

ARTICLE 12: DEFINITIONS

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ARTICLE 12 DEFINITIONS

12-1 INTERPRETATION OF ORDINANCE

12-1.1 Minimum Requirements

In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

12-1.2 Greater Restrictions Govern

These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

12-1.3 Rounding of Numbers

All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, except that in calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

12-1.4 Figures and Tables

The figures and tables provided in this Ordinance are designed to provide a visual explanation to selected Sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

12-2 RULES OF CONSTRUCTION

12-2.1 Word Interpretation

Words not defined in this Ordinance shall be given their ordinary and common meaning.

12-2.2 Rules of Construction

For purposes of this Ordinance, the following rules of construction shall apply:

- A. **Tense:** Words used in the present tense include the future tense;

- B. **Singular and Plural:** Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;
- C. **Mandatory Meaning:** The words 'shall', 'will', and 'must' are mandatory in nature implying an obligation or duty to comply with the particular provision;
- D. **Gender:** Words used in the male gender include the female gender;
- E. **References:** Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified. Whenever any provision or definition of this Ordinance refers to or cites a section of the North Carolina General Statutes (NCGS) or any other state or local law and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section;
- F. **Inconsistencies between Headings, Illustrations, and Text:** In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control;
- G. **Examples:** Unless otherwise specifically indicated, lists of examples that use terms such as 'for example', 'including', and 'such as' or similar language are intended to provide examples and are not exhaustive lists of all possibilities;
- H. **Computation of Time:** References to days are calendar days unless otherwise specifically stated. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City of Mebane, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or city-observed holiday; and
- I. **Delegation of Authority:** Any act authorized by this Ordinance to be performed by a specific official of the City of Mebane may be carried out by a designee of such official.

12-3 INTERPRETATION OF DISTRICT BOUNDARIES

12-3.1 Boundary Interpretation

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- A. **Centerline:** Where a boundary line lies within and follows a road or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such road or alley right-of-way, railroad right-of-way, or utility easement. If such a road or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.

- B. **Edge Line:** Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- C. **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- D. **Municipal Limits:** Boundaries indicated as approximately following municipal limits or extraterritorial boundary lines shall be construed as following the municipal limits or extraterritorial boundary lines.
- E. **County Line:** Boundaries indicated as approximately following county lines shall be construed as following the county line.
- F. **Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- G. **Extensions:** Boundaries indicated as parallel to, or as extensions of road or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, municipal limits, county lines, or extraterritorial boundaries, shall be so construed.
- H. **Scaling:** Where a district boundary does not coincide with any boundary line as delineated above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Flood Hazard Boundary Maps, if available, shall be used for scaling.

12-3.2 Interpretation by Board of Adjustment

Where existing natural or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 12-3.1, Boundary Interpretation, the Board of Adjustment shall interpret the district boundary.

12-3.3 Annexation

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by the City of Mebane, or taken into Mebane's planning and zoning jurisdiction by act of the General Assembly, or in accordance with NCGS 160A, Article 4A or NCGS 160A-360, county regulations and powers or enforcement shall remain in effect until:

- A. The City of Mebane has adopted regulations for said annexed or extraterritorial area; or
- B. A period of sixty days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

12-3.4 Parcels Divided by Zoning District Boundary Lines

- A. Whenever a single parcel two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the parcel lies shall apply to the entire parcel.
- B. Whenever a single parcel greater than two acres in size is located within two or more different zoning districts, then:
 - 1. If each portion of the parcel located within a separate zoning district is equal or greater than the minimum lot size for that district, then each portion of the parcel shall be subject to all regulations applicable to the district in which it is located.
 - 2. If any portion of the parcel located within a separate zoning district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.
- C. The above provisions apply only to parcels created on or before the effective date of this Ordinance unless the Board of Adjustment, in a proceeding authorized in Section 8-3 to determine district boundaries, concludes that a parcel established after the effective date of this Ordinance was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this subsection.

12-4 DEFINITIONS

ABUTTING. Having property 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 EASEMENT. An easement which grants the right to cross property.

ACCESSORY BUILDING. A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith.

ACCESSORY DWELLING UNIT. A dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

ACCESSORY EQUIPMENT. Any equipment installed and owned by a third used that is used to deliver a service (other than a communications service) to a telecommunications facility, such as an electric meter.
(Amended July 9, 2018)

ACCESSORY STRUCTURE. A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith.

ACCESSORY USE. See 'Use, Accessory'.

ADDRESS. The official house, building, or structure number assigned by the City for a specific lot, building or portion thereof.

ADULT ESTABLISHMENT. An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, lingerie studio, sexual encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

- A. Adult Arcade** (also know as 'peep show'). Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.
- B. Adult Bookstore or Adult Video Store.** A commercial establishment which as one of its principal business purposes offers for sale or rental, for any form of consideration, any one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
 2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- C. Adult Cabaret.** A nightclub, bar restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:
1. Persons who appear nude or semi-nude; or
 2. Live performances which are characterized by the exposure of specified anatomical areas and/or by specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas.
- D. Adult Massage Parlor.** A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist,

physical therapist, massage therapist, or similar professional person licensed by the State of North Carolina. This definition does not include an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- E. Adult Motel.** A hotel, motel, or similar commercial establishment that:
1. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one of its principal business purposes; or
 2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- F. Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.
- G. Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.
- H. Escort.** A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. Escort Agency.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or any other form of consideration.
- J. Nude Model/Lingerie Studio.** Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. 'Nude model studio' shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 3. Where no more than one nude or semi-nude model is on the premises at any one time.
- K. Nude or a State of Nudity.** The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
- L. Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- M. Sexual Encounter Center.** A business or commercial enterprise that, as of one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- N Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- O. Specified Sexual Activities.** Includes any of the following:
1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
 2. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
 4. Masturbation, actual or simulated; or
 5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
 6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

ALCOVE. A recess in a wall, or partly enclosed extension connected to or forming part of a room, often curved and often used to house sculpture, a seat, or a fountain.

ALLEY. A roadway which affords only a secondary means of access to abutting property.

ANTENNA. As defined in NCSG Chapter 160A, Part 3E.
(Amended July 9, 2018)

APARTMENT. See 'Multifamily Dwelling' definition.

APPEAL. A request for a review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.

APPLICANT. Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as 'petitioner'.

ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

ATHLETIC FIELD. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

AUTOMATED TELLER MACHINE (ATM). An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.

AUTOMOBILE REPAIR SERVICES. An establishment primarily engaged in one or more of the following activities: (i) general automotive repair or service, (ii) automotive engine repair, (iii) installation or repair of automotive transmissions, (iv) installation or repair of automotive glass, (v) installation or repair of automotive exhaust systems, (vi) repair of automotive tops, bodies and interiors, and (vii) automotive painting and refinishing.

AUTO WRECKING. A person or business that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

BALANCE OF WATERSHED. The remainder of the Graham-Mebane Lake watershed outside the critical area.

