

# APPENDIX A. DEFINITIONS

## Section A.1 Purpose

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For the purposes of this Ordinance, certain words, concept, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

## Section A.2 Interpretation

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- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word "person" includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The words "may" and "should" are permissive.
- (F) The words "shall" and "will" are always mandatory and not merely directive.
- (G) The word "used for" shall include the meaning "designed for."
- (H) The words "used" or "occupied" shall mean "intended, designed, and arranged to be used or occupied."
- (I) The word "lot" shall include the words "plot," "parcel," "site," and "premises."
- (J) The word "street" includes the word "alley," "road," "cul-de-sac," "highway," or "thoroughfare," whether designated as public or private.
- (K) The word "includes" shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (L) The word "Commissioner" shall include "Board of Commissioners" of the City of Boiling Spring Lakes, North Carolina.
- (M) The word "director" shall mean the Planning Director, UDO Administrator, or his designee.

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- (N) The words "Zoning Board," "Zoning Commission," "Planning Commission," or "Planning Board" shall mean the "City of Boiling Spring Lakes Planning Board."
- (O) The word "City" shall mean the "City of Boiling Spring Lakes," a municipal corporation of the State of North Carolina.
- (P) The words "map," "zoning map," and "Boiling Spring Lakes Zoning Map" shall mean the "Official Zoning Map for the City of Boiling Spring Lakes, North Carolina."
- (Q) The words "Board of Adjustment" shall mean the "City of Boiling Spring Lakes Board of Adjustment."

### Section A.3 Definitions

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A

#### ***Abutting***

Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

#### ***Access***

A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

#### ***Accessory Building or Use***

A building or use, not including signs, which:

- (A) Is conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
- (B) Is clearly incidental to, is subordinate in area and purpose to, and serves the principal use.
- (C) Is either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

#### ***Advertising Device or Sign***

Any advertising sign, billboard, statuary or poster which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

#### ***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

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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.

### ***Adult Businesses/Establishment***

Adult businesses and establishments include any of the following as defined per NCGS 14-202.10, as may be amended:

- (A) "Adult bookstore" means a bookstore:
  - (1) Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined herein; or
  - (2) Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined herein.
- (B) "Adult establishment" means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined herein.
- (C) "Adult live entertainment" means any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined herein.
- (D) "Adult live entertainment business" means any establishment or business wherein adult live entertainment is shown for observation by patrons.
- (E) "Adult motion picture theatre" means an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. "Adult motion picture theatre" does not include any adult mini motion picture theatre as defined herein.
- (F) "Adult mini motion picture theatre" means an enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.
- (G) "Massage" means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
- (H) "Massage business" means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.
- (I) "Sexually oriented devices" means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

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- (J) "Specified anatomical areas" means:
- (1) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (K) "Specified sexual activities" means:
- (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human masturbation, sexual intercourse or sodomy; or
  - (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts.

### ***Alley***

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

### ***Alteration***

A change in the size, configuration or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

### ***Animal Shelter***

Animal shelter means a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or 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, rehabilitation, or humane treatment of animals.

### ***Apartment (Dwelling Unit)***

A room or suite of rooms intended for use as a residence by a single household or family (i.e., dwelling unit). Such dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single-family home or a commercial building.

### ***Apartment House***

See Dwelling, Multi-Family.

### ***Appeal***

A request for a review of the final decision of any provision of this Ordinance. Appeals are heard by the Board of Adjustment.

### ***Approval Authority***

The Board of Commissioners, Board of Adjustment, Planning Board or other board or official designated by Ordinance as being authorized to grant the specific zoning or land use permit or approval.

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### ***Area of Shallow Flooding***

A designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

### ***Area of Special Flood Hazard***

The land in the floodplain within a community subject to a 1% or greater chance of being flooded in any given year.

### ***Arcade***

A place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games, internet cafes, any form of computer gaming, nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

### ***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. 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 NC General Statutes 131E-102. Effective October 1, 1995, there are two types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services.

### ***Automated Convenience Stores***

A vending machine which is large in comparison to a soft drink or snack vending machine. Such vending machine requires an electrical permit, water line connection, access, lighting, landscaping and shall be approved by the UDO Administrator and or Code Enforcement Officer through the site plan review process.

### ***Gas Station***

Any building or land used for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires. Car washing, mechanical and electrical repairs and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. No fuel pumps shall be located within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire retreading, major body work, major mechanical work or upholstery work.

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### ***Bakery***

The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced is for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, are considered a

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manufacturing use.

### ***Bank***

See Financial Institution.

### ***Bank Teller Machine (ATMs), Attached***

A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.

### ***Bank Teller Machine (ATMs), Freestanding***

An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

### ***Bed and Breakfast Inn***

A use that takes place within a building that, prior to the establishment, was designed and used as a single-family residence, that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, and where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit.

### ***Billboard***

An off-premises sign owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign.

### ***Block***

A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, watercourses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

### ***Block Frontage***

That portion of a block which abuts a single street.

### ***Board of Adjustment***

The Board of Adjustment of Boiling Spring Lakes, North Carolina. A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the UDO Administrator, to consider requests for variances from the terms of this Ordinance, and other requirements as specified by this ordinance. Board of Adjustment shall include the term "Appeal Board."

### ***Breakaway Wall***

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.

### ***Building Frontage***

The linear length of a building facing the street right-of-way or parking lot.

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### ***Buffer***

A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

### ***Buildable Area***

This term shall mean or refer to that area of each lot or tract excluding any applicable buffer zones and setback areas in which structures, garages, septic tanks, nitrification lines, accessory buildings, and similar appurtenances may be located.

### ***Building***

Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes and attached or unattached carports consisting of a roof and supporting members, and similar structures, whether stationary or movable. "Building" shall include all structures, regardless of similarity to buildings.

### ***Building, Height of***

The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building. In computing the height of a building, the height of a basement, if below the grade from which the height is measured, shall not be included. Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances are not subject to the height limit regulations contained in this Ordinance.

### ***Building Line***

A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the property lines.

### ***Building Permit***

A permit required prior to the initiation of construction of a structure. It verifies that the proposed building's plans comply with the state building code.

### ***Building, Principal (Main)***

A building in which the primary use of the lot on which the building is located is conducted.

