBRARY OR MUSEUM

A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LICENSED GEOLOGIST

A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

LICENSED SOIL SCIENTIST

A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

LIVESTOCK

"Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine. (Source: Livestock Law, NCGS § 68-15)

LIVE-WORK UNITS

A "Live-Work Unit" includes any of the following: (1) any building with office or commercial uses located on the ground floor, and with residential uses located on the floors above the ground floor, or (2) any building with residential uses located on the ground floor, and with office uses located above the first floor; or (3) a building in which offices or studios are located behind the front façade and comprise at least thirty percent (30%) of the floor area of the building, with the remainder of the floor space devoted to residential uses; or (4) a building in which residential uses are located behind the front façade and comprise at least thirty percent (30%) of the floor area of the building, with the remainder of the floor space devoted to offices or studios.

LOADING SPACE

An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR LOCAL STREET

See Street, Local.

LOCAL TRAFFIC STUDY

See "Traffic Study."

LOOP ROAD

A Street which has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics (Source: NCDOT, *Subdivision Roads Minimum Construction Standards* (1985)).

LOT

A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2)

or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT AREA

The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER

A lot having frontage on two (2) intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

LOT COVERAGE

The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

LOT DEPTH - The depth (or length) of a lot shall be: (1) If the front and rear lines are parallel, the shortest distance between such lines; (2) If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line; (3) If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT, DOUBLE FRONTAGE (THROUGH LOT)

An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG

A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE

The distance for which a lot abuts on a street.

LOT, INTERIOR

A lot other than a corner lot or a through lot.

LOT, KEY

A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE

Any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

LOT LINE, FRONT

In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way . If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

LOT LINE, REAR

A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT LINE, SIDE

The boundary of a lot which is not a front lot line or a rear lot line.

LOT LENGTH

See Lot Depth.

LOT THROUGH

A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

LOT WIDTH

For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

LOWEST FLOOR

When used in reference to a structure, means the lowest enclosed area, including a basement, of the structure. An unfinished or flood resistant enclosed area, other than a basement, that is usable solely for parking vehicles, building access, or storage is not a lowest floor.

MAINTENANCE

The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SITE PLAN

See § 3.6 of this Ordinance.

MAJOR SUBDIVISION

All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MANSARD

A steeply pitched roof, pitched at such an angle as to resemble a building wall.

MANUFACTURED HOME

A structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. For purposes of this Ordinance, there are three types of Manufactured Homes:

- 1) **Manufactured Home, Class A:** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
 - a. the manufactured home has a length not exceeding four (4) times its width (e.g., a “double-wide” unit);
 - b. the pitch of the manufactured home’s roof has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run (2.2’ in 12’) and the roof is finished with shingles;
 - c. the exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, wood or hardboard;

- d. a continuous, permanent masonry foundation, unpierced except for ventilation and access, is installed under the manufactured home;
- e. the tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

2) **Manufactured Home, Class B:** A manufactured home constructed after July 1, 1976 that meets or exceeds the standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home. (See Article VI, Section 5).

3) **Manufactured Home, Class C:** A manufactured home that does not meet the definition of either a Class A or Class B manufactured home. (see Article VI, Section 5).

MANUFACTURED HOME PARK

See § 4.11.2.1 of this Ordinance.

MANUFACTURED HOME SPACE

The portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

MANUFACTURED HOME SUBDIVISION

See § 4.11.2.3 of this Ordinance.

MARQUEE

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

MARQUEE SIGN

Any sign attached to, in any manner, or made a part of a marquee

MASSAGE

The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

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. (Source: NCGS § 14-202.10)

MATERIALS RECOVERY FACILITY

Any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

MEAN SEA LEVEL

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

MEZZANINE

One or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

MICROBREWERY

A brewery that produces less than 15,000 barrels (465,000 gallons) of beer per year with 75 percent or more of its beer sold off-site. 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 through carry-outs and/or on-site tap-room or restaurant sales.

MINING ESTABLISHMENT

See Article 5.

MINI-WAREHOUSE

See Article 5.

MINING AND QUARRYING

"Mining and Quarrying" means any of the following: (i) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; (ii) any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or (iii) the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining and Quarrying" does not include: a) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.; b) Mining operations where the affected land does not exceed one acre in area; c) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land; d) Excavation or grading when conducted solely for on-site construction for purposes other than mining; e) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area; f) Excavation or grading where all of the following apply:

- The excavation or grading is conducted to provide soil or other unconsolidated material to be used without further processing for a single off-site construction project for which an erosion and sedimentation control plan has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.
- The affected land, including nonpublic access roads, does not exceed five acres.
- The excavation or grading is completed within one year.
- The excavation or grading does not involve blasting, the removal of material from rivers or streams, the disposal of off-site waste on the affected land, or the surface disposal of groundwater beyond the affected land.
- The excavation or grading is not in violation of any local ordinance.
- An erosion and sedimentation control plan for the excavation or grading has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.

g) Excavation or grading when conducted solely for activities undertaken on agricultural land that are exempt, pursuant to G.S. 113A-52.01(1), from the requirements of Article 4 of Chapter 113A of the General Statutes; h) Oil and gas exploration and development

(Source: The Mining Act of 1971, NCGS § 74-49)

MITIGATION

The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

MIXED USE DWELLING

See "BUILDING, MIXED USE."

