

# CHAPTER 19

## DEFINITIONS

### 19.1 Word Interpretation

Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular. The word “shall” is mandatory and not discretionary. The word “may” is permissive. The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual. The word “lot” shall include the words “piece”, “parcel”, “tract”, and “plot”. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

### 19.2 Definitions

**Abandon.** To cease from actively using land, or any premises for its intended use for a time period greater than specified.

**Abutting.** Having property or district lines in common; i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy. “Building” includes the term structure (see definition) of every kind, including but not limited to decks, gazebos, retaining walls (greater than 4 feet), swimming pools (see Specific Use Standards) etc., with the exception of except fences and walls, regardless of similarity to buildings. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**Building Height.** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

**Structure.** Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land and anything defined as an “accessory building” or “accessory structure” in the Building Code.

**Built-Upon Area.** Per NCGS 143-214.7(b2), built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. “Built-upon area” does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by

the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour), or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set in this definition.

**Certificate of Occupancy.** Official certification that a premise conforms to provisions of this Ordinance (and State Building Code) and may be used or occupied.

**Change of use.** A change from one use in the Table of Uses to another or the addition or expansion of a new use or an existing use of a building and/or lot.

**Covenant.** A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded.

**Density.** The number of families, persons, housing units, or buildings per unit of land.

**Developer.** Any company, firm, or individual that subdivides property that is subject to the regulation contained within this Ordinance.

**Development.** Development is defined to include:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. Excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 153A-335 or G.S. 160A-376.
- d. The initiation of substantial change in the use of land or the intensity of the use of land.

**Development Permit.** An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

- a. Zoning permits.
- b. Site plan approvals.
- c. Special use permits.
- d. Variances.
- e. Certificates of appropriateness.
- f. Plat approvals.
- g. Development agreements.
- h. Building permits.

- i. Subdivision of land.
- j. State agency permits for development.
- k. Driveway permits.
- l. Erosion and sedimentation control permits.
- m. Sign permit.

**Driveway.** A private strip of land located on a parcel used for vehicle access. A driveway may be located on the principal building's lot and may also be located through an access easement. Driveways are not street right-of-ways.

**Easement.** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property. In no case shall an easement be construed to mean a street right-of-way.

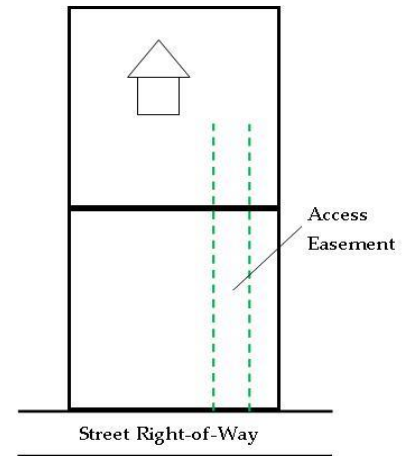
**Family.** One or more persons occupying a dwelling unit and living as a single household.

**Impervious Surface Area.** A surface covered by buildings, concrete, asphalt, or brick, gravel roads, patios, and driveways, or other materials which does not readily absorb water.

**Inoperative Vehicle.** Any vehicle, designed to be self-propelled on land, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle that is registered with the North Carolina Division of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

**Land Development Regulation.** Land development regulation is defined to be any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:

- a. Unified development ordinance.
- b. Zoning regulation, including zoning maps.
- c. Subdivision regulation.
- d. Erosion and sedimentation control regulation.
- e. Floodplain or flood damage prevention regulation.
- f. Mountain ridge protection regulation.
- g. Storm water control regulation.
- h. Wireless telecommunication facility regulation.
- i. Historic preservation or landmark regulation.
- j. Housing code.



**Lot.** A parcel of land occupied, or intended for occupancy, by a use, including one or more main buildings, accessory buildings, open space, and parking spaces as required by this Ordinance.

**Lot Lines.** The property lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

**Lot Line, Front.** That part of the lot adjacent to the street right-of-way line or its land access easement. When an exterior lot fronts a street right-of-way and fronts its access easement the right-of-way is the front property line. When an interior lot is in close vicinity to a street right-of-way and fronts its access easement the property owner shall have the option to choose the front lot line.

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

**Lot of Record, Nonconforming.** A lot, the area, dimensions, or location of which was duly recorded pursuant to statute in the Office of Register of Deeds, lawfully existing at the effective date of this ordinance or prior freestanding zoning and subdivision ordinances that cannot meet the minimum size and/or lot width requirements of the district in which the lot is located.