BAR, NIGHT CLUB, TAVERN. An establishment primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premise alcoholic beverage consumption only. The establishment may also be engaged in (i) the retail sale of prepared food for on-premise consumption or (ii) the provision of entertainment such as live bands, other music, and dancing.

BASE FLOOD ELEVATION. The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed.

BASE FLOOD. The flood having a one percent chance of being equalled or exceeded in any given year (100-year flood).

BASEMENT. A story of a building or structure having one-half or more of its clear height below grade.

BASEMENT. The lowest level or story which has its floor subgrade on all sides. (This definition applies only with respect to flood damage prevention regulations.)

BASE STATION. A structure or equipment at a fixed location that enables Federal Communications Commission licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a wireless support structure or any equipment associated with such structure. The term does include wireless facilities.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennae, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small wireless facilities).
3. The term includes any structure other than a wireless support structure that, at the time the relevant application is filed with the City under Section 4-7.9E supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State of local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any structure that, at the time the relevant application is filed with the City under this ordinance, does not support or house equipment described herein.

(Amended July 9, 2018)

BED AND BREAKFAST. A private home offering bed and breakfast accommodations to eight or less persons per night for a period of less than a week.

BERM. A man-made mound of dirt with gently sloping sides and crown.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

BILLBOARD OR OUTDOOR ADVERTISING SIGN. See sign definitions in Section 6-6.3.

BLOCK. The land lying within an area bounded on all sides by streets.

BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the City Council, composed of residents of Mebane and its extraterritorial area, empowered to hear appeals from decisions of the Zoning Administrator, grant special use permits in certain cases and minor variances from the provisions of this Ordinance. In Mebane, the City Council has appointed itself as the Board

of Adjustment, plus two additional individuals appointed by the boards of commissioners in Orange and Alamance counties.

BOARDING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

BONA FIDE FARM. For purposes of zoning a bona fide farm includes property used for production and activities related or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market. Commercial feeder/breeder operations are not considered bona fide farms for purposes of this Ordinance.

BUFFER. An area of land planted or constructed to separate uses.

BUFFER, STREAM (IN WATERSHEDS). An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUFFER YARD. A strip of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walks, or fences in accordance with the provisions of this Ordinance.

BUILDABLE OR ZONE LOT. One or more lots of record in one undivided ownership with sufficient total area, sufficient area exclusive of easement, flood hazards, well and septic tank fields, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and buffer yards.

BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes. Each portion of a building separated from other portions by a fire wall shall be considered a separate building.

BUILDING BASE. The structural elements, design features, and materials associated with the first floor elevation of a building façade.

BUILDING CAP. The structural elements, design features, and materials associated with the top floor elevation of a building façade.

BUILDING ELEVATION. The front, side, or rear of a structure.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

BUILDING LINE. A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

BUILDING SETBACK LINE. The line parallel to the front property line in front of which no structure shall be erected.

BUILDING WALL. The entire surface area, including windows and floors, of an exterior wall of a building.

BUILDING WALL OFFSET Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

BUILT-UPON AREA. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (**Note:** *Wooden slatted decks and the water area of a swimming pool are considered pervious.*). Built-upon area requirements for watershed overlay districts are delineated in Article 5, Section 5-2.

BUSINESS SERVICE USES. Establishments that engage primarily in rendering services to businesses including, but not limited to printers, equipment rental, protective services, mailing, photo finishing, and similar uses.

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

CARETAKER DWELLING. A dwelling unit that exists either as part of a principal structure or as an accessory building, is secondary and incidental to the use of the principal structure, is occupied by a person (persons) that is (are) employed by the owner of the principal structure to provide domestic, maintenance, or security services.

CAR PORT. A roofed structure not more than 75 percent enclosed by walls and attached to or adjacent to the principal structure that is provided for the purpose of sheltering one or more motor vehicles.

CAR WASH. An area or structure equipped with automatic or self-service facilities for washing automobiles.

CEMETERY. Property used for the interring of the dead, including columbaria and mausoleums.

CERTIFICATE OF OCCUPANCY. A statement signed by an authorized city official, setting forth that the building, structure or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF ZONING COMPLIANCE. A certificate, signed by the Zoning Administrator, stating that a parcel of land or a building or structure complies with the provisions of this Ordinance, or that the parcel of land, building, or structure may lawfully be employed for specified uses.

CHURCH OR PLACE OF WORSHIP. A site and its buildings used primarily for religious worship and related religious services by a tax-exempt religious group. Churches may include cemeteries belonging to and operated by the church. Churches shall not include day care facilities, pre-schools, schools, or homeless shelters unless such uses are allowed in the zoning district in which the church is located.

CITY. The City of Mebane, North Carolina.

CITY COUNCIL. The City Council of the City of Mebane, North Carolina.

CITY UTILITY POLE. As defined in NCSG Chapter 160A, Part 3E. (Amended July 9, 2018)

CLUBS AND LODGES. An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a non-profit basis for the benefit of its members.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments, residential cluster developments, and traditional neighborhood developments are considered as cluster development.

COLLOCATION/SITE SHARING. The use of a common wireless communication facility (WCF) or common site with more than one wireless license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

COLOR, ACCENT. A material or color used on a building's trim.

COLOR, MAIN. A material or color used on a building's walls and constituting more than 50 percent of the color on such walls.

COMBINATION USE. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permitted Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 4-1, E. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

COMMERCIAL. Any nonresidential use of land engaged in commerce or commercial activity such as wholesale or retail trade or the provision of services.

COMMERCIAL FEEDER/BREEDER OPERATION. Commercial and/or industrial operations primarily engaged in the production, feeding, or fattening of cattle, hogs, chickens, or turkeys in a confined area for a period of at least 45 days on a contract or fee basis. Examples of this use include feedlots, feeding farms, cattle ranches, hog farms, chicken farms or ranches, and turkey

farms or ranches. This definition does not include the keeping of domesticated animals for pets.

COMMON AREA(S). All areas, including private roads, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

COMMUNICATIONS TOWER (TOWER). Any structure that is designed and built for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, and cellular telephone towers.

CONCEALED (STEALTH) WIRELESS FACILITY. Any telecommunications facility, wireless support structure, or antenna that is integrated as an architectural feature of a structure or that is designed in whole or in part to camouflage or conceal the presence of the telecommunications facility, wireless support structure, or antenna so that the purpose of the telecommunications facility, wireless support structure, or antenna is not readily apparent to the casual observer.

(Amended July 9, 2018)

CONCEALMENT ELEMENT. Any design feature, including, but not limited to, painting, shielding requirements, shrouds, and restrictions on location or height in relation to the surrounding area that are intended to make a telecommunications facility less visible to the casual observer. The design elements of a concealed (stealth) telecommunications facility are concealment elements.

(Amended July 9, 2018)

CONDITIONAL ZONING DISTRICT. A zoning district that permits a particular use or uses established only in accordance with specified standards and conditions tailored to each individual development project. Conditional zoning districts are established in accordance with the requirements of Section 9-7.

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Condominium developments are subject to the North Carolina Unit Ownership Act (NCGS Chapter 47A) or the North Carolina Condominium Act (NCGS Chapter 47C).