MIXED USE DEVELOPMENT OR MIXED USE PROJECT

A proposed development that includes primary non-residential and primary residential uses on the same development site.

MODULAR HOME

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

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 24 inches in height and are included in the measurement of sign height.

MULTIPLE BUSINESS COMPLEX

A development with multiple establishments on a common parcel.

MUNICIPALITY

An incorporated County of Lee or town.

MUNICIPAL STREET

A street or highway accepted by the County of Lee and which is not a State Highway. (Source: 19A NCAC § 20.0404).

NAICS MANUAL or “NAICS”

The North American Industry Classification System, 1997 edition (or most current version as amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

NATIONAL GEODETIC VERTICAL DATUM (NGVD)

A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

NATURAL EROSION

See Sedimentation Control Standards.

NATURAL HAZARD

A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

NATURAL OBSTRUCTION

Any rock, tree, gravel, or other natural matter that is an obstruction and has been located within the 100-year floodplain by a nonhuman cause.

NATURAL RESOURCE

Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NEIGHBORHOOD PARK

A public recreation facility ranging in size from fifteen (15) to twenty-five (25) acres and which is improved with a combination of active recreation areas for family use such as field game areas (such as

ball field), court game areas (such as tennis and basketball courts), crafts, playground apparatus, and passive recreation areas such as picnicking.

NET AREA

The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NET FLOOR AREA

The square footage of the primary use area of a building excluding the following: garages, unoccupied storage areas, furnace areas, stairways/stairwells, elevator shafts, mechanical areas or other unoccupied services areas.

NEW CONSTRUCTION

Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

NODE

An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NON-COMMUNITY WATER SYSTEM

See definition of "Public Water System."

NON-CONFORMING

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

NONCONFORMING BUILDING OR STRUCTURE

A Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See § 13.2 of this Ordinance.

NONCONFORMING LOT

A lot existing at the effective date of this Article (and not created for the purposes of evading the restrictions of this Article) that does not meet the minimum area requirement of the district in which the lot is located.

NONCONFORMING PROJECT

Any structure, development, or undertaking that is incomplete at the effective date of this Article and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING SIGN

A sign that, on the effective date of this Article does not conform to one or more of the regulations set forth in this Article, particularly Article 12, Sign Regulations.

NONCONFORMING USE

A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

NONCONFORMING SITUATION

A situation that occurs when, on the effective date of this Article, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in

which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements (is not in conformity with this Article, or because land or buildings are used for purposes made unlawful by this Article. (Reference: Article 12 of this Ordinance.)

NON-LIVING MATERIALS

Landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.

NON-POINT SOURCE

Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT

Organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NOTICE OF INTENT

A written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

NUISANCE

A use or activity that results in harmful or noxious conditions to the general public.

NURSERY

A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Department of Community Development to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

OBSTRUCTION

A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainageway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

OCCUPANT LOAD

The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

OCCUPIED RESIDENCE

A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

OCCUPIED SPACE

The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

OFFICE

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations (see LBCS Structure 2100).

OFFICIAL FLOOD AREAS MAP SERIES

These maps show the location of the defined floodway and floodway-fringe districts and other pertinent data within the County of Lee and Lee County.

OFF-PREMISE SIGN

A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. This definition shall include Outdoor Advertising or “Billboard” signs.

OIL & GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Defined as any activity relating to oil and gas exploration, development and/or production including horizontal drilling and hydraulic fracturing and all other operations and/or activities for the exploration for or drilling of an oil or gas well that requires entry upon surface estate and the production operations directly related to the exploration or drilling as defined and regulated by NCGS Chapter 113, Subchapter V, Oil and Gas Conservation.

ON-PREMISE SIGN

A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located

OFF-SITE

Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

OFF-SITE (§ 5.9 only)

For the purposes of regulating the location of telecommunication towers as described in [§ 5.9](#) of this Ordinance, off-site location shall mean any site not owned or leased by the owner or operator of the telecommunications tower; however, this definition shall not include any property contiguous to the property on which a telecommunications tower is physically located if said property is: owned or leased by the owner or operator of the telecommunications tower, or directly associated with the operation, maintenance or ownership of the tower; or owned by the lessor of the property on which the telecommunications tower is located.

OFF-SITE STORMWATER SYSTEMS

Stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

ON-SITE

With regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

ON-SITE STORMWATER SYSTEMS

The systems necessary to control storm water within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

OFF-STREET PARKING SPACE

The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN

The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

OPEN DUMP

A solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A- 290)

OPEN MINING

The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE

Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS § 160A-407 [applicable to County and municipalities])

OPEN SPACE, COMMON

Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

OPEN SPACE, ACTIVE

Any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.

OPEN SPACE, PASSIVE

Areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, nature trails and nature study. Farms may be considered as passive open space.

ORDINANCE

Unless otherwise specified, refers to this Unified Development Ordinance.

OTHER ANIMALS

Those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

OUTDOOR ADVERTISING (BILLBOARD) SIGNS

A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

OUTDOOR CULTURAL EVENTS

Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

OUTDOOR EVENT, TEMPORARY

A temporary commercial amusement activity such as a carnival, fair, circus, rodeo or auction.

OUTDOOR LIGHT FIXTURES

"Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

OUTDOOR RECREATIONAL FACILITY

Any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

OVERBURDEN

The earth, rock, and other materials that lie above the natural deposit of minerals.