### ***Building, Setback Line***

A line measured parallel to a property line in front of which no structure shall be erected unless otherwise authorized by this ordinance.

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### ***CAMA – Coastal Area Management Act***

This act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through the North Carolina Department of Environment and Natural Resources' Division of Coastal Management (DCM).

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### ***Canopy, Marquee, or Awning***

Any roof-like structure extended over a sidewalk or walkway.

### ***Certificate of Occupancy***

Official certification that a premises conforms to provisions of this Ordinance and the city building code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.

### ***Church/House of Worship***

A building or structure, or group of buildings or structures which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Certain customary accessory uses shall be allowed to take place on church premises. These include book shops, thrift shops and certain types of day care centers and schools. The overnight lodging of transient persons shall not be considered as a customary accessory use. The accessory uses shall be subject to any applicable supplemental regulations located elsewhere in this Ordinance.

### ***Clear-cut***

To cut all the trees in a stand of timber.

### ***Club or Lodge (Private, Nonprofit, Civic, or Fraternal)***

A nonprofit association of persons who are bona fide members paying dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

### ***Commercial***

Any activity or service performed with the exchange of money or barter, expected to generate a profit.

### ***Common Area***

All areas, including private streets, conveyed to an owners' association in any applicable development.

### ***Common Open Space***

Land and/or water areas within the site designated for a particular development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, but not including any lands occupied by streets, street rights-of-way or off-street parking.

### ***Common Open Space, Improved***

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses and the like.

### ***Common Wall***

The wall between two distinct sections of a building, one-story and two-story sections of a residence, or between house and attached garage; also known as party wall.

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### ***Community Center***

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

### ***Conditional Use***

A use permitted in a particular zoning district in a specified location complies with certain findings of fact and other conditions as specified in this Ordinance.

### ***Conditional Use Permit***

An authorization which may be subject to any specific restrictions or conditions on its size, location, construction, hours of operation, character of use, and other fair and reasonable conditions as specified by the approval.

### ***Congregate Care Facility***

A facility providing shelter and services for ambulatory individuals at least 55 years of age who by reason their age, functional impairment or infirmity may require meals, housekeeping and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

### ***Construction Trailer***

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year round occupancy at the construction site on a temporary basis for office and/or storage purposes.

### ***Contiguous***

Next to, abutting or touching and having a boundary, or portion thereof, which is contiguous, including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term contiguous shall also mean abutting or adjacent.

### ***Continuing Care Facility***

A residential complex which contains a variety of living facilities which may include independent living units, such as apartments, condominiums, cottages and the like, assisted living (domiciliary care) facilities and/or nursing home beds. Residents of these facilities may either pay rent or purchase their living quarters. If the unit is occupant owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

### ***Contractors' Storage and Equipment Yard***

A place where construction equipment used by building contractors is externally stored.

### ***Country Club***

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses open to members and their guests, which is privately operated. Uses at a country club frequently include golf courses, outdoor swimming pools and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a freestanding entity or as part of a residential community.

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### ***Cul-de-sac***

A street with a single common point of ingress and egress and with a turnaround at its end.

### ***Curb Cut***

A lowered, discontinued and/or cut-away opening in street curbing for the purposes of permitting ingress or egress to property abutting a street. The term curb cut shall be construed to include the term driveway cut.

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### ***Day Care Facilities (Child)***

Any child care arrangement which provides day care on a regular basis for more than four hours per day for more than five children, wherever operated and whether or not operated for profit, except that the following are not included:

- (A) Public schools;
- (B) Nonpublic schools whether or not accredited by the NC State Department of Public Institution, which regularly and exclusively provide a course of grade school instruction to children who are of public school age;
- (C) Summer camps having children in full-time residence;
- (D) Summer day camps; and Bible schools normally conducted during vacation periods.

### ***Day Care Facility (Adult)***

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. The following are exempt from this definition: (1) those that care for three people or less; (2) those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility; and (3) those that are required by other statutes to be licensed by the Department of Health and Human Services.

### ***Dedication***

A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

### ***Density, Gross***

A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area of the parcel(s) to be developed less any land or feature specified by this ordinance.

### ***Developed Lots***

A lot, tract, or acreage which is already occupied by a principal use and principal and/or accessory buildings located thereon as of the effective date of this Ordinance.

### ***Development***

The occupancy, improvement and/or use of land for any purpose; and/or construction, erection, alteration, and/or improvement of a building for any purposes, including the movement to or from of any building, structure or improvement. The term development shall not include the use of land for forest, agricultural or game preservation, provided the land does not contain any

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structural improvements other than fencing and/or grading for water retention. Within the Special Flood Hazard Area, subdivision shall be considered development.

### ***Development Plan***

A detailed drawing(s) containing specific information regarding proposed development within the City.

### ***Diameter at Breast Height (DBH)***

The diameter of a tree measured four and one-half feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

### ***District***

Any section of the zoning jurisdiction in which zoning regulations are uniform.

### ***Drug Store***

A retail store which sells prescription drugs and which may also sell other items at the retail level. Prescription drugs may also be sold in department stores, variety stores and food stores but these stores shall not be deemed to be a pharmacy.

### ***Dry Cleaning and Commercial Laundry Facilities***

A business which cleans clothing by the use of a process of nonflammable solvents. Additionally, such establishments may provide laundry services of washing, drying, folding, and packaging of clothing and linens. Commercial laundry facilities include self-service commercial establishments for the washing and preparation of clothes and other fabrics such as a coin-operated laundromat.

### ***Dwelling***

A building or portion thereof designed, arranged, or used for permanent living quarters. The term dwelling shall not be deemed to include motel, hotel, tourist home, or other structures designed for transient residence.

### ***Dwelling, Attached***

A dwelling unit attached side-by-side to two or more other dwelling units by common vertical walls. Each dwelling unit shall be located on a separately deeded lot.

### ***Dwelling, Detached***

A dwelling unit not attached to another dwelling unit that is developed with open yards on at least three sides.

### ***Dwelling, Duplex***

A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

### ***Dwelling, Multi-Family***

A building containing three (3) or more dwelling units, except where permitted as an accessory use.

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### ***Dwelling, Single-Family***

A single building containing one (1) dwelling unit only.

### ***Dwelling Unit***

A room or combination of rooms designed for year round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities, and designed for or used as a residence by one family. Units located within motels or hotels or recreational vehicles shall not be included as dwelling units.