CONGREGATE CARE FACILITY. A facility providing shelter and services for ambulatory individuals whom by reason of the 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.

CONVENIENCE STORE. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a 'supermarket'). It is designed to attract and depends upon a large volume of 'stop and go' traffic. A convenience store operation may also include self-service gasoline sales.

Illustrative examples of convenience stores are those operated by the 'Fast Fare', '7-11', and 'Pantry' chains.

CORNER LOT. A lot abutting two or more roads at their intersection.

CORNICE. A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

CRITICAL AREA. The area adjacent to a water supply intake where risk associated with pollution is greater than for the remaining portions of the watershed. The critical area is defined as extending either (i) one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever comes first or (ii) one-half mile upstream from and draining to the intake located directly in the stream or river or the ridge line of the watershed, whichever comes first. The City of Mebane may extend the boundary of the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE. A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of tree diameter-at-breast-height, with a minimum of eight feet.

CUPOLA. A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

dbA. The sound pressure level, in decibels, as measured using the impulse mode and 'A' weighting network on a precision sound level meter.

DBH (Diameter-at-breast height). The tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

DAY. Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law. See also Section 12-2.2, H.

DAY CARE CENTER. A commercial child care facility where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care as defined in NCGS 110-86. Day care center also includes a facility providing adult day care on a regular basis for more than two hours per day.

DECLARATION OF UNIT OWNERSHIP. A duly recorded instrument by which property is submitted to the provisions of NCGS 47A or NCGS 47C for the purpose of creating a condominium.

DEDICATION. A gift, by the owner, of the right to use or possess land for a specified purpose or purposes. This transfer of property rights requires a written document stating dedication and is completed with an acceptance.

DESIGN COMPATIBILITY. A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

DETENTION POND. A pond which collects stormwater runoff, filters the water and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

DEVELOPER. A person engaging in development.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited, to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

DEVELOPMENT (IN WATERSHEDS). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration or precipitation into the soil.

DEVELOPMENT, DENSITY OF. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new roads, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

DRIPLINE. An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DISCHARGE POINT. That point at which runoff leaves a tract of land.

DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)). The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

DISPOSAL FACILITY. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

DISTRICT. See Zoning District.

DOMESTIC WASTEWATER DISCHARGE. The discharge of sewage, non-process industrial wastewater, other domestic wastewater or any combination of these items. Unless specifically excepted by the NCDEM, domestic wastewater includes liquid waste generated by domestic water-using fixtures and appliances, from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through, non-contact cooling water; seafood packing facility discharges; and wastewater from restaurants.

DOMICILIARY HOME. A facility, by what ever name it is called, which provides residential care for aged or disabled persons whose principal need is a home which provides the supervision and personal care appropriate to their age or disability. The three types of domiciliary homes are: (i) homes for the

aged and disabled, (ii) family care homes and (ii) group homes for developmentally disabled adults.

DORMITORY, PRIVATE. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university for the purpose of housing students registered and attending such as institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

DRAINAGEWAY. Any natural or man-made channel that carries surface runoff from precipitation.

DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED. The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes.

DRIPLINE. A vertical line extending the outermost portion of a tree's canopy to the ground.

DRIVEWAY. A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use.

DUPLEX. (See 'Two-Family Dwelling').

DWELLING UNIT. One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

DWELLING UNIT, ATTACHED. Any dwelling unit that shares one or more common walls with other similar units. Examples of attached dwellings includes duplexes, triplexes, quadruplexes, and townhouses.

DWELLING UNIT, DETACHED. Any dwelling unit that is freestanding and shares no common walls with any other dwelling unit.

DWELLING, MULTIFAMILY. A building or portion thereof used or designed as a residence for three or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartments, townhouses and condominiums.

DWELLING, PATIO HOME. A one-family detached or semi-detached dwelling unit, on an individual lot with a zero or reduced building setback along one side lot line. Each patio home dwelling unit is built on a small lot owned in fee simple by the owner of the dwelling unit. The individual patio home lots are typically within a development containing open space that is owned in common by the patio home owners.

DWELLING, SINGLE-FAMILY. A separate building designed for and occupied exclusively by one family. For purposes of this Ordinance, a single-family

dwelling includes a site built structure, a modular structure to N.C. Building Code requirements, or a manufactured home built to HUD requirements located on individual lots or within manufactured home parks are considered to be single family dwellings.

DWELLING, TOWNHOUSE. A single-family dwelling on its own lot owned in fee simple by the owner of the dwelling, with a private entrance that is part of structure where the dwelling units are all joined side-by-side and separated by party walls, with no unit being located above or below another unit, and having totally exposed front and rear walls for access, light, and ventilation. Townhouse dwellings are generally within a development containing drives, walks, and open space all of which are owned in common.

DWELLING, TWO-FAMILY DWELLING. A building on one lot arranged and designed to be occupied by two families living independently of each other. Also referred to as a 'duplex'.

EASEMENT. A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity.

ELIGIBLE FACILITIES REQUEST. Any request for modification of an existing wireless support structure or base station that does not substantially change the physical dimensions of such telecommunications tower or base station, as defined in either 47 C.F.R. 1.40001(b) or NCGS Chapter 160A, Part 3E, or successive regulations, statutes, or rules.
(Amended July 9, 2018)

EMERGENCY SHELTER. A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

EVERGREEN. Those plants that retain foliage throughout the year.

EVIDENTIARY HEARING. A legally required meeting at which the Board of Adjustment, or any other board acting in a quasi-judicial capacity, accepts testimony from sworn witnesses in accordance with specific rules of evidence and makes a quasi-judicial decision. Evidentiary hearings are used to make decisions concerning variances, special use permits, and appeals of the Zoning Administrator's decisions. The purpose of an evidentiary hearing is to gather facts, not to solicit citizen opinion.

EXISTING LOT (LOT OF RECORD). See Lot of Record.

EXISTING DEVELOPMENT (IN WATERSHEDS). Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- A. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- B. Having an outstanding valid building permit as authorized by NCGS 160A-385.1, or
- C. Having an approved site specific or phased development plan as authorized by NCGS 160A-385.1.

EXTRATERRITORIAL JURISDICTION (ETJ) OR PLANNING AND ZONING AREA. That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.

FACE BRICK. Nonstructural brick or similar masonry material that is applied as a veneer to a wall or foundation as a decorative element.

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

FAMILY CARE HOME. A domiciliary home that provides room and board, support and supervisory personnel and personal care and habilitation services for 2 to 6 resident handicapped persons in a family environment. "Handicapped person" means a person with a temporary or permanent physical, emotional, or mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments by not including mentally ill persons who are dangerous to others. For zoning purposes a family care home shall be deemed a residential use of property and shall be permissible in all residential districts. No political subdivision of the state may require that a family care home obtain, because of the use, a conditional use permit or special use permit from any zoning ordinance; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home. (G.S.131D-2 and G.S. 168-21)

FENCE OR WALL. 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 vegetation.