OWNER

Any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202).

PANEL

The primary surface of a sign that carries the identifying/advertising message.

PARCEL

An area of land defined by a legal description and recorded with the County Register of Deeds.

PARENT

A person that directly, or indirectly through one or more intermediaries, controls another person.

PARK, COMMUNITY

The community park is easily accessible to a single, or several neighborhoods, depending on local needs and a population distribution at the time the park is developed. A Community Park contains land area ranging from 20 to 50 acres and has direct access to an Arterial Street or a Collector Street. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARK, DISTRICT

A district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20 mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

PARK, LINEAR

A linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within

a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

PARK, NEIGHBORHOOD

The neighborhood park is designed to serve a population of up to 5,000, but in many instances even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

PARK, REGIONAL

A regional park is a park within a fifty mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

PARKING GARAGE

An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551).

PARKING LOT

Any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

PARKING LOT YARD

A planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in Section 7.6 of this Ordinance.

PARKING SPACE

A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PARKING, STRUCTURED

A Parking Lot, partially or fully above ground, accessory to another facility or a primary use, in which the parking is located on more than one floor.

PARKING, SURFACE

A Parking Lot in which all spaces are unenclosed.

PASSIVE OPEN SPACE

See Open Space, Passive.

PATH

A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PAVEMENT

The paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

PAWNSHOP

The location at which, or premises in which, a pawnbroker, as defined in NCGS § 91A- 2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS § 91A-2)

PEDESTRIAN PATH

An improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

PEDESTRIAN RIGHT-OF-WAY

A right-of-way or easement dedicated for public pedestrian access.

PENNANT

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

PERFORMER

Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMANENT INSTALLATION

A continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings, unpierced except for required ventilation and access.

PERMEABLE PAVEMENT

A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

PERSON

Any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi- governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

PERSONAL SERVICE ESTABLISHMENT

A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools. See LBCS Function 2600.

PETITIONER

An applicant.

PHARMACY

Any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

PHASED DEVELOPMENT PLAN

A plan which has been submitted to the County of Lee by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the County of Lee to be a site specific development plan. (Source: NCGS §§ 153A-344.1 and 160A-385.1)

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION

An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

PHYSICIAN

An individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PILINGS

Foundational structures placed into the earth to secure buildings and other structures.

PLANNED UNIT DEVELOPMENT (PUD)

An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of [§ 4.9](#) of this Ordinance.

PLANNING COMMISSION

The County of Lee Planning Commission. Also referred to as the "Commission."

PLANT

Any member of the plant kingdom, including seeds, roots and other parts or their propagules. (Source: NCGS § 106-202.12)

PLANTING STRIP OR AREA

Ground surface free of impervious cover and/or paved material which is reserved for landscaping purposes.

PLANTING YARDS

The required installation of landscaping and/or screening material between zoning districts and certain individual uses as specified in Article 7 of this Ordinance.

PLAT

The legal map of a subdivision.

POINT SOURCE

Any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143- 213)

POLE SIGN

See “Pylon Sign.”

PORTABLE SIGN

Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

POSITIVE DRAINAGE

Clear, unobstructed flow of storm water away from any building.

POWER GENERATION PLANTS

A station containing prime movers, generators, and auxiliary equipment for converting mechanical, chemical, solar, hydropower, fission or other forms of energy into electric energy. These establishments include facilities that convert other forms of energy (such as solar, wind, or tidal power) into electrical energy.

PRACTICABLE ALTERNATIVE

Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service’s approved military layout plan; any other FAA planning document, or military service’s military airport planning document.

PRELIMINARY PLAT

The preliminary drawing or drawings, described in Article 6 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

PRETREATMENT FACILITY

Any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

PRETREATMENT STANDARDS

Effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

PRINCIPAL BUILDING OR PRINCIPAL STRUCTURE

The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure.

Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL USE

The main or primary use of a parcel of land.

PRIVATE

Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE USE

One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES

Includes power, telephone, natural gas, cable television and private water supply service.

PROFESSIONAL ENGINEER, REGISTERED

A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

PROJECTING SIGN

A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

PROPERTY

Refers to real property. For purposes of § 13.8 of this Ordinance, the term “property” means all real property subject to zoning regulations and restrictions and zoning boundaries by the County of Lee.

PROPERTY LINE, COMMON

A line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

PROPERTY LINE

See "Lot Line."

PUBLIC

Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC OR COMMUNITY WASTEWATER SYSTEM

A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

PUBLIC HEARING

A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the County of Lee and dedicated for the public's use or benefit.

PUBLIC MEETING

A meeting of a Board, Planning Commission, County of Lee or their representatives where the public may attend.

PUBLIC NOTICE

Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY

Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the County, City, Town, or State of North Carolina for present or future public use.

PUBLIC SCHOOL OR PUBLIC SCHOOL FACILITY

Any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

PUBLIC SPACE

A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

PUBLIC TRANSPORTATION

Transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC TRANSPORTATION SYSTEM

Without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC USE

A use which is owned by, and operated for, the public by a public entity.