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### ***Easement***

A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation or persons.

### ***Effective Date of this Section***

The effective date of the section as originally adopted, or by the effective date of the most recent amendment adopted.

### ***Electronic Game Promotions***

Any enterprise (as a principal use or an accessory use) utilizing electronic machines, including computers, as game promotions. In a game promotion, a person may conduct a game of chance in connection with the sale of consumer products or services and/or for which the elements of chance and prize are present. This term includes, but is not limited to, sweepstakes or internet cafes. This does not include any lottery approved by the State of North Carolina.

### ***Evidentiary Hearing***

The formal hearing required to gather evidence prior to making a quasi-judicial zoning decision. All of the essential elements of a fair trial must be observed, such as having witnesses under oath and subject to cross-examination, no gathering of evidence outside the hearing, written findings of fact, and substantial, competent, and material evidence in the record to support the findings.

### ***Extraterritorial Jurisdiction***

This is the authority of a City to apply its zoning ordinance outside of the City limits. Cities in North Carolina generally have the authority to do this in an area immediately adjacent to the City, with the size of the area varying up to three miles depending on the population of the City. This area is often referred to as the "ETJ."

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### ***Family***

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

### ***Farm Animals***

Farm animals shall include, but not be limited to, animals commonly raised or kept in an agricultural environment including horses, swine, mules, sheep, goats, cows, poultry or other

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similar birds.

### ***Farmers Market***

A collective enterprise selling directly to the public and operated under a unified set of management guidelines and restrictions, concentrated in a single location, and leasing or otherwise assigning spaces to growers/producers who personally sell fresh produce and related farm products locally grown off site.

### ***Feather Flag***

A narrow, tall, flag-like banner sign often made of flexible material that moves with wind. These signs have different names such as flutter flags, swooper flags, blade flags, and teardrop flags.

### ***Fence***

A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material used as a boundary or means of protection or confinement, but not including a hedge or other natural growth.

### ***Festoon Lighting***

A string of outdoor lights, including glass tubes filled with neon, argon, krypton or others used to construct a sign and suspended between two points.

### ***Financial Institution***

A commercial bank, mortgage bank, savings and loan association or credit union, any of which are licensed, insured and chartered by the United States of America or the state.

### ***Floodplain Development Permit***

Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity within the Special Flood Hazard Area.

### ***Floor***

The top surface of an enclosed area in a building, including the basement, for example, the top of slab in concrete slab construction or 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, Gross***

The total floor area enclosed within a building, measured from interior wall to interior wall. For determining off-street parking and loading requirements, means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include floor area devoted to primarily storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

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### ***Freeboard***

The additional amount of height added to the base flood elevation (BFE) to account for uncertainties in the determination of flood elevations.

### ***Frontage***

The distance between the two (2) side lot lines as measured along the right-of-way line.

### ***Fuel Station (Filling Station)***

A fuel dispensing pump, which may contain more than one fuel nozzle, designed to accommodate one or two vehicles at a time. If two vehicles are accommodated at the same time, fuel nozzles serving the two vehicles shall be located on opposite sides of the fuel pump.

### ***Funeral Home***

A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

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### ***Garage, Private***

A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

### ***Garage, Public***

Any building or premises, except those described as a private or storage garage, used for the storage of cars or motor vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

### ***Garage, Storage***

Any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

### ***Greenhouse***

A "greenhouse" is a structure that has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five percent (95%) of which is used to grow or cultivate plants, is built in accordance with the National Greenhouse Manufacturers Association Structural Design manual.

### ***Golf Facility***

A golf course, club house including a pro shop, restaurant, bar, meeting, dining and banquet room, accessory buildings for golf course maintenance, swimming pool, tennis courts, and driving range.

### ***Gross floor area***

See Floor Area, Gross.

### ***Gross Leasable Area***

The total floor area for which the tenant pays rent and which is designed for the tenant's

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occupancy and exclusive use.

### ***Ground Covers***

Low growing plants such as grasses, ivy, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

### ***Group Care Facility***

A facility licensed by the state, or a battered spouses shelter or unwed mothers home, by whatever name it is called, other than a family care home as herein defined, with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than 30 handicapped persons, unwed mothers with their neonates, and battered spouses with their children.

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### ***Handicapped Person***

A person with a physical or mental impairment which substantially limits one or more of the person's major life activities; a person with a record of having an impairment of this kind; or a person who is regarded as having this impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 USC 802.

### ***Home Care Unit***

A facility meeting of the requirements of the state for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention and is located on a lot of at least one (1) acre in size.

### ***Home for the Aged/Infirmed***

A residential institution licensed by the state to provide basic living needs to seven or more elderly in-house residents. Congregate meals are served on-site to residents, and 24-hour in-house services are provided.

### ***Home Occupation***

Any occupation or profession carried on entirely within a dwelling by one (1) or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

### ***Hospital***

An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, nurses dormitories and staff offices.

### ***Hotel/Motel***

A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests; and may have one or more dining rooms, restaurants or cafes where meals are served.

## APPENDIX A. DEFINITIONS

I

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### ***Ice Cream Stand***

A facility for the retail sale of frozen confections as a carry out purchase. May have outside seating capacity consistent with State Health Code requirements.

### ***Ice Vending Machine***

A modular unit or structure that produces, stores, bags and or vends ice to the consumer in an automated fashion located inside of a business or similar use.

### ***Illumination, Direct***

Illumination which emits light either by means of an artificial light source on a surface, or by means of an artificial light source transmitted through a surface.

### ***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 Cover or Surface***

Any structure, material or ground cover consisting of, but not limited to, asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil. Impervious surface 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).

### ***Incompatible Use***

A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous or discordant.

### ***Independent Living Center***

An establishment which provides living facilities to seven or more persons with physical or mental disabilities, irrespective of age. Congregate meals may be provided at the facilities. However, residents are expected to provide other basic living services.

### ***Inoperative Vehicle***

Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle which is registered with the state department of motor vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

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### ***Junk/Salvage Yard***

Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored,

## APPENDIX A. DEFINITIONS

baled, packaged, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junkyard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

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None.