FINANCIAL GUARANTEE. Any form of security, including a cash deposit, collateral, property, or instrument of credit, in an amount and form approved by the City of Mebane for use in place of actual construction of required improvements. Also referred to as 'surety'.

FINISHED FLOOR ELEVATION. The height of the lowest floor serving habitable space within a structure or building.

FLEA MARKET. Sales area (indoors or outdoors) in which space is set aside or rented, and is intended for use to sell a variety of articles such as those which are either homemade, hand-crafted, new, used, old or obsolete.

FLOOD HAZARD AREA. See Section 5-3.2 for flood hazard-related definitions.

FLOOR. The top surface of an enclosed area in a building (including basement), i.e., 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 sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO. The numerical value obtained by dividing the gross floor area of the building(s) by the net lot area on which the building(s) is/are located.

FOOD STORES. A retail trade use category that includes grocery stores; meat and fish markets; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; and miscellaneous food stores.

FOOT-CANDLE. A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

FORESTRY OPERATIONS. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities. Not included in this definition are logging establishments, sawmills, and planing mills.

FRONT FAÇADE. See Primary Façade.

FRONTAGE. The side(s) of a lot abutting a legally accessible public or private street right-of-way.

GARAGE. An outbuilding or accessory structure used for the parking or storage of vehicles.

GARAGE, REAR-LOADED. An outbuilding or accessory structure that faces the rear of the lot for the purpose of parking vehicles.

GARAGE, SIDE-LOADED. An outbuilding or accessory structure that faces the side of the lot for the purpose of parking vehicles.

GARAGE, STREET-FACING. An outbuilding or accessory structure that faces the street from which the structure derives its street address for the purpose of parking vehicles.

GLARE. The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GLAZING. The portion of an exterior building surface occupied by glass or windows.

GRADE. A reference plane representing the average of finished ground level adjacent to any structure.

GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term 'grading' is interchangeable with 'land-disturbing activity'.

GENERAL USE ZONING DISTRICT. A zoning district that permits all of the general uses allowed in that district as well as special uses allowed in that district, provided that all of the specified conditions are met.

GREENWAY. Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

GROUND COVER. A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

GROUP CARE FACILITY. A facility licensed by the State of North Carolina (by whatever name it is called, other than 'Family Care Home' as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than thirty people.

GROUP DEVELOPMENT. A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises. Examples include multifamily developments, shopping centers, and office and business parks. The requirements for special use permits for group developments vary by the specific type of group development.

HABITABLE FLOOR. Any floor useable for living purposes which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a habitable floor.

HALFWAY HOUSE. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness [as defined in NCGS 35-17(30)], or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

HANDICAPPED PERSON. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3 (11) b.

HAZARDOUS MATERIAL (IN WATERSHED). Any substance listed as such in: Superfund Amendments and Reauthorization Act (SARA) section 302,

Extremely Hazardous Substances, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances, or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A-290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: (i) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; (ii) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules or whose act first causes a hazardous waste or toxic substance to become subject to regulation provided that, 'generator' does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

HAZARDOUS WASTE LONG-TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

HAZARDOUS WASTE TREATMENT FACILITY. A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following equipments and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilities 'reuse' or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

HISTORIC STRUCTURE. Any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places; and (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior or (b) directly by the Secretary of Interior in states without approved programs.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof nor adversely impact the surrounding neighborhood. See Section 4-7.4, E for specific regulations concerning home occupations.

HOMELESS SHELTER. A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: (i) the facility shall be contained within the building and operated by a government agency or nonprofit organization; (ii) a minimum floor space of fifty square feet shall be provided for each individual sheltered; and (iii) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

HOMEOWNERS (OR PROPERTY OWNERS) ASSOCIATION. A private, nonprofit corporation of homeowners or property owners formally constituted for the purpose of owning, operating, and maintaining common properties. Also known as a Declaration of Unit Ownership in a condominium development.

HORSE SHOW. A temporary equestrian activity that is not conducted in conjunction with a riding academy.

HOTEL OR MOTEL. An establishment providing guest rooms for lodging, typically on less than a weekly basis, with no or minimal kitchen facilities in the guest rooms. A hotel or motel may include accessory uses such a restaurant, recreational facilities, and fitness centers.

IMPERVIOUS SURFACE COVERAGE. That portion of a lot covered by buildings, structures, paving or other impervious surface materials (see also definition of Built-upon Area).

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.

INDUSTRIAL DEVELOPMENT (IN WATERSHEDS). Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

INDUSTRIAL DISCHARGE. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- A. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

- B. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
- C. Stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- D. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

INDUSTRIAL PARK. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

INFILL DEVELOPMENT. New development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

JUNKED MOTOR VEHICLE. A motor vehicle that does not display a current license plate and is one or more of the following: (i) is partially dismantled or wrecked; or (ii) cannot be self-propelled or moved in the manner in which it originally was intended to move; or (iii) more than five years old and appears to be worth less than one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed.

JUNK/SALVAGE YARD. The use of more than 600 square feet for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL. A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

LAKE or NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND CLEARING DEBRIS. Solid waste that is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

LAND-DISTURBING ACTIVITY. Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

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

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS . A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

LANDFILL, DISCHARGING. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A lot, parcel, area, or facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood and yard trash by burying and covering with soil. This definition does not include the placing of any land clearing or inert debris on a lot, plot, or parcel that was generated on, or came from the property on which it was placed, by the owner of the property.

LANDFILL, SANITARY/SOLID WASTE. A site for solid waste disposal from residential, industrial or commercial activities.

LANDOWNER OR PROPERTY OWNER. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. Also includes a person holding a valid option to purchase land to act as an agent or representative.

LANDSCAPING. The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Landscaping includes any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LINER BUILDINGS. A series of smaller buildings located along the primary façade of a larger structure or as stand-alone perimeter structures positioned to break up the structure's mass.

LIVE/WORK UNIT. A type of structure which includes living space and space for nonresidential activities. Typically, live/work units are part of mixed use townhouse developments and planned unit developments.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word 'lot' includes 'plot', 'parcel', or 'tract'.

LOT, CORNER. A lot abutting two or more streets at their intersection.

LOT, DOUBLE FRONTAGE. See definition of 'Through Lot.'

LOT, FLAG. A lot, created by a subdivision, with less street frontage than is required for this district by this ordinance and composed of a narrow 'flagpole'

strip extending from the street and a much wider 'flag' section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

LOT, REVERSE FRONTAGE. A through lot which is not accessible from one of the parallel or non intersecting streets upon which it fronts.

LOT, TOWNHOUSE. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse dwelling unit.

LOT, THROUGH. A lot abutting two streets that do not intersect at the corner of the lot.

LOT, TRADITIONAL NEIGHBORHOOD DEVELOPMENT. Lots within a mixed use, pedestrian-oriented development designed in accordance with the standards delineated in Section 4-7.3, P.

LOT, ZONE. One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient total dimensions; and access to permit construction thereon of a principal building together with its required parking and buffer yards.

LOT AREA. The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public road or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the road right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the road.

LOT COVERAGE. The portion of a lot covered by building(s) and/or structure(s).

LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

LOT OF RECORD. A lot, plot, parcel or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

LOT LINE, FRONT. The boundary line of a lot running along a road right-of-way. If a lot has two or more property lines which are also road right-of-way lines abutting different roads, then the road side to which the property address has been assigned shall constitute the front lot line. If no property address has been assigned, the front lot line shall be determined by the property owner if the front property line has not been designated on a final plat (minimum building lines are construed to designate the front lot line).

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LUMEN. A unit of luminous flux. One foot-candle is one lumen per square foot and is roughly equivalent to the light emitted by a 60 watt light bulb. Lumen output values shall be the initial lumen output ratings of a lamp.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. 'Manufactured home' includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the US Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 [See NCGS 143-145(7)].

MANUFACTURED HOME PARK. A group development site with required improvements and utilities for the long-term location of two or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

MANUFACTURED HOME SPACE. A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

MANUFACTURED HOME SUBDIVISION. A subdivision containing two or more building lots that are specifically designed to be sold for residential occupancy by manufactured home owners.

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

MINING. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

MISCELLANEOUS SHOPPING GOODS STORES. A retail trade use category that includes sporting goods stores and bicycle shops; stationery stores; jewelry stores; hobby, toy, and game shops; camera and photographic supply stores; gift, novelty, and souvenir shops; luggage and leather goods stores; and sewing, needlework, and piece goods stores.

MIXED-USE BUILDING. A structure containing a residential use and a commercial, institutional, or industrial use.

MIXED-USE DEVELOPMENT. A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the NC State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the NC State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. For purposes of this Ordinance, a modular home is treated as a site-built dwelling.

MONOPOLE. A single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennae, which is not a Utility Pole.

(Amended July 9, 2018)

MULTIFAMILY DWELLING. See 'Dwelling, Multifamily'.

MULTI-TENANT BUILDING. A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code.

NEW CONSTRUCTION. Structures for which the 'start of construction' commenced on or after the effective date of this Ordinance, including any subsequent improvements to such structures.

NONCONFORMING. A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

NONCONFORMING LOT(S). A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

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

NONCONFORMING SITUATION. A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, because signs do not meet the requirements of this Ordinance, or

because land or buildings are used for purposes made unlawful by this Ordinance.

NONCONFORMING STRUCTURE(S). A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

NONCONFORMING USE. A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.

NONCONFORMITY, DIMENSIONAL. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

NON-PROCESS DISCHARGE. Industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture, and silviculture.

NONRESIDENTIAL ZONING DISTRICT. The following general use and conditional use zoning districts: O&I, Office-Institutional; B-1, Central Business; B-2, General Business; B-3, Neighborhood Business; M-1, Heavy Manufacturing; and M-2, Light Manufacturing.

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.

OFFICE USE. An establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services.

OFFICIAL MAPS OR PLANS. Any maps, plans, charts, or text officially adopted by the Mebane City Council as a guide for the development of the city and surrounding area. The Land Use Plan and Thoroughfare Plan are two examples of an official map or plan.

OFF-SITE. Any area not contained within the boundaries of the site being developed, whether or not the developer owns such land.

OPACITY. A measurement indicating the degree of obscuration of light or visibility.

OPAQUE SCREEN. A device or materials, unable to be seen through, that is used to conceal one element of a development from other elements or from adjacent or contiguous development or rights-of-way.

OPEN SPACE. An area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.

OUTDOOR DISPLAY AND SALES. The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR RELIGIOUS EVENT. An activity of a religious organization that is conducted outdoors as a free-standing use and is not an accessory use to a principal use such a church or other place of worship. An example of an outdoor religious event would be a tent revival.

OUTDOOR STORAGE. The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles or equipment for sale in a sales lot.

OVERLAY ZONING DISTRICT. A zoning district which overlaps one or more general and/or conditional zoning districts. Overlay zoning districts impose additional regulations on property located within general and/or conditional use districts. Overlay zoning districts are established in Section 3-1, C.

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

PARALLEL ACCESS DRIVE. A minor local street which parallels a main street, and is intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

PARKING LOT. Part of a development that is designed and designated as a place to park motor vehicles.

PARKING LOT PLANTINGS. Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

PARKING SPACE. A specific site within a parking area designed to accommodate a single motor vehicle.

PARKING, SHARED. Off-street parking facilities shared by two or more uses that are in proximity to one another and the parking area, and that have different operational characteristics such that utilization of the parking facilities by one use will not generally overlap with the utilization of the parking area by the other use(s).

PEDESTRIAN WAY. A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

PERENNIAL WATERS. Waters as identified on recent USGS topographic maps which are free flowing for the entire year.

PERMIT-ISSUING AUTHORITY/BOARD. The person or board authorized by this Ordinance to issue a permit in accordance with the requirements of this Ordinance. The term applies to the Zoning Administrator when issuing a zoning or sign permit, to the City Council when issuing a special use permit, and to the Board of Adjustment when issuing a special use permit or special exception.

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.

PERSONAL SERVICES. Establishments that primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

PERVIOUS SURFACE. A surface that absorbs water or allows the passage of water through it to the ground below.

PETITIONER. Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as the 'applicant'.

PIER. Posts, columns, or similar devices designed to elevate a building or structure above the grade level.

PILASTER. A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

PLANNED UNIT DEVELOPMENT (PUD). An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

PLAN, CONSTRUCTION. The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this Ordinance, which details required improvements such as streets, utilities, fire hydrants, and street lighting.

PLAN, DRAINAGE. The portion of a construction plan that illustrates the proposed system designed to provide adequate surface and subsurface drainage for a proposed development.

PLAN, EROSION AND SEDIMENTATION CONTROL. A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

PLAN, PHASED DEVELOPMENT. A plan which has been submitted to the city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan(s) determined by the city to be a site specific development plan.

PLAN, PLOT. The map and accompanying text required for the review of a single-family or two-family dwelling. The information required to be included on a plot plan is delineated in Appendix A.

PLAN, SITE. The map and accompanying text required for the review of the proposed installation of improvements for all uses, other than a single-family or two-family dwelling, as well as for the review of a change of use. The information required to be included on a site plan are delineated in Appendix A.

PLANNING BOARD. The Planning Board of the City of Mebane, North Carolina.

PLANNING DIRECTOR. The Director of the Planning and Zoning Department of the City of Mebane, North Carolina.

PLANTING AREA. The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of Section 7-4.4 and Appendix A, which is presented for City approval and subsequent recordation in the applicable County Register of Deeds Office.

PLAT, MINOR. The final map of all of a minor subdivision, showing the boundaries and location of lots, streets, easements and any other requirements of Section 7-4.4 and Appendix A, which is presented for City approval and subsequent recordation in the applicable County Register of Deeds Office.

(Amended September 11, 2017)

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, roads, water, sewer, storm drainage, and any other requirements of Section 7-4.3 and Appendix A, which is presented for preliminary approval.

PORCH. A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

PORTABLE STORAGE CONTAINER. (See 'Temporary Portable Storage Container').