PUBLIC UTILITY

An establishment that:

- produces, generates, transmits, delivers or furnishes electricity, piped gas, steam or any other like agency for the production of light, heat or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is for such person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation.
- Diverts, develops, pumps, impounds, distributes or furnishes water to or for the public for compensation, or operates a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water to less than 15 residential customers, except that any person or company which constructs a water system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area that contains more than 15 residential building lots shall be a public utility at the time of such planning or holds out to serve such 15 or more building lots, without regard to the number of actual customers connected;
- Transports persons or household goods by street, suburban or interurban bus for the public for compensation;

- Transports persons or household goods by motor vehicles or any other form of transportation for the public for compensation, except motor carriers exempted in N.C.G.S. § 62-260, carriers by rail, and carriers by air;
- Transports or conveys gas, crude oil or other fluid substance by pipeline for the public for compensation;
- Conveys or transmits messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.

The term “Public Utility” is not intended to extend municipal or county jurisdiction to the activities of entities for which jurisdiction is preempted by state or federal law. [Note: based on definition of “public utility” in NCGS § § 62-3].

PUBLIC UTILITY STORAGE AND SERVICE YARDS

Any building, structure, or land area used for the storage of parts, equipment, or similar items by a Public Utility, or for storage incidental to a Public Utility.

PUBLIC WATER SYSTEM

Any “public water system” as defined by NCGS § 130A-313, as may be amended from time to time, which document is hereby incorporated by this reference. For purposes of this Ordinance, the central water system operated by the City of Sanford Department of Public Works is considered a “Public Water System.”

PUBLIC WORKS POLICY MANUAL

The document entitled City of Sanford *Public Works Policy Manual* (1997), which document is hereby incorporated by this reference.

PYLON (OR POLE) SIGN

A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

QUADRUPLEX

A building containing four (4) attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

RADIO STATION

One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment and incidental buildings for offices and broadcast facilities, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service, as licensed by the Federal Communications Commission. For purposes of this definition, “radio communication” and “radio astronomy” shall have the meanings set forth in 47 C.F.R. § 2.1.

RCRA

The Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

REAL ESTATE SIGN

A sign advertising the premises for sale, rent or lease.

REAL PROPERTY

Lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS § 160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

REAR YARD

See "Yard, Rear."

REAR SETBACK (See "Setback, Rear")

RECEIVING AREA

An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECLAMATION

The reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

RECORDED/RECORD

Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

RECREATIONAL VEHICLE

A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes. For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

REDEVELOPMENT

For purposes of § 4.14, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater storm water control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

REFUSE

All waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

REGIONAL BREWERY

A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

REGISTERED LAND SURVEYOR

A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

REGULATION

As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

REGULATORY FLOOD ELEVATION

The elevation which is two (2) feet above the calculated water-surface elevation of the base flood.

REMEDY A VIOLATION

To bring the structure or other development into compliance with the floodplain regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include

protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Article or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REQUIRED SETBACK (See, Setback, Required)

RESERVATION

Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

RESIDENCE

Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term shall not be deemed to include a hotel, motel, tourist home, or other similar building designed for transient residence. Nor shall it include travel trailers, campers, motor homes or other similar vehicles except as permitted within an approved travel trailer park or as provided for in Section 5.34.2.9 of this Ordinance.

RESIDENTIAL USE

Includes all uses listed under the category “Residential Buildings” in the Use Matrix.

RESIDENT PLANT OR RESIDENT SPECIES

A native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

RESOURCE EXTRACTION

The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RE-SUBDIVISION

The changing of an existing parcel created by a plat and recorded with the County Clerk and Register of Deeds.

RETAIL

The sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105-164.3).

RETAINING WALL

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

REVISION

The changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

REZONING

An amendment to the Official Zoning Map as established and maintained according to § 3.3 of this Ordinance.

RIDGE

For purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

RIGHT-OF-WAY

1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the County of Lee for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

RIPARIAN ECOSYSTEM

Living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek,, or other body of water, either surface or subsurface.

RIVER

A flowing body of water or estuary or a section, portion, or tributary thereof with a drainage basin of at least one (1) mile and extending beyond the borders of Lee County. (Source: adapted from NCGS § 113A-33)

ROAD

A public or private street, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

ROADSIDE STAND

An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY

The improved portion of a street within a right-of-way and/or easement.

ROOF LINE

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

ROOF SIGN

Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

ROOT PROTECTION ZONE

An area which is eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to its drip line or one-half (1/2) of its height, whichever is greater.

ROWHOUSE

See "Townhouse."

SANITARY LANDFILL

See Article 5.

SAWMILL

A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SAWMILL, ACCESSORY

A Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site.

SCENIC EASEMENT

A perpetual easement in land which (i) is held for the benefit of the people of North Carolina, (ii) is specifically enforceable by its holder or beneficiary, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 113A-33). A "scenic easement" also includes a perpetual easement in land which a. is held for the benefit of the people of North Carolina, b. is specifically enforceable by its holder or beneficiary, and c. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it. (Source: North Carolina Trails System Act , NCGS § 113A-85)

SCHOOL

An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

SCHOOL PROJECT

Any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS § 115E-3)

SCRAP AND SALVAGE SERVICES

An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

SCREEN

Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

SCREENING

Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape Standards).

SEASONAL HIGH WATER TABLE

The highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see 15A NCAC 2H.1002, which is hereby incorporated by this reference).