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### ***Landfill, Clean***

A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the state. A clean fill operation which is conducted to improve or re-contour land using only soil or a fill operation, as defined by G.S. 130a-294(m), which consists of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous materials shall not be construed to be a clean landfill.

### ***Landfill, Sanitary***

A solid waste disposal facility designed to meet the minimum standards of the state wherein refuse, as defined by state standards, is disposed of by utilizing acceptable landfill engineering technology.

### ***Landowner***

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of the owner. The landowner may allow a person holding a valid option to purchase to act as his or her agent or representative for purposes of submitting a proposed site specific development plan for the purpose of establishing a vested right.

### ***Legislative Hearing***

A hearing held for the purpose of soliciting public comments on a proposed change in the zoning text or zoning map. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.

### ***Levee***

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

### ***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.

## APPENDIX A. DEFINITIONS

### ***Living Area***

Heated and cooled square footage that which shall be exclusive of carports, garages, pump houses, unattached utility rooms, porches, steps, walks, and other additions of such character.

### ***Living Quarters***

Any space meeting the requirements of the NC State Building Code for sleeping, living, cooking, or dining purposes.

### ***Loading Space, Off-Street***

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expect to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

### ***Lot***

A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development. "Lot" shall include the words "parcel," "plot" and "tract."

### ***Lot, Corner***

A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this chapter, such as in corner visibility requirements. A corner lot is required to provide a front yard setback and a side yard setback. The front yard setback shall be measured from the lot line that provides a lot's street address or that opposes the primary entrance of a building.

### ***Lot Coverage***

That portion of a lot occupied by impervious coverage or surfaces.

### ***Lot Depth***

The average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

### ***Lot, Interior***

A lot other than a corner lot.

### ***Lot Line***

The line bounding a lot.

### ***Lot Line, Front***

The lot line connecting the two side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.

### ***Lot Line, Interior***

A lot line which does not have street frontage.

## APPENDIX A. DEFINITIONS

### ***Lot Line, Rear***

The lot line opposite and most distant from the front lot line.

### ***Lot Line, Side***

The lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

### ***Lot of Record***

A lot which is a part of a subdivision, a plat of which has been recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds by the owner or predecessor in title thereto.

### ***Lot, Through (Double Frontage)***

An interior lot having frontage on two (2) streets. A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

### ***Lot Width***

The straight line distance between the points where the building setback line intersects the two (2) side lot lines.

### ***Lumen***

A unit of measurement of the quantity of light that falls on an area of one square foot, every point of which is one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens. For the purpose of this Ordinance, the lumen output value shall be the initial lumen output ratings of a lamp.

### ***Luminaire***

A complete lighting unit consisting of a light source, from one or more lamps, and all necessary electrical, mechanical and decorative parts. Also called a lighting fixture.

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### ***Manufactured Home***

A dwelling that:

- (A) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;
- (B) Exceeds 40 feet in length and eight feet in width;
- (C) Is constructed in accordance with the national manufactured home construction and safety standards;
- (D) Is not constructed in accordance with the standards of the state uniform residential building code for one- and two-family dwellings; and
- (E) Was constructed after July 1, 1976, and meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. The term manufactured home does not include

## APPENDIX A. DEFINITIONS

a recreational vehicle.

### ***Manufactured Home Park or Subdivision (Mobile Home Park)***

A manufactured home park is any lot, parcel, or tract of land used for the placement of more than one (1) manufactured home.

### ***Manufactured Home Space***

A plot of land within a manufactured home park used, designed to be used, or intended to be used for the placement of a single manufactured home.

### ***Manufactured Home Stand***

That portion of the manufactured home used, intended to be used or designed to be used as the area occupied by the manufactured home itself.

### ***Manufacturing, Artisan***

On-site production of goods by hand manufacturing involving the use of hand tools and small-scale light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have very limited, if any, negative external impacts on surrounding properties, water resources, air quality and/or public health.

### ***Manufacturing, General***

Manufacturing, bulk storage, and/or handling of finished or unfinished products primarily from extracted, raw, recycled, or secondary materials. Typical uses include textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; and carpet cleaning plants. General manufacturing facilities include those operations that do not have significant negative external impacts on surrounding properties, water resources, air quality and/or public health.

### ***Manufacturing, Intensive***

Manufacturing and processing of products and chemicals including but not limited to: acetylene, lime, gypsum or plaster-of-Paris, stone, clay, glass, cement, concrete, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal, plastic and synthetic resins, and radioactive materials. This group also includes smelting, animal slaughtering, paper manufacturing, oil refining, fuel bulk storage facilities, and electricity generating facilities, as well as any manufacturing or processing facility which has a high potential for significant negative external impacts on surrounding properties, water resources, air quality and/or public health.

### ***Manufacturing, Limited***

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing; electrical equipment, appliance,

## APPENDIX A. DEFINITIONS

component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments.

### ***Market Value***

The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

### ***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 Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

### ***Medical Center***

A facility housing the offices of three or more doctors where out-patient medical services are routinely provided to the general public. Overnight stays of patients at the facilities shall not be allowed.

### ***Memorial Sign or Plaque***

A sign designating names of buildings and/or date of erection and other items such as architect, contractor or others involved in a building's creation, cut into or attached to a building surface.

### ***Microbrewery***

A microbrewery as permitted by NCGS 18B-1104 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the manufacturing of malt beverages; (2) Sell, deliver and ship malt beverages in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Give its products to its employees and guests for consumption on its premises.

### ***Microdistillery***

A distillery as permitted by NCGS 18B-1105 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor; (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

### ***Mini-Warehouse***

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars; motorcycles; trailers; motor homes, pick-up trucks and similar-type and size vehicles; and building materials. All areas devoted for outdoor storage shall be screened in accordance with Article 9. Use of the leased storage spaces shall be for storage purposes only.

## APPENDIX A. DEFINITIONS

### ***Major Subdivision***

Any subdivision not qualifying as an Exempt Plat or Minor Subdivision shall constitute a Major Subdivision.

### ***Minor Subdivision***

Creation of 4 or fewer lots where no new public streets, right-of-way dedications, or public utility extensions are involved (not including service lines to individual lots).

### ***Mixed Use***

A principal structure where one or more dwelling units are located on an upper floor over a non-residential use.

### ***Mobile Food Truck***

A readily movable trailer, or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve items that provide nourishment. This shall not include alcoholic beverages.