**Nuisance.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons.

**Peripheral Buffer.** Area encompassing the outermost extent of the development.

**Principal Building or Structure.** A building or structure in which the primary use of the lot on which the building or structure is located is conducted.

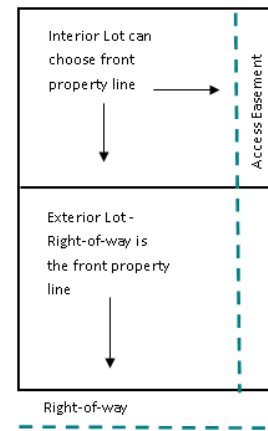
**Public Water or Sewer.** A water or wastewater sewerage system which is owned by any unit of government designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

**Recreational Vehicle (RV).** A vehicle, built on a single chassis containing 400 square feet or less when measured at the largest horizontal projection and designed to be self-propelled or permanently towable by another vehicle. An RV is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, and campers.

**Residual or Parent Acreage.** A piece, parcel, tract, lot or plot of land that is left after a subdivision occurs.

**Right-of-way.** An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system (street right-of-way) and necessary public utility infrastructure. In no case shall a street right-of-way be construed to mean an access easement.

**Setback.** The required minimum distance between every building, measured from the furthest point of the building (such as eaves, deck) from all property lines and/or right of way lines of the



lot on which it is located. Setbacks are not required from easement lines. (This does not include utility easements.) Fire escapes, awnings, stairways, steps, ramps, stoops, sills, ornamental features, balconies, decks, carports, whether enclosed or unenclosed, and similar items shall be considered as a part of the main building and shall not project into the required yard. Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

**Sign.** Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which are visible from any right-of-way and is used to attract attention.

**Sign, Freestanding.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign.

**Sign, Monument.** A freestanding sign where the base of the sign is on the ground and is supported by solid structural features other than support poles.

**Sign, Multi-Tenant.** A sign located at the entrance to a multi-tenant / shopping center in single ownership or under unified control that advertise only the name and location of such center and the name and type of businesses of one or more occupants thereof. Individual tenants of a multi-tenant / shopping center are not permitted a freestanding sign of any kind. Individual tenant wall signs are permitted based on the maximum sign area.



**Sign, Off-Premise Advertising.** A sign, not including billboards, that advertises a business, institution, or industry (including home occupations) on a premise other than the premise on which the business or industry (including home occupations) is located.

**Sign, Off-Premises (Billboard).** A sign which directs attention to a business, commodity, service, entertainment, or other message not conducted, sold, or offered on the premises where such sign is located.

**Sign, Pole.** A type of freestanding sign supported by one or two poles or masts.

**Sign, Wall.** A sign attached to a wall and not projecting away from the wall more than 12 inches.

**Street.** A public or private right-of-way including "road" or "highway." In no case shall a street be construed to mean an access easement.

**Street, Arterial.** A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as



“major thoroughfares,” “freeways,” “expressways,” etc., and are usually numbered State or Federal Highways. Numbered State Secondary Roads are included in this definition.

**Street, Marginal Access.** A local street which parallels and is immediately adjacent to arterial streets, and which provides access to abutting properties and protection from through traffic.

**Street, Private.** Any street right-of-way which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

**Street, Public.** Any street right-of-way which is publicly owned and maintained.

**Structure.** Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land and anything defined as an “accessory building” or “accessory structure” in the Building Code.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

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

**Subdivision.** The following is the statutory definition of "subdivision" which exempts certain categories from subdivision regulations. No subdivisions of land are exempt from the Watershed Protection Ordinance. 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 shall include all division of land involving the dedication of a new street or a change in existing streets. Remaining acreage from the parent tract must be surveyed when the remaining lot size is less than 3 times the minimum lot size of the zoning district. The remaining acreage must show that all dimensional criteria for the zoning district can be met, including minimum width and depth.

**Temporary.** Anything temporary is to exist less than six (6) months, unless otherwise specified by this Ordinance.

**Use.** Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

**Use, Nonconforming.** The use of a building, structure, or land that was valid when brought into existence but by subsequent regulation, does not conform to the use regulation of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated.

**Use, New.** Any purpose which has not before existed on said land or premises.

**Use, Principal.** The primary or predominant use of any land, lot, building, or structure.

**Vehicle or Motor Vehicle.** All machines designed or intended to travel over land by self-propulsion.

**Yard, Front.** An open space across the full width of the lot facing a street or access easement extending from the front lot line and nearest line of the building.

**Yard, Side.** An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot.

**Yard, Rear.** An open space extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

**Zoning.** A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Unified Development Ordinance consists of two parts – a text and a map.

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