SEDIMENT

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

SEDIMENTATION

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

SEDIMENTATION ACT

The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

SEDIMENT AND EROSION CONTROL DEVICES

Sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

SEISMIC EFFECTS

Direct and indirect effects caused by an earthquake or man-made phenomena.

SEPTIC TANK SYSTEM

A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

SERVICE LINES

Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE YARD AND/OR ENTRANCE

An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

SETBACK

The distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected.

SETBACK, FRONT

The minimum horizontal distance between any Building or Structure and the Front Lot Line.

SETBACK LINE

A line measured from the property line or future right-of-way line of a street, as applicable.

SETBACK, REAR

The minimum horizontal distance between any building and the rear property line.

SETBACK, REQUIRED

The distance required by Article 3 of this Ordinance between the building or other structure and the lot line or, for unsubdivided properties, the property line.

SETBACK, SIDE

The horizontal distance between any building and the side property line.

SEWAGE

Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

SEWAGE DISPOSAL SYSTEM

Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWAGE TREATMENT PLANT, PUMP STATIONS, OR LIFT STATIONS

Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWERS

Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

SEWER SYSTEM

Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

SEXUALLY ORIENTED BUSINESS

See "Adult Establishment."

SHOPPING CENTER

A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SHOULDER

The earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

SHRUB, LARGE

An upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

SHRUB, MEDIUM

An upright plant growing to a mature height of 4 to 8 feet.

SHRUB, SMALL

An upright plant growing to a mature height of less than 4 feet.

SIDEWALK

The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIDE SETBACK

(See “Setback, Side”)

SIGHT TRIANGLE

A triangular-shaped area at street intersections and driveways in which the sight distance of motorists entering or leaving the intersection or driveway would be limited or obstructed if anything is erected, placed, planted, or allowed to grow.

SIGN

Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof visible to the general public that advertises, announces, draws attention to, or identifies a product, place, activity, person, institution, business, or other entity, or that communicates a message or information of any kind, whether such display is made on, attached to, or constructed as part of a building, structure, vehicle, or object.

SIGN AREA

The area of a sign computed in accordance with § 12.4.

SIGN HEIGHT

The vertical height of a sign computed in accordance with § 12.4.3.

SIGNIFICANT ADVERSE IMPACT

Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
3. Alteration of base flood elevations;
4. Alteration of existing hydrologic or aquatic systems;
5. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

SIGNIFICANT STANDS OF TREES OR SHRUBS:

A massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

SITE EVALUATION

An investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical

specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106- 802, Swine Farm Siting Act)

SILTATION

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

SINGLE-FAMILY RESIDENTIAL DWELLING

A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

SITE SPECIFIC DEVELOPMENT PLAN (SSDP)

A plan which has been submitted to the County of Lee by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or Conditional Use District zoning plan, or any other land-use approval designation as may be utilized by the County of Lee. Unless otherwise expressly provided by the County of Lee, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific development plan that would trigger a vested right shall be finally determined by the County of Lee pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plat nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan. (Source: NCGS §§ 153A-344.1 and 160A-385.1)

SITE PLAN

A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; (3) the location of building pads for all residential and non-residential buildings; and (4) and location and extent of all perimeter buffers from surrounding areas.

SKETCH PLAT

A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or Special Use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

SLAUGHTERHOUSE

A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

SLOPE

A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SLUDGE

Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

SMALL MATURING TREE

Any tree whose height is less than thirty-five (35) feet at maturity.

SQUARE

Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

SOLID MASONRY

Load-bearing or nonload-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross-sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

SOIL SURVEY

The Soil Survey of Lee County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

SOLID WASTE

Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
- b. Solid or dissolved material in 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters. 2. Irrigation return flows. 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
- e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

(Source: NCGS § 130A-290)

SOLID WASTE COLLECTION, TRANSFER AND/OR DISPOSAL (NON-HAZARDOUS)

A facility used for treating, burning, incinerating, compacting, composting, storing or disposing of solid waste, excluding any “hazardous waste” as defined in NCGS § 130A-290. This definition includes any “solid waste disposal facility” as defined by NCGS § 159A-3, any “solid waste disposal site” as defined by NCGS § 130A-290, or any “solid waste management facility” as defined by NCGS § 130A-290, unless such facility disposes of “hazardous waste” as defined by NCGS § 130A-290.

SOLID WASTE COMBUSTOR OR INCINERATOR

Any facility used for burning or incinerating “solid waste” as defined in NCGS § 130A-290.

SOLID WASTE CONVENIENCE CENTER

Any facility that accepts only bagged residential waste and specified recyclable goods. Solid waste convenience centers are permitted in the zones where indicated only if the waste does not include waste generated by construction and demolition activities, yard waste, liquid waste or hazardous waste. Solid waste convenience centers are also only permitted in the zones where indicated if the facility is enclosed by a buffer (as defined by this ordinance) which completely screens from view the operational activity, and only if the facility is aesthetically landscaped to further assure the facility becomes a more than acceptable neighbor for the area in which the facility is designed, constructed and operated.

SOLID WASTE DISPOSAL FACILITY

A facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste. (Source: NCGS § 159C-3)

SOLID WASTE DISPOSAL SITE

Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method. (Source: NCGS § 130A-290)

SOLID WASTE LANDFILL

A disposal facility or part of a disposal facility where solid waste, as defined in NCGS § 130A-290, is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

SOLID WASTE MANAGEMENT FACILITY

Land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

SOUND MANAGEMENT PROGRAM

A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105- 277.2).