### ***Mobile Home***

See Manufactured Home.

### ***Modular Home***

A dwelling unit or building constructed in accordance with the standards set forth in the North Carolina Building Code and constructed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular unit may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (except that the modular unit meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

### ***Monument Sales***

An establishment where cemetery stones may be engraved, finished, and sold.

### ***Motor Vehicle, Junked***

A motor vehicle that does not display a current license plate and is one of the following:

- (A) Partially dismantled or wrecked;
- (B) Cannot be self-propelled or moved in the manner in which it originally was intended to move; and/or
- (C) More than five years old and appears to be worth less than \$100.

### ***Multi-Family Residential***

A tract or tracts of land containing one or more multi-family dwellings.

### ***Multi-phased development***

A development containing 100 acres or more that (i) is submitted for development plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

## APPENDIX A. DEFINITIONS

### ***Multi-unit Assisted Housing with Services***

An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the Division of Facility Services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- (A) Emergency response system;
- (B) Charges for services offered;
- (C) Limitations of tenancy;
- (D) Limitations of services;
- (E) Resident responsibilities;
- (F) Financial/legal relationship between housing management and home care or hospice agencies;
- (G) A listing of all home care or hospice agencies and other community services in the area;
- (H) An appeals process; and
- (I) Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, are exempt from the regulatory requirements for multi-unit assisted housing with services programs.

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### ***National Geodetic Vertical Datum (NGVD)***

As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

### ***Newsstand***

An establishment which sells newspapers, magazines, candy, tobacco and sundry products at the retail level. A newsstand may not sell materials so as to conform with the term adult establishment, as defined in G.S. 14-202.10.

### ***Nonconforming Building or Structure***

A nonconforming situation that occurs when the height of a structure or the relationship between an existing building or buildings and other buildings or lot lines do not conform to the dimensional regulations applicable to the district in which the property is located.

## APPENDIX A. DEFINITIONS

### ***Nonconforming Lots of Record***

A lot existing at the effective date of this Ordinance or any amendment to it, and not created for the purpose of evading the restrictions of this chapter, that cannot meet minimum area and/or lot width requirements of the district in which the lot is located.

### ***Nonconforming Sign***

A sign that, on the effective date of this chapter or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

### ***Nonconforming Situation***

A situation that occurs when, on the effective date of this Ordinance or any amendment to it, 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 this ordinance. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy minimum yard requirements, because the relationship between existing buildings and the land, in matters such as density and setback requirements, is not in conformity with this Ordinance, or because land or buildings are used for purposes which are not in conformance with the list of permitted uses for the district in which the property is located.

### ***Nonconforming Use***

A nonconforming situation that occurs when property is used for a purpose or in a manner not permitted by the use regulations applicable to the district in which the property is located.

### ***Nuisance***

Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

### ***Nursery***

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to the general public. Nurseries may include the use of greenhouses for growing purposes.

### ***Nursing Home***

An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

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### ***Obstruction***

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

## APPENDIX A. DEFINITIONS

### ***Office***

A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

### ***Office Building***

A building, a majority of which is used for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand. Retail uses serving the general public may also be located in these structures but shall not constitute a majority of the building's gross leasable area.

### ***Official Maps or Plans***

Any maps or plans officially adopted by the Board of Commissioners as a guide for the development of the city consisting of maps, charts, and texts.

### ***Open Space***

An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

### ***Ordinance***

This Unified Development Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

### ***Outdoor storage (includes Open Storage)***

The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

### ***Outdoor display***

The display of retail goods outside of an enclosed building. This does not apply to farmers' markets or produce stands where permitted by the applicable zoning district.

### ***Outparcel***

A lot located within a planned multi-tenant development (e.g., a shopping center) which does not have access from a public road abutting the development. The lot may contain no more than one principal use and the outparcel lot may be exempt from the yard and bulk requirements of the underlying zoning district.

### ***Overlay District***

A zoning district that applies development standards in addition to the requirements of the basic (or "underlying" zoning district). For example, a floodplain overlay district may impose restrictions on development in flood hazard areas that are in addition to whatever requirements are imposed by the underlying residential or commercial zoning district.

### ***Owner***

A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

## APPENDIX A. DEFINITIONS

P

### ***Parapet***

That portion of a building wall or false front that extends above the roof line.

### ***Parking Lot***

An area or plot of land used for the storage or parking of vehicles.

### ***Parking Space***

A storage space of not less than one hundred sixty (160) square feet for one (1) automobile, plus the necessary access space.

### ***Patio Home***

A single-family dwelling on a separate lot with open space on three sides on that lot.

### ***Person***

Any individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board or public or private institution, utility, cooperative, interstate body or other legal entity.

### ***Planning Board***

The Planning Board of Boiling Spring Lakes, North Carolina. The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

### ***Plat***

A map showing the location, boundaries and ownership of individual properties.

### ***Plot Plan***

A plan drawn generally to scale which shall indicate all existing and proposed structures, required setbacks, and existing and proposed impervious surfaces. For single-family detached and two-family residential (duplex) development, the plot plan should be drawn using a recent survey (less than 2 years) old that has been prepared and sealed by a licensed surveyor.

### ***Portable Vending Machine***

Any unattended self-service device that, upon insertion of money, credit cards, check cards, token, or similar means, dispense something of value including food, beverages, goods, and merchandise.

### ***Post-Firm***

Construction or other development which started on or after January 1, 1975, or on or after the effective date of the initial flood insurance rate map for the area, whichever is later.

### ***Pre-Firm***

Construction or other development which started before January 1, 1975, or before the effective date of the initial flood insurance rate map for the area, whichever is later.

## APPENDIX A. DEFINITIONS

### ***Premises***

A single piece of property as conveyed in a deed or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or group of buildings are to be constructed.

### ***Principal Building***

See Building, Principal.

### ***Principally Above Ground***

At least fifty-one (51) percent of the actual cash value of the structure is above ground.

### ***Private Driveway***

A roadway serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

### ***Produce Stand***

An accessory use, whereby a single-vendor enterprise sells a variety of farm products directly to the public in a single location for one or several off site growers for a period not to exceed 90 days.

### ***Public Safety and/or Nuisance***

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

### ***Public Sewer System***

A system serving two (2) or more dwelling units and approved by the county division of the district health department and the state department of water and air resources.