PORTICO. A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

PRECONSTRUCTION LOT CLEARING. The removal of plant material including trees, shrubs, ground cover, stumps, roots and the like.

PRIMARY ENTRANCE. The place of ingress and egress to a building, parcel, or development used most frequently by the public or facing the street from which the structure obtains its street address.

PRIMARY FAÇADE. The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

PRIMARY FAÇADE MATERIALS. The predominant or most extensive exterior building materials used to clad a building façade.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 4-7.4, A-C.

PRINCIPAL DWELLING. Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

PRINCIPAL STRUCTURE. A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

PRIVATE DRIVE. A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two or more principal buildings in a group housing or group nonresidential development.

PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

PRIVATE WATER SYSTEM. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

PUBLIC BUILDING OR USE. Any facility, including but not limited to buildings, property, and streets, that are leased or otherwise operated or funded by a governmental body or public entity.

PUBLIC FACILITIES. A use conducted by, or a facility owned by a governmental agency that provides a governmental function, activity, service, or public benefit.

PUBLIC HEARING. A legally required, advertised meeting at which an appointed or elected board accepts public comment about matters relating to this Ordinance.

PUBLIC SAFETY COMMUNICATIONS TOWER. A telecommunications tower utilized by the federal government, state government, local government, or a non-governmental entity engaged in public safety activities. Public safety activities include, but are not limited to, homeland security, law enforcement, emergency management, fire protection, and emergency medical services.

PUBLIC SEWER SYSTEM. A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

PUBLIC UTILITY. A person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for:

1. Producing, generating, transmitting, delivering or furnishing electricity, piped gas, steam or any other like agency for the production of light, heat

or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is for such person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation;

2. Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation, or operating a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water to less than 15 residential customers, except that any person or company which constructs a water system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area containing more than 15 residential building lots shall be a public utility at the time of such planning or holding out to serve such 15 or more building lots, without regard to the number of actual customers connected;
3. Transporting or conveying gas, crude oil or other fluid substance by pipeline for the public for compensation;

Conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.

(Amended September 11, 2017)

PUBLIC WATER SYSTEM. A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

PUBLIC WORKS AND UTILITIES DIRECTOR. The Director of the Public Works and Utilities of the City of Mebane, North Carolina.

QUALIFYING CITY UTILITY POLE. A modified or replacement city utility pole that does not exceed 50 feet in height above ground level and that is associated with a new small wireless facility that does not extend more than 10 feet above such city utility pole.

(Amended July 9, 2018)

QUALIFYING SMALL WIRELESS FACILITY. A small wireless facility that does not extend more than 10 feet in height above the utility pole, city utility pole, or wireless support structure on which it is co-located and is located either a) in the municipal right-of-way or b) outside the municipal right-of-way on property other than single-family residential property.

(Amended July 9, 2018)

QUALIFYING UTILITY POLE. A new utility pole or a modified or replacement utility pole that does not exceed 50 feet in height above ground level and that is associated with a new small wireless facility that does not exceed more than 10 feet above such utility pole.

(Amended July 9, 2018)

RECESSED ENTRANCE. A point of access into or out of a structure located behind the primary front façade plane.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and 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 contiguous ownership, upon which fifteen or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

RECYCLING COLLECTION STATION OR POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources and does not include on-site materials processing.

RECYCLING MATERIALS CENTER/PROCESSING FACILITY. An establishment primarily engaged in (i) operating facilities for separating and sorting recyclable materials from nonhazardous garbage and/ or (ii) operating facilities where commingled recyclable materials such as paper, plastics, used beverage cans, and metals are sorted into distinct categories.

RESERVATION. An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication nor a conveyance.

RESTAURANT. An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carryout.

RESIDENTIAL CHARACTER. A building form, neighborhood, or area that is intended primarily for habitation, and includes human-scaled detailing, pedestrian orientation, and attributes intended to encourage human activity and interaction.

RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, gazebos, etc.

RESIDENTIAL DISTRICT OR RESIDENTIAL ZONING DISTRICT. The following general use and conditional zoning districts: RA-20, R-20, R-15, R-12, R-10, R-8, and R-6.

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

RESTAURANT, DRIVE-THROUGH. An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food restaurant offering quick food service, where food and beverage orders may be served directly to the customer in a motor vehicle at a drive-through window.

RETAIL AND COMMERCIAL USES. Establishments primarily engaged in the sale of goods and materials to the general public.

RETAINING WALL. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

RETREAT/CONFERENCE CENTER. A use primarily intended for transient guests where the primary attractions are generally conference and meeting facilities and recreational activities and features. A retreat/conference center may include a mixture of such uses as (i) conference centers; (ii) assembly halls; (iii) indoor and outdoor recreational facilities, including but not limited to golf courses, swim and tennis clubs, and physical fitness centers; (iv) hotel and motels; (v) restaurants; and (vi) incidental support retail businesses.

REZONING. The procedure whereby the zoning designation of a certain parcel or portion thereof is changed following the procedures set forth in this Ordinance (see Article 9, Amendments).

RIDING ACADEMY. A commercial facility or school that is open to the general public and offers such activities as riding lessons, horse training, and boarding of horses. For purposes of this Ordinance, riding academy does not include the keeping of horses for personal use.

ROOF FORMS. The type, arrangement of ridges or parapet walls, or materials used on a roof.

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

SALVAGE YARD, AUTO PARTS. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

SALVAGE YARD, SCRAP PROCESSING. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

SATELLITE DISH ANTENNA. A parabolic or dish-shaped antenna that is designed for the purpose of receiving electronic signals. Satellite dish antenna that are less than two meters in diameter and located within commercial or industrial zoning districts and less than one meter in diameter and located within residential or residential-office districts are not included in this definition.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or densely planted vegetation.

SEASONAL SALES. The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

SEATING CAPACITY. The actual seating capacity of an area based upon the number of seats, or one seat per eighteen inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

SECONDARY ENTRANCE. An entrance to a building that is subordinate to the primary entrance and is typically located on a building side that does not face the primary street (the street from which the building obtains its street address).

SEDIMENT. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

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

SEDIMENTATION CONTROL PERMIT. A permit granted by the state for a person or entity to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.

SERVICE STATION. An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other merchandise or perform minor repair work.

SETBACK. The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.

SETBACK, INTERIOR. A setback from any property line not alongside a street.

SETBACK, REAR. A setback from an interior property line lying on opposite side of the lot from the front street setback. For a through lot, there are front and side setbacks but no rear setback.

SETBACK, SIDE. Any interior property line setback other than a rear setback.

SETBACK, STREET OR FRONT. Any setback from a street, road or lane. In cases where no right-of-way exists, setbacks are determined in accordance with the requirements of Section 4-3, .

SETBACK, ZERO SIDE. An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero distance from a side property line. This definition does not include townhouses.

SEVERE PRUNING. The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

SHOEBOX-STYLE LIGHTING FIXTURE. An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a discrete area directly beneath the lighting fixture.