SPECIAL CONCERN SPECIES

Any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106- 202.12)

SPECIAL USE

A "Special Use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a Special Use if designated as such by the Use Matrix of Table 4.6-1.

SPECIFIC PLAN

A document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by (1) refining the policies of the Comprehensive Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service

required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

SPINNER

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

STABLE, PRIVATE

A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

STAFF

Unless otherwise indicated, the staff of the Department of Community Development.

START OF CONSTRUCTION

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE HIGHWAY

Street or highway on the State Highway System.

STATE HIGHWAY SYSTEM

The system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

STORM DRAINAGE FACILITIES

The system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey storm water through and from a given drainage area.

STORMWATER

The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

STORMWATER COLLECTION SYSTEM

As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

STORMWATER RUNOFF

The direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

STORY (See Height, Story)

STORY ABOVE GRADE

Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) More than 6 feet (1829 mm) above grade plane; (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or (3) More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

STREAM

A watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

STREAMER

A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.

STREET

Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

STREET, ARTERIAL

Any street designated as an “Arterial Street” on the Thoroughfare Plan. Arterial Streets are the most significant streets in the community that serve the major centers of activity, constitute the highest traffic volume corridors, serve the longest trip desires, carry the major portion of through traffic in the urban area, and provide continuity between arterials.

STREET, COLLECTOR

Any street designated as a “Collector Street” on the Thoroughfare Plan. A Street whose function consists of both carrying traffic from Local Streets to Thoroughfares and providing access to abutting properties. On the North Carolina System of Secondary Roads, Collector streets channel traffic in subdivisions from side roads. They also provide access from other state-maintained roads. [Source: 19A NCAC 02C.0101]

STREET, LOCAL

A Street used primarily to provide direct access to abutting property. A “Subdivision Streets” located on the North Carolina System of Secondary Roads, is considered a “Local Street.” A “Subdivision Street” is a street or road which has been dedicated to the public to provide ingress and egress to lots or parcels which have been laid out for the purpose of providing home sites by a person or firm hoping to profit by the sale of such parcels. These lots or parcels are of insufficient size to be used primarily for farming purposes. A subdivision street is primarily for the use and convenience of the abutting property owners and not the general traveling public. [Source: 19A NCAC 02C.0101]

STREET, PUBLIC

Any street located within a public right-of-way.

STREET FRONTAGE

The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STREET LINE

A lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

STREET TREE

A tree planted along a public street or roadway behind or within the right-of-way.

STREET YARD

A planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in [Section 7.7](#) of this Ordinance.

STRIP DEVELOPMENT

A form of development characterized by the following:

- (1) the primary uses are commercial or retail in nature; and

(2) the development site takes direct access from an Arterial or Collector Road; and

(3) the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and

(4) the site, along or in combination with adjoining commercial or retail sites, containing frontage of not less than 200 feet along the street or streets from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURE

Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures. For purposes of the Floodplain Regulations, a "Structure" means a walled or roofed building, including a mobile home and a gas or liquid storage tank. For purposes of the Floodplain Regulations, a "structure" does not include: (1) An electric generation, distribution, or transmission facility; (2) A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility; (3) A water treatment or distribution facility, including a pump station; (4) A wastewater collection or treatment facility, including a lift station; or (5) Processing equipment used in connection with a mining operation.

STRUCTURE, MAIN OR PRINCIPAL

See "Building, Main or Principal."

STRUCTURE, PERMANENT

Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STUB-OUT (STUB-STREET)

A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE or "SUBDIVIDE LAND"

The act or process of creating a Subdivision.

SUBDIVIDER

Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION

All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development whether immediate or future, and all divisions of land involving the dedication of a new street or change in existing streets; provided, however, that the following shall not be included within this definition: (1) the combination or re-combination of portions of previously platted subdivided or recorded lots where the total number of lots is not increased and the resultant lots

are equal to or exceed the standards of this Ordinance; (2) the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved, (3) the public acquisition, by purchase, of strips of land for the widening or the opening of streets; and (4) the division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance. (Source: NCGS §§ 153A-335 and 160A-376). See Article 6 of this Ordinance.

SUBGRADE

The foundation layer of a street.

SUBSIDIARY

A person who is directly, or indirectly through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURFACE, IMPERVIOUS

See Impervious Surface.

SURVEYOR

A land surveyor registered by the State of North Carolina.

SUSPENDED SIGN

A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such

SWALE

An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE

A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

SWINE FARM

A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

SWINE HOUSE

A building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

T-SHAPED SIGN

A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

TAPROOM

A room that is ancillary to the production of beer at a brewery, microbrewery, and restaurant/brewpub where the public can purchase and/or consume a majority of the beer produced on site. Accessory use to a brewery maintained predominately for the purpose of tasting, selling and consumption of alcohol beverages manufactured on the premises or at a production facility of a related entity, including the sale of take home containers such as kegs, growlers, bottles and cans as may be allowed under federal and state law. May provide entertainment.

TELECOMMUNICATION TOWERS

A vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself.

TELEPHONE REPEATER STATION

A building used for housing amplifying equipment along aerial or underground telephone cable routes.