### ***Public Street***

A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic, but not an alley.

### ***Public Water System***

Any water supply furnishing potable water to ten (10) or more residence or businesses, or combination of residence or businesses. Approval by the sanitary engineering division, state board of health, department of human resources is required.

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### ***Quasi-Judicial Decisions***

Those zoning decisions that require the finding of facts and the application of standards that involve judgement and discretion. Examples include conditional use permits and variances.

## APPENDIX A. DEFINITIONS

R

### ***Recreation Area or Park***

An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate such activities.

### ***Recreational Vehicle***

A vehicle which is:

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

### ***Recreational Vehicle Park***

Any site or tract of land of at least one (1) acre upon which are located the minimum number of recreational vehicle spaces or land area required by this Ordinance, regardless of whether or not a change is made of such service.

### ***Recreational Vehicle Space***

A plot of land within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle. The plot shall contain a minimum of one thousand (1,000) square feet.

### ***Reserve Strip***

A strip of land, usually only a few feet wide, owned privately and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets.

### ***Restaurant***

A building or part of a building used or designed for the serving of food for compensation on the premises

### ***Restaurant, Drive-In/Through***

An establishment whose principal business is the sale of precooked or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from an outdoor calling station. The restaurants may also have drive-in service windows for the pickup of food orders.

### ***Retail Trade***

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of retail trade establishments include the following: the establishment is usually a place of business and is engaged in activity to attract the general public to buy; the establishment buys and receives as well as sells merchandise; the establishment may process some of the products, but such processing is incidental or subordinate to the selling activities; and retail establishments sell to customers for their own personal or household use.

## APPENDIX A. DEFINITIONS

### ***Retrofitting***

Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

### ***Rezoning***

The amendment of a zoning map to move property from one zoning district to another district.

### ***Roof Line***

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

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### ***Satellite Dish Antenna***

A dish shaped device mounted on pedestal. This type of antenna is capable of receiving television signals from a transmitter/relay in a planetary orbit.

### ***School, Elementary, Junior High and Senior High***

A public or private school licensed by the state to provide elementary or secondary education. If the school is located on the grounds of a church or house of worship, it shall be considered a separate principal use if it has a student body in excess of 50 students. Students enrolled in a day care center at the church shall not be separately counted as school students.

### ***School, Vocational***

A secondary or higher education facility, to include training facilities, that teach usable skills that prepare students for jobs in a specific trade or vocation or to acquire certain skills that allow them to pass certain types of examinations upon graduation (e.g., auto mechanics, secretarial studies, machine repair, computer training facilities, Class 'C' driving schools and the like).

### ***School for the Arts***

A school where classes in the various arts (e.g., dance, painting, sculpting and singing) are taught to four or more persons at a time. As differentiated from a vocational school, the schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance. A school giving martial arts instruction shall be considered a separate use.

### ***Screening***

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

### ***Self Service Ice Vending Unit***

A stand-alone ice production machine that may operate without full time service personnel. These units are activated by the insertion of money, credit cards, check cards, token, or similar means; ice is bagged automatically or dispensed in bulk outside to the consumer. In addition to site plan review by the UDO Administrator, several permits and approvals including but not limited to electrical, plumbing, sewer connection, city business license, and Health Department certification may be required

## APPENDIX A. DEFINITIONS

### ***Service Station***

See Gas Station.

### ***Setback***

The required distance between every structure and the lot lines of the lot on which it is located.

### ***Setback, Front***

The setback measured from the front lot line.

### ***Setback, Rear***

Any setback other than a front setback which provides a usable outdoor space. Any lot having two or more front setbacks may not have to provide a rear setback.

### ***Setback, Side***

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line.

### ***Shopping Center***

A group of two or more retail or service establishments constructed and developed in one or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one or more lots and may include one or more principal buildings. A shopping center differs from an office building in that the majority the gross leasable area in a shopping center is devoted to retail and service uses serving the general public, and the majority of gross leasable area in an office building is composed of office uses. Any uses located on outparcels which have points of ingress or egress from within the shopping center shall be considered as being part of that shopping center.

### ***Sight Distance Triangle***

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines, or a right-of-way line and the curb or a driveway, each point being 20 feet from the intersection, and the two intersecting right-of-way lines, or a right-of-way line and a driveway. On highways maintained by the state, additional sight triangle requirements may apply.

### ***Sign***

Any device or structure situated outdoors which is used to advertise, identify or display to attract attention to an object, person, institution, business, product, service, or of location by means of letters, symbols, designs, illumination or by other means. Signs do not include such items as scoreboards on athletic fields, works of art which in no way identify a product.

### ***Sign Area***

The entire face of a sign, computed as the extreme limits of the lettering or other display, together with any integral part of the background of the lettering or display, but not including the support framework, bracing, fence or wall upon which it is placed when such is clearly incidental to the display itself. In the case of a double faced sign, only one side is considered in computing sign area.

## APPENDIX A. DEFINITIONS

### ***Sign, Banner***

A sign having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic or like kind of malleable material, with or without frame. The term "banner" shall include pennants, ribbons, spinners, streamers, kites, balloons (but not dirigibles) and/or similar types of lighter-than-air objects, or any other material or outside advertising display fastened in such a manner as to move upon being subjected to movement of the atmosphere or any mechanical device.

### ***Sign, Canopy/awning***

A wall sign in which the lettering is applied directly onto a canopy or awning. The lettering on a canopy/awning shall be counted as sign face area.

### ***Sign, Commercial***

A sign permitted in commercial and industrial zoned lots in the city. These signs convey a commercial proposal for advertisement.

### ***Sign, Electronic Message Center***

An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source.

### ***Sign, Freestanding***

The general term for any sign which is supported from the ground and not attached to a building.

### ***Sign, Handbill***

A sign that is distributed to the public or placed on vehicles, buildings, structures, objects or surfaces as part of the distribution.

### ***Sign, Illegal***

Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed or replaced in violation of this Ordinance.

### ***Sign, Legal Nonconforming***

A sign that met all legal requirements when constructed, but that is not in compliance with this Ordinance. An illegal sign is not a legal nonconforming sign.

### ***Sign, Monument***

A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

### ***Sign, On-premise***

Any sign that is used to attract attention to an object, product, institution, organization, business, service, event or location that is located on the premises upon which the sign is located.