SHOOTING RANGE. An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

SHOOTING RANGE FACILITY. A public or private facility, including individual shooting ranges, safety fans or shutoff zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional 'sighting-in' of firearms.

SHOPPING CENTER. A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas. See Section 4-7.8, I for shopping center classifications and specific standards.

SHROUD. A box or other container that contains, and is designed to camouflage or conceal the presence of a telecommunications facility, antenna, or accessory equipment.
(Amended July 9, 2018)

SHRUB. Any plant between 3 feet and 12 feet in height.

SIGHT DISTANCE EASEMENT. An easement which grants to the entity responsible for street maintenance the right to maintain unobstructed view across property located at a street intersection.

SIGHT TRIANGLE. The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being ten feet and seventy feet from the point of intersection.

SIGN. See Section 6-6.3 for sign-related definitions.

SIGN PERMIT. A permit issued by the Zoning Administrator that authorizes the location of a sign.

SIGNIFICANT VEGETATION. An area of contiguous wooded area greater than 1,000 square feet with a continuous canopy exceeding 30 feet in height and where over 50 percent of the trees with a DBH over 6 inches are hardwoods or the understory includes a diversity of beeches, hickories, hollies, or other native tree species that are, as determined by the Zoning Administrator, indicative of a significant evolving Piedmont forest.

SINGLE FAMILY RESIDENTIAL. Any development where: (i) no building contains more than one dwelling unit, (ii) every dwelling unit is on a separate lot, and (iii) where no lot contains more than one dwelling unit.

SITE EVALUATION TEST. An examination of subsoil used in determining the acceptability of the site for a subsurface waste disposal system and the design of the subsurface disposal field.

SITE or TRACT. All contiguous land and bodies of water in one ownership, or contiguous property in diverse ownership graded or proposed for grading or development as a unit.

SITE SPECIFIC DEVELOPMENT PLAN. A plan of land development submitted for approval by the City Council for the purpose of obtaining a vested right pursuant to NCGS 160A-385.1 (see Section 2-28).

SKETCH PLAN. A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

SMALL WIRELESS FACILITY. As defined in NCSG Chapter 160A, Part 3E. (Amended July 9, 2018)

SOLID WASTE. Garbage, refuse and other discarded solid materials.

SPECIAL PROMOTION. An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

SPECIAL TEMPORARY EVENT. A temporary land use activity whose duration is generally longer than one day but no longer than two weeks, is intended to or likely to attract substantial crowds and to generate significant vehicular traffic, is unlike the customary or usual activity generally associated with the property where the special event is to be located. See Section 4.7.13 for specific standards applicable to special temporary events.

SPECIAL USE PERMIT. A permit issued by the City Council or Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the City Council or Board of Adjustment (see Section 2-16).

SQUARE. Formal open space that provides safe and accessible places for the public to meet or gather. It may provide shelters, benches, landscaping, public art, plantings, hardscape (flagstone, brick or concrete patios, stone walls, tile paths, wooden decks, wooden arbors, etc.) and greens or other flat level surfaces.

STABILIZING VEGETATION. Any vegetation that protects the soil against erosion.

STACKING SPACE. The portion of the parking lot that is dedicated to the temporary storage or 'stacking' of vehicles engaged in drive-through use of the

site or development. Parking or storage of vehicles is not permitted within the stacking area.

STEALTH ANTENNA. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STEALTH WIRELESS FACILITY. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STEALTH WIRELESS SUPPORT STRUCTURE. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

STORY. The portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the floor next above or the roof.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

STREET, COLLECTOR. A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

STREET, CUL-DE-SAC. A short, local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

STREET, LOCAL. A street whose primary function is to provide access to abutting properties.

STREET, MINOR THOROUGHFARE. Minor thoroughfares collect traffic from collector, subcollector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

STREET, MAJOR THOROUGHFARE. Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major roads that provide for the expeditious movement of high volumes of traffic within and through urban areas.

STREET, PRIVATE. A vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. Private streets must comply with the requirements of Section 7-6.5, H.

STREET, PUBLIC. A dedicated public right-of-way for vehicular traffic which (i) has been accepted by the City or NCDOT for maintenance, or (ii) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

STREET STUB. A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET, SUBCOLLECTOR. A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

STREET, THROUGH. A street that has both ends open to traffic.

STREET RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

STRUCTURE. Anything constructed, erected, or placed.

SUBDIVIDER. Any person, firm, or corporation who subdivides 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 are created for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new road or a change in existing roads; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

- A. The combination or recombination of a portion of previously subdivided and recorded lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance;
- B. The division of land into parcels greater than ten acres if no road right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for the widening or opening of roads or for public transportation system corridors; and
- D. The division of a tract in single ownership, the entire area of which is not greater than two acres into not more than three lots, if no road right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.
- E. The division of property among heirs for the sole purpose of settling an estate. (Amended December 5, 2011)

Exemption of a partition of land from the definition of 'subdivision' shall not exempt any resulting lots, tracts or parcels from meeting the requirements of

this Ordinance for the granting of zoning, building, or health department permits. However, the City may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- A. The tract or parcel to be divided is not otherwise exempted, as stated in this UDO;
- B. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
- C. The entire area of the tract or parcel to be divided is greater than five acres;
- D. After division, no more than three lots result from the division; and
- E. After division, all resultant lots comply with all of the following:
 - 1. Any lot dimension size requirements of the applicable land-use regulations, if any;
 - 2. The use of the lots is in conformity with the applicable zoning requirements, if any; and
 - 3. A permanent means of ingress and egress is recorded for each lot.

(Amended March 4, 2019)

SUBDIVISION, MAJOR. All division of tracts of land meeting the definition of 'Subdivision' that are residential, more than three acres in size, and in which all lots have access to an existing publicly maintained street or highway.
(Amended 12/05/11; 09/11/17)

SUBDIVISION, MINOR. All divisions of tracts of land meeting the definition of 'Subdivision' that are residential, less than three acres in size, and do not involve construction or extension of a public street and in which all lots have access to an existing publicly maintained street or highway.

SUBSTANTIAL CHANGE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001(b)(7).
(Amended July 9, 2018)

SUPERSTORE. A freestanding department, variety, or general merchandise store that contains 50,000 or more square feet of gross floor space.

SURETY. See Financial Guarantee.

SURVEY. A drawing showing metes and bounds property boundaries and other measurable physical characteristics of a parcel of land, prepared and sealed by a registered surveyor.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches designed, used, and maintained for swimming and bathing.

SYNTHETIC STUCCO. Acrylic, rubber-based material applied over a fiberglass mesh attached to a foam backing used as a façade material. Also known as EIFS (Exterior Insulated Finish System).

TELECOMMUNICATIONS FACILITIES. Any cables, wires, lines wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

- A. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
- B. Any satellite earth station antenna one meter or less in diameter, regardless of the zoning category.

TEMPORARY BUILDING OR STRUCTURE. Any building of an impermanent nature, or one which is designed for use for a limited time, including any tent or canopy.

TEMPORARY EVENT. An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, horse shows, outdoor religious events and other similar activities.