TELEVISION, RADIO AND FILM STATION

A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TELEVISION STATION

One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment and incidental buildings for offices and broadcast facilities, necessary at one location for transmitting television signals, as licensed by the Federal Communications Commission. For purposes of this section, "television" shall have the meaning set forth in 47 C.F.R. § 2.1.

TEMPORARY

Unless otherwise specified, for a period of time less than or equal to one (1) year.

TEMPORARY SIGN

A sign, banner, or other advertising device or display constructed of cloth, canvas, cardboard, wallboard, or other light temporary materials, with or without a structural frame, intended for a temporary period of display.

TEMPORARY STRUCTURE

A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE

A use that is established for one (1) year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 5.8 of this Ordinance.

TEN-YEAR STORM

The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff,

for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

THOROUGHFARE

A Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

THOROUGHFARE PLAN

A plan approved pursuant to NCGS § 136-66.2.

THREATENED SPECIES

Any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

THROUGH LOT

See "Lot, Through."

TIME SHARE

A "time share" as defined in NCGS 93A-41(9).

TIRE COLLECTION SITE

A site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

TIRE PROCESSING SITE

A site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

TOPPING

Any pruning practice that results in more than one-half (1/2) of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree.

TOTAL PERMISSIBLE DWELLING UNITS OR SQUARE FOOTAGE

The total density or intensity of a project computed pursuant to § 4.7 of this Ordinance.

TOWER, GUYED

A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires which are connected to anchors placed in the ground or on a building.

TOWER, LATTICE

A style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

TOWER, MONOPOLE

A style of free-standing antenna-supporting structure which is composed of a single shaft usually composed of two or more hollow sections which are in turn attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation which rests on or in the ground or on a building's roof.

TOWER, TELECOMMUNICATIONS

A structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications. (Amateur or ham radio towers are not included in this definition.)

TOWER, RADIO AND TV TELECOMMUNICATIONS TRANSMISSION

A structure of wires, poles, rods, reflecting disks, or similar devices used for transmitting or receiving television or radio signals, excluding satellite dish antennas.

TOWNHOUSE

A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

TOXIC WASTE

That waste, or combinations of wastes, 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, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

TRACT

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

TRAFFIC STUDY

A study relating to trip generation for a specific use prepared by a Traffic Engineer.

TRAFFIC ENGINEER

A Registered Professional Engineer associated with a firm listed on the NCDOT "register of Firms" pursuant to 19A NCAC 2E.0702.

TRAIL

Any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

1. Park trail. -- A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
2. Designated trail. -- A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
3. A State scenic trail, State recreation trail, or State connecting trail under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
4. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system (Source: North Carolina Trails System Act , NCGS § 113A-85)

TRANSFER STATION, HAZARDOUS

A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

TRANSIENT

Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

TRANSMITTER TOWER OR TOWER TRANSMISSIONS

A structure that supports a wireless transmitter for radio communications, microwave or other forms of telecommunication.

TRANSIT SYSTEM

The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRANSIT STATION

Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSIT FACILITY

All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

TRANSIT TERMINAL

A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES

Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRAVEL TRAILER

A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT WORKS

Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

TREE, ORNAMENTAL

A small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

TREE, SHADE

A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

TREE EVALUATION FORMULA

A formula for determining the value of small trees and shrubs as published by the International Society of Arboriculture.

TREE PROTECTION ZONE

A distance equal to the designated zoning district setback or forty (40) feet from the front property line, whichever is less, or from side lot line on a corner lot.

TRIP GENERATION

The estimated number of vehicle trips produced by a particular use, based on the Institute of Transportation Engineers, *Trip Generation* (5th ed. 1991 or 6th ed. 1997), which documents are hereby incorporated by this reference, or a Traffic Study.

TRIPLEX

A building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK CAMPER

A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

TRUCK PARKING AREA

An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

TWENTY-FIVE YEAR STORM

The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

UNCOVERED

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

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM

A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

UNDERLYING DISTRICT or UNDERLYING ZONING DISTRICT

A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UNDERPINNING

The placement of corrugated metal, plastic, concrete blocks or brick around the circumference of a structure and between the ground and the bottom edge of the structure. *Comment: Underpinning encloses the space under the structure and helps reduce heat loss in winter and heat gain in summer. In addition, it helps prevent high winds from creating an uplifting effect, possibly causing damage to the structure. [Source: "Manufactured Homes," at <http://www.remc.com/manufacturedhomes.html>].*

UNSUITABLE OR UNSTABLE SLOPE

An area susceptible to a landslide, a mudflow, a rock fall or accelerated creep of slope-forming materials.

UPZONING

The reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity than the current zoning classification of the property.

USE

The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED

Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE MATRIX

The schedule of permitted uses, Special Uses and accessory uses within each zoning district set forth in Table 4.6-1 of this Ordinance.

USE, QUASI-PUBLIC

Uses which are considered to be dedicated to public service or to culture. There uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY

See Temporary Use.

USE, VARIANCE

A variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

USED OIL RECYCLING FACILITY

Any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290)

UTILITY LINES

For water and sewer systems, “utility lines” include the lines, pipes, pumps, tanks and other appurtenant parts of the distribution/collection facilities of a public water or sewer system. For other utilities including electric or natural gas, “utility lines” includes the lines, pipes, pumps and similar facilities, used for transmitting, collecting or distributing the service or commodity to customers. Includes mains, pipes and laterals for the reception of electricity, phone or cable signals, gas or fuel, water, sewer, steam, air conditioning, or similar utilities and carrying such utilities to an outfall, transmission station, pump station, lift station, transfer station, or some part of a utility system.