## APPENDIX A. DEFINITIONS

### ***Sign, Off-premises***

Any sign, including a standard poster panel either free standing or attached to a structure which directs attention to a business commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises on which said sign is located. Also includes signs commonly known as a billboard sign.

### ***Sign, Political***

A sign that advertises a candidate or issue to be voted upon a definite election day.

### ***Sign, Portable***

Any sign designed or intended to be readily relocated that is not permanently attached to any property. The term includes signs on wheels or on portable structures, tent signs, A-frame signs and similar devices and any sign not secured or securely affixed to the ground or a permanent structure. Portable signs shall be non-illuminated.

### ***Sign, Projecting (Blade)***

A blade sign or any sign that is mounted to and projects out from a building wall.

### ***Sign, Residential***

A sign permitted in residentially zoned lots in the city.

### ***Sign, Temporary***

A sign that is displayed only for a specified period of time. Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

### ***Sign, Wall***

A sign permanently affixed to the wall of a building or structure.

### ***Site Plan, Major***

A site specific plan for nonresidential development greater than or equal to 10,000 square feet of gross floor area, residential developments greater than four units on a single lot, or more than one (1) acre of disturbed land area. This does not include single-family detached residential areas.

### ***Site Plan, Minor***

A site specific plan for a building for nonresidential development of less than 10,000 square feet, residential development of three to four units, or less than one (1) acre of disturbed land area. This does not include single-family detached residential uses.

### ***Site-Specific Development Plan***

A plan which has been submitted to the City by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. For the purpose of establishing vested rights pursuant to Section 4.2 and NCGS §160A-385.1, a site-specific development plan includes the following: subdivision preliminary plat, subdivision final plat, conditional use permit, or major/minor site plan.

## APPENDIX A. DEFINITIONS

### ***Solar Farm (also known as a Solar Energy System - SES)***

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

### ***Stadium***

A structure or facility designed, intended or used primarily for outside and/or inside athletic events or other performances and containing seating for spectators of those events, but not including a racetrack. The sale of beverages, snack foods and sundries geared to on-premise consumption or usage by spectators shall be permitted.

### ***Story***

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

### ***Street Line***

The line between the street and abutting property.

### ***Street Ownership***

- (A) ***Public Street.*** A right-of-way for vehicular traffic dedicated and accepted by the City or the North Carolina Department of Transportation for public use.
- (B) ***Private Street.*** A right-of-way for vehicular traffic which is not a public street.

### ***Street Right-of-Way***

An area of land occupied or intended to be occupied by a public/private street or areas claimed by a municipality or the state for the purposes, or actually used for the purposes.

### ***Streets***

- (A) ***Collectors.*** Similar to minor thoroughfares but carrying less through traffic.
- (B) ***Cul-De-Sac.*** A short street having but one end open to traffic and the other end being permanently terminated, and a vehicular turnaround provided.
- (C) ***Frontage Road.*** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
- (D) ***Local Street.*** Any link that is not a higher-order urban system and serves primarily as a direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.
- (E) ***Major Thoroughfares.*** Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
- (F) ***Minor Thoroughfares.*** Important streets in the city system that perform the function of receiving traffic from collector and local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through traffic movement, and may also serve abutting property.

## APPENDIX A. DEFINITIONS

### ***Structure***

- (A) Anything constructed or erected, the use of which requires location on the land, or attachment to something having a permanent location on the land.
- (B) For floodplain management purposes, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.

### ***Structural Alterations***

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

### ***Subdivider***

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

### ***Subdivision***

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition.

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards in this Ordinance;
- (B) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- (D) The division of a tract in single ownership whose entire area is not greater than two 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 in this Ordinance.
- (E) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

### ***Subdivision, Major/Minor***

See Major Subdivision and Minor Subdivision.

### ***Substantially Different***

- (1) The proposed principal use is different than the use contained in the original application; or
- (2) the gross floor area of the proposed development varies by 50% or more than that contained in the original application.

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### ***Technical Review Committee***

A committee established to review technical aspects of proposed development.

## APPENDIX A. DEFINITIONS

### ***Telecommunication Towers and Facilities***

See Wireless Telecommunication Facilities.

### ***Temporary Building/Structure***

Any structure of an impermanent nature or which is designed for use for a limited time, including any tent or canopy. Such a building/structure shall not be erected for a period longer than 180 days.

### ***Temporary Housing***

Temporary accommodations for individuals or families whose homes have been destroyed, or significantly damaged, through no fault of the owner, by an emergency or natural disaster, that includes essential utilities, access to areas for food preparation, and bath facilities.

### ***Temporary Housing Unit***

Manufactured housing, recreational vehicle, or travel trailer providing temporary housing accommodations.

### ***Temporary Storage Container***

A transportable unit designed and used for the temporary storage of household goods, personal items and other materials which is placed on a site for the use of occupants of a dwelling or building on a temporary basis. Such containers are uniquely designed for their ease of loading to and from a transport vehicle. This shall include intermodal shipping containers.

### ***Tourist Home***

Any dwelling occupied by the owner or operator in which rooms are rented to guests for lodging of transients and travelers for compensation, and where food may be served.

### ***Townhouse***

A dwelling unit in a row of at least three units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

### ***Travel Trailer***

A recreational vehicle designed to be towed by a light duty truck.

### ***Tree, Canopy***

A tree, either single- or multi-stemmed (in clump form), of a species having an average minimum height of 30 feet and a minimum mature crown spread of 20 feet. At the time of planting, the tree shall have a minimum 3 inch DBH with a height of 8 to 10 feet.

### ***Tree, Significant***

Any tree at least 24 inches in DBH, and dogwoods, live oaks, and American Hollies at least eight inches DBH, anywhere on the site shall be considered protected, and must be preserved or their removal mitigated in accordance with this ordinance regardless of location on the site, unless the trees are shown to be dead, dying or severely damaged or diseased as a result of natural factors.

## APPENDIX A. DEFINITIONS

### ***Tree, Understory***

A tree, either single or multi-stemmed (in clump form), of a species having an average minimum height of ten feet and a minimum mature crown spread of 12 feet. At the time of planting, the tree shall have a minimum 2 inch DBH.