TEMPORARY PORTABLE STORAGE CONTAINER. A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport truck.

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

TENANT. Any person who alone, or jointly, or severally with others occupies a building under a lease or holds a legal tenancy.

THOROUGHFARE PLAN. A plan adopted by the City Council for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

TOURIST HOME. A private residence in which lodging accommodations are provided to no more than fourteen persons and may include meals for overnight guests for a fee.

TOWER. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operator's equipment, as licensed by the FCC.

TOWER CO-LOCATION. An arrangement whereby more than one user occupies a single tower or structure.

TOWER, COMMUNICATIONS. A structure whose primary purpose is to support communications equipment. This definition includes tower/antenna/building combinations and the height measurement applies to those combinations. This definition shall not include wire-supporting electric power transmission and telephone poles.

TOWER, LATTICE. A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

TOWER, MONOPOLE. A structure composed of a single spire used to support communications equipment.

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

TRACT. All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: A Traditional Neighborhood Development (TND) is a land development technique that encourages mixed-use, pedestrian-oriented communities and promotes the diversification and integration of land uses. A TND is a human scale, walkable community composed of a variety of housing types and densities and a mixed use core of shopping, offices, public, and civic uses.

TREE. A woody plant, with one main stem, at least 12 feet tall, and having a distinct head in most cases.

TREE, CANOPY. A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

TREE, LANDMARK. Any Live Oak with a minimum DBH of 8 inches, or any tree with 27 DBH or more.

TREE, UNDERSTORY. A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE REMOVAL. The cutting or removing of 50 percent or more of the crown, trunk or root system of a tree, or causing the death of a tree through damage, poisoning or other direct or indirect action.

TRELLIS. A structure of open latticework, especially one used as a support for vines and other creeping plants.

USABLE OPEN SPACE. An area that: (i) is not encumbered with any substantial structure; (ii) is not devoted to use as a roadway, parking area

(paved or peripheral), or sidewalk; (iii) is left in its natural or undisturbed state, if such a state is compatible with use of the area or property planted and landscaped. (Facilities for the pursuit of passive types of recreation, such as picnic tables, are permissible.); (iv) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and (v) is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

USE. The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

USE, ACCESSORY. A use that: (i) is clearly incidental to and customarily found in connection with a principal use; (ii) is subordinate to and serves a principal use; (iii) is subordinate in area, extent, or purpose to the principal use served; (iv) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served; and (v) is located on the same lot as the principal use served except as may be specifically provided for elsewhere in this Ordinance.

USE, MIXED. Occupancy of building or land by more than one use.

USE(S), PERMITTED. Any use, as designated in this Ordinance, that is by right allowed to occur within a specific zoning district.

USE(S), PRINCIPAL. The primary purpose or function that a lot or structure serves or is proposed to serve.

UTILITY EASEMENT. An easement which grants to the City or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

UTILITY POLE. As defined in NCSG Chapter 160A, Part 3E.
(Amended July 9, 2018)

VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance. See also the definitions of 'Major Variance' and 'Minor Variance' below for watershed protection overlay district-related variances.

VARIANCE, MAJOR. A variance from the watershed overlay district requirements of Section 5-2 that results in any one or more of the following:

- A. the relaxation, by a factor greater than ten percent, of any management requirement under the low density option;
- B. the relaxation, by a factor greater than five percent, of any buffer, density or built-upon area requirement under the high density option;
- C. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

VARIANCE, MINOR. A variance from the watershed overlay district requirements of Section 5-2 that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten percent, of any management requirement under the low density option.

VEGETATION. 75 square feet or more of trees, shrubs, and other ground cover.

VEGETATION PLAN. A required informational drawing, which accurately identifies size, location, and species of all landmark trees on a property and describing proposed land disturbing development activity.

VELOCITY. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

VIDEO GAMING ARCADE. An establishment engaged in the operation of a video gaming machine or machines, either as a principal use, combination use, or as an accessory use. A video gaming arcade is distinguished from other coin-operated amusement businesses in that a video gaming arcade includes one or more video gaming machines.

VIDEO GAMING MACHINE. A slot machine as defined in NCGS 14-306(a) and other forms of electrical, mechanical, or computer games such as by way of illustration:

- A. A video poker game or any other kind of video playing card game.
- B. A video bingo game.
- C. A video craps game.
- D. A video keno game.
- E. A video lotto game.
- F. Eight liner.
- G. Pot-of-gold.
- H. Gold fusion
- I. Torch game
- J. Fish-bowl game
- K. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not completely or fully dependent on the skill or dexterity of the player which involve a prize for the player. The "prize" may be cash, coupons redeemable for cash or other consideration, additional playing time, or other item of value.

For purposes of this Ordinance, a video gaming machine is a video machine which requires deposit of any coin, token, or use of any credit card, debit card, or any other method that requires payment to activate play of any of the games listed above.

(Amended March 4, 2019)

VIOLATION. Failure on the part of any person to comply with the provisions of this Ordinance.

WAIVER. Official permission from City Council to depart, in accordance with the procedures and requirements of Section 7-9, from specified subdivision design standards designated in Article 7 of this Ordinance.

WAREHOUSE, GENERAL. Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

WAREHOUSE, SELF-STORAGE. A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

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

WATERSHED. The entire land area contributing surface drainage to a specific point.

WATERSHED CRITICAL AREA. That portion of the Graham-Mebane Lake watershed adjacent to and within one-half mile of the normal pool elevation. In this area risk associated with pollution is greater than from the remaining portions of the watershed.

WATERSHED, WATER SUPPLY. All other parts of the watersheds in Alamance County draining directly into a water supply reservoir. A watershed is defined as an area in which all water drains to a particular body of water.

WATER SUPPLY INTAKE. The recognized point whereby surface water is removed in order to supply water for drinking and culinary purposes.

WET DETENTION POND. A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

WETLANDS. Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; and where the substrate is nonsoil and is saturated with water or covered by shallow water for a specified period of time during the growing season of each year.

WHOLESALE TRADE OR USE. Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

WIRELESS FACILITY. As defined in NCSG Chapter 160A, Part 3E.
(Amended July 9, 2018)

WIRELESS SUPPORT STRUCTURE. As defined in NCSG Chapter 160A, Part 3E. A utility pole or city utility pole is not a wireless support structure.
(Amended July 9, 2018)

WOODED AREA. An area historically capable of supporting indigenous landmark trees.

WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

YARD. A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. See 'Setback, Street or Front'.

YARD, REAR. See 'Setback, Rear'.

YARD, SIDE. See 'Setback, Side'.

YARD WASTE. Solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, shrubbery, leaves, and similar vegetative material.

ZONING. The designation of a particular property or portion thereof using one of the zoning designations contained in this Ordinance.

ZONING ADMINISTRATOR. The person(s) authorized by Section 2-4, A, 2 who is responsible for administering and enforcing this Ordinance.

ZONING DISTRICT. An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land and in which building and development standards are prescribed.

ZONING PERMIT. A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

ZONING VESTED RIGHT. A right established pursuant to NCSG 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan (See Section 2-28).