UTILITY POLE

Pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of- way.

UTILITIES

Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY MANUAL

The County of Lee Public Works Utility Manual (1997)(hereinafter the “Utility Manual”), which document is hereby incorporated by this reference. A copy of the Manual is available at the office of the Department of Community Development or the office of the Department of Public Works.

UTILITY FACILITIES

Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

UTILITY SERVICE YARDS

Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

VALANCE

A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VARIANCE

A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VEGETATIVE BUFFER

An area of natural or established vegetation directly adjacent to surface waters through which storm water runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE FILTER

An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE GROUND COVER

Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

VEHICLE

Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK

A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL

Any motor vehicle with a manufacturer's chassis rating greater than one ton.

VEHICLE SIGN

See Portable Sign.

VESTED RIGHT

The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS §§ 153A-344.1 and 160A-385.1)

VETERINARIAN

A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be considered part of a veterinarian establishment.

VINES

A woody plant that spreads as it grows over the ground, walls or trellises.

VIOLATION

The failure of a structure or other development to be fully compliant with the this Ordinance. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in § 1.6 is presumed to be in violation, until such time as that documentation is provided.

WALL, EXTERIOR

A wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

WALL SIGN

A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

WAREHOUSING AND/OR STORAGE

Any building or use classified as LBCS Structure 2700 through 2782, of LBCS Function 3600.

WASTE-RELATED USE

Any of the following, (see Use Matrix and this Appendix A for rules of interpretation: Concentrated Animal Feeding Operation or Animal Production; Demolition Landfill; Hazardous Waste facility; Land Clearing and Inert Debris Landfill; Materials Recovery Facility; Salvage Yard; Septic and Other Waste Management Service; Slaughter House; Solid Waste Disposal Facility (including any Landfill, Incinerator or Combustor); Hazardous Waste Collection facility; or Nonhazardous Waste Collection facility.

WASTEWATER

Any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

WASTEWATER COLLECTION SYSTEM

A unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

WASTEWATER FACILITIES

Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTEWATER SYSTEM

A system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

WATERCOURSE

Any lake, river, stream, creek, or other body of water or channel having banks and bed through which water flows at least periodically.

WATER DEPENDENT STRUCTURES

As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WATER FACILITIES

Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WATER POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143-213).

WATER POLLUTION CONTROL FACILITY

Any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

WATER POLLUTION CONTROL SYSTEM

A system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

WATER SUPPLY FACILITIES

A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

WATER SUPPLY SYSTEM

A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

WATER SYSTEM

All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of storm water runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural storm water and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

WATER SYSTEM IMPROVEMENTS OR SEWER SYSTEM IMPROVEMENTS

Such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

WATER TREATMENT FACILITY

See NCGS § 90A-20.1, as may be amended from time to time, which is hereby incorporated by this reference.

WATERS

Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the County of Lee. (Source: NCGS § 143-212).

WATERSHED

A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

WATERSHED COMMISSION

The Lee County Watershed Improvement Commission.

WET DETENTION POND

As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WETLAND

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

WIND-DRIVEN SIGN

Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

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 can be read from off-premise.

WINE SHOP

A wine shop is an establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine in the manufacture's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine tasting on the premises and is further authorized to sell wine and malt beverages for on-premises consumption, as an accessory and incidental use to the wine shop, provided the establishment and operation is compliant with the supplemental regulations of Section 5.43.4.

WOODLAND

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 continuous canopy. For purposes of submitting a Site Plan or Subdivision Plat, a Woodland shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet, and may be delineated through an aerial photograph or a ground survey.

XERISCAPE

Landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

YARD

An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

YARD, FRONT

A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR

A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED

The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD SALE

All general sales, open to the public, conducted for the purpose of disposing of used personal household items including, but not limited to, all sales entitled "garage", "yard", "attic", "porch", "patio", "rummage", or "moving sale". Yard sales shall be permitted as an accessory to any residential use on any property that contains a dwelling unit subject to the following conditions:

- A yard sale shall be conducted on the property of the owner or tenant conducting the event.
- Yard sales shall be conducted only during daylight hours.
- Merchandise purchased for resale or obtained on consignment is prohibited.
- Yard sale are limited to two (2) events within a ninety (90) consecutive day period.
- Yard sale events shall not exceed two (2) consecutive days.
- All personal property exhibited outdoors during the sale shall be placed within a building or otherwise removed from the premises immediately following the end of the sale.
- No zoning or temporary use permit is required for yard sales as defined in this ordinance.
- Any sale (or display) of merchandise on a residential lot (or lot zoned for residential) that does not conform to the standards as defined within this section for a yard sale shall be considered a business use and shall be prohibited.

YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 4.7 of this Ordinance. An interior side yard is defined as the side yard adjacent to a common lot line.

YARD SETBACK

The minimum horizontal distance between any building and the property line.

ZERO LOT LINE

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING CLEARANCE

The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

ZONING DISTRICT

Any portion of the area of the County of Lee in which the same Zoning regulations apply.

ZONING INSPECTOR

The Department of Community Development or his duty authorized representative.