U

### ***UDO Administrator***

A person, or his or her designee, appointed by the City Manager and/or Board of Commissioners to administer the regulations contained in this Ordinance.

### ***Undisturbed Area***

An area which is left in its natural state with the exception that shrubs, weeds, and other undergrowth having a diameter of less than three (3) inches, measured at a height of four (4) feet above ground level, may be removed.

### ***Unified Control***

As applied with respect to Planned Residential Developments, this phrase shall mean ownership of the entire tract at the time of application by one (1) person, firm, partnership, corporation or joint venture; or ownership by such person or entity of an enforceable, recorded option or options to purchase the entire tract.

### ***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, office, public service, recreation and educational uses.

### ***Use, Accessory***

Any use which is clearly incidental, secondary and/or supportive or a principal use.

### ***Use, Conditional***

A use which is permitted in a district only if a conditional use permit therefore is expressly issued.

### ***Use, Principal Permitted***

Any use listed as a permitted use in any zoning district, except those which by definition or their nature are accessory uses.

V

### ***Vacant or Underdeveloped Lot***

A lot of record that is not built upon or where a principal use is not established.

### ***Variance***

A relaxation of the terms of this Ordinance by the Board of Adjustment. .

## APPENDIX A. DEFINITIONS

### ***Vehicle, Commercial***

A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having the affixation.

### ***Vehicle, Inoperable***

A vehicle that for a period of more than 72 hours has been in a state of disrepair and is incapable of being moved under its own power.

### ***Vehicle, Passenger***

An automobile, van or pickup truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pickup trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

### ***Vested Right***

The right to undertake and complete the development and use of property under the terms and conditions of an approved building permit or site specific development plan subject to the requirements of this ordinance.

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### ***Wall, Building***

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of 50 feet in height of a building.

### ***Warehouse***

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility, or both, with access to contents only through management personnel.

### ***Wastewater Treatment Plant***

A facility which operates a wastewater system and wastewater treatment facilities that collect, treat, and dispose of human waste.

### ***Waterside Structure***

Any accessory structure constructed adjacent to or on a City-owned or privately-owned lake. Such structures include docks, piers, bulkheads, gazebos, and rafts.

### ***Wholesale Sales Operation***

A place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The majority of all sales of the businesses shall be for resale purposes. The Administrator may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale sales operations, but rather shall be considered a retail sales operation.

## APPENDIX A. DEFINITIONS

### *Wireless Telecommunication Facilities*

For the purposes of Section 6.43, Wireless Telecommunication Facilities, the following phrases and words shall have the meaning herein:

- (A) **Accessory Facility** or **Structure** means an accessory facility or structure serving, or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- (B) **Applicant** means any Wireless service provider submitting an application for a Conditional Use Permit for Wireless Telecommunications Facilities.
- (C) **Application** means all necessary and required documentation that an applicant submits in order to receive a Conditional Use Permit or a Building Permit for Wireless Telecommunications Facilities.
- (D) **Antenna** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- (E) **Board or BOA** means the Board of Adjustment.
- (F) **Co-location** means the use of an approved telecommunications structure to support Antenna for the provision of wireless services.
- (G) **Commercial Impracticability** or **Commercially Impracticable** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".
- (H) **Completed Application** means an application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an application.
- (I) **Conditional Use Permit** means the official document or permit by which an applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the City.
- (J) **DAS** or **Distributive Access System** means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.
- (K) **FAA** means the Federal Aviation Administration or its duly designated and authorized successor agency.
- (L) **FCC** means the Federal Communications Commission or its duly designated and authorized successor agency.
- (M) **Height** means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.
- (N) **Maintenance** means plumbing, electrical or mechanical work that may require a building permit but that does not constitute a modification to the WTF.
- (O) **Micro wireless facility** means a small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
- (P) **Modification** or **Modify** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing

## APPENDIX A. DEFINITIONS

- the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications tower or Telecommunications Site as a co-location is a modification.
- (Q) **Necessary** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the application. **Necessary does not mean what may be desired or preferred technically.**
- (R) **NIER** means Non-Ionizing Electromagnetic Radiation.
- (S) **Person** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
- (T) **Personal Wireless Facility** See definition for Wireless Telecommunications Facilities.
- (U) **Personal Wireless Services or PWS or Personal Telecommunications Service or PTS** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- (V) **PIN or Parcel Identification Number** means the number assigned by the county tax office to each individual property (i.e., lot, acreage, tract, or unit of ownership) mapped for location and billing.
- (W) **Repairs and Maintenance** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- (X) **Small Wireless Facility** means a wireless facility that meets both of the following qualifications:
- (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
  - (2) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.
- (Y) **Stealth or Stealth Technology** means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS or its functional equivalent or camouflage where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a WTF.

## APPENDIX A. DEFINITIONS

- (Z) **“Structural Capability”** or **“Structural Capacity”** means, notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.
- (AA) **Substantial Modification** means a change or Modification that
- (1) increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or
  - (2) except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or
  - (3) increases the square footage of the existing equipment compound by more than 2,500 square feet.
- (BB) **Telecommunications** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- (CC) **Telecommunications Site**. See definition for Wireless Telecommunications Facilities.
- (DD) **Telecommunications Structure** means a structure used in the provision of services described in the definition of Wireless Telecommunications Facilities.
- (EE) **Temporary** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
- (FF) **Tower** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal, excluding ham radio signals.
- (GG) **Wireless Telecommunications Facility** or **Facilities (WTF or WTFs)** means and includes a **Telecommunications Site** and **Personal Wireless Facility**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit towers of all types, kinds and structures, including but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC. This does not include ham radio operations.

X

None.

## APPENDIX A. DEFINITIONS

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### ***Yard Sale***

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

### ***Yard***

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

### ***Yard, Front***

A yard across the full width of the lot, extending from the front line of the building to the front line of the lot subject to the provisions of this ordinance.

### ***Yard, Rear***

A yard 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.

### ***Yard, Side***

An open unoccupied space on the same lot with a building between the building the side line of the lot extending through from the front building line to the rear yard or, where no rear yard is required, to the rear line of the lot.

Z

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### ***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 ordinance consists of two (2) parts: a text and a map.

### ***Zoning Map, City Zoning Map or Official Zoning Map***

The official zoning map of Boiling Spring Lakes, North Carolina.