

Definitions

17.1 INTENT

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

17.2 RULES OF CONSTRUCTION

The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standards dictionary, except for the specific words and phrases defined in this chapter.

- Tense. Words used in the present tense include the future tense.
- Number. The singular number includes the plural number and the plural number includes the singular number.
- Person. The word "person" includes a firm, association, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person.
- Shall and May. The words "shall," "must," and "will" are mandatory in nature. The word "may" is permissive in nature.
- Used or occupied. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."
- Lot. The word "lot" includes the words "plot" and/or "parcel."
- Structure. The word "structure" includes the word "building."
- On the Premises Of. The phrase "on the premises of," as applied to accessory uses or structures, shall be interpreted to mean "on the same lot."
- The parenthetical notation "*(Floodplain Development)*" shall indicate defined terms that apply only to the application and administration of the Flood Damage Prevention provisions of this ordinance.
- The parenthetical notation "*(WTF)*" shall indicate defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this ordinance.
- LBCS – American Planning Association Land-based Classification Standards
- NCGS – North Carolina General Statutes
- NAICS – North American Industrial Classification System

17.3 USE DEFINITIONS

ACCESSORY USE OR STRUCTURE A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel and serves a principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served.

ADULT ESTABLISHMENT Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.210.10 (or any successor thereto).

AIRSTRIP A paved surface used for take-off and landing of aircraft.

ALCOHOLIC BEVERAGE SALES STORE The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

ALLEY A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

AMUSEMENTS, INDOOR Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, bowling alleys, and billiards/pool halls.

AMUSEMENTS, OUTDOOR Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

ANIMAL PRODUCTION Industries in the Animal Production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

ATM Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

BACKYARD PENS/COOPS The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as accessory uses to existing residential structures.

BANKS, CREDIT UNIONS, FINANCIAL SERVICES Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

BAR/TAVERN A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

BED AND BREAKFAST HOMES (UP TO 8 ROOMS) A private home containing not more than 8 guest rooms that offers bed and breakfast accommodations to guests.

BOARDING OR ROOMING HOUSE (12 OR LESS PERSONS) A detached residential structure that has been converted for use as group living quarters for no more than 12 people.

BUSINESS SUPPORT SERVICES These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, and office product sales.

CEMETERY A parcel of land used for interment of the dead in the ground or in mausoleums.

CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS) An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than 8 children or adults at a time based on State regulations; not an accessory to residential use.

CHILD/ADULT DAY CARE HOME (8 OR LESS PERSONS) Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than 8 children (no more than 5 of which may be of pre-school age).

CIVIC MEETING FACILITIES Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

COLLEGE/UNIVERSITY Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

COMMUNITY/CULTURAL CENTER Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

COMMUNITY SUPPORT FACILITY A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard Shelters or clothing/food collection centers as accessory uses.

CONFERENCE/CONVENTION FACILITY A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

CORRECTIONAL INSTITUTION Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

DORMITORY A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar public, semi-public use.

DRIVE-THRU/DRIVE-IN FACILITY A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

DRY CLEANING & LAUNDRY SERVICES Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

DWELLING Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

DWELLING-ACCESSORY A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

DWELLING-DUPLEX A single detached dwelling on a single lot that contains two dwelling units and is divided vertically, and each unit has a separate entrance from the outside or through a common vestibule.

DWELLING-MULTIFAMILY A building or a group of buildings, including a portion thereof, containing 3 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. The dwelling units may be located side by side in a horizontal configuration or stacked one above

the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Each dwelling unit shall include permanent provisions for living, sleeping, cooking, and sanitation, and can be owner or tenant occupied. Multifamily dwellings also include carriage-style building with multifamily dwelling units over garages. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

DWELLING-SINGLE FAMILY A single detached dwelling on a lot, other than a manufactured home dwelling, that contains a single dwelling unit (excluding any dwelling-accessory). Also includes factory-built, modular housing units that comply with NC State Building Code.

DWELLING-TOWNHOME A building containing two or more dwelling units that are attached horizontally through common walls. Each dwelling unit occupies space from the ground to the roof of the building and is located on a separate lot.

DWELLING UNIT A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

FAMILY CARE HOME (6 OR FEWER RESIDENTS) A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS 168-21)

FUNERAL HOMES/CREMATORIUMS Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

GARDEN (COMMUNITY AND PRIVATE) An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include crop production and nurseries.

GAS / FUELING STATION Establishment that primarily retails automotive fuels. These establishments may further provide services

such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station.

GENERAL COMMERCIAL – USE GREATER THAN 100,000 SF A use category allowing general commercial premises greater than 100,000 square feet in gross leasable area to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing.

GENERAL COMMERCIAL A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods, available for immediate purchase and removal from the premises by the purchaser.

HALFWAY HOUSES A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

HOME OCCUPATION An occupation or profession conducted within a dwelling unit or accessory building by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include produce stands and day care centers where daytime care is provided to less than 6 children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

HOSPITAL A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional,

or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

HOTEL/INN (NO ROOM LIMIT) Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes “motels.”

HOTEL/INN (LESS THAN 20 ROOMS) Any building or group of buildings in which there are fewer than 20 guest rooms used for the purposes of offering public lodging on a day-to-day basis.

INDUSTRY, HEAVY A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

INDUSTRY, LIGHT A non-residential use that involves the manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing

activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

INTERNET SWEEPSTAKES FACILITIES Any business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

KENNELS, OUTDOOR A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (LBCS F2700)

LANDFILL A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.

LIGHT MANUFACTURING WORKSHOPS The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. May also include beer brewing or other similar facilities as part of a microbrewery and other beverage tasting facilities.

LIVE-WORK UNITS An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

MANUFACTURED HOME PARK The location of 2 or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.

MANUFACTURED HOUSING A structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over 40 feet long and over 10 feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities.

MANUFACTURED HOUSING-CLASS A A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction, and has a HUD label attached.

MANUFACTURED HOUSING-CLASS B A double-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A Manufactured Home.

MANUFACTURED HOME-CLASS C A single-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached.

MATERIALS RECOVERY & WASTE TRANSFER FACILITIES This industry comprises establishments primarily engaged in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where

commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

MEDICAL CLINIC Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

MONOPOLE WIRELESS COMMUNICATIONS TOWER A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under 35 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

NIGHT CLUB A business that operates primarily in the evening hours that principally provides entertainment such as live music, and/or dancing, comedy, etc.

NURSERIES & GARDEN CENTERS Industries in the nursery and garden center subsector grow crops mainly for commercial food and fiber. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds.

OPEN AIR RETAIL A retail sales establishment operated primarily in the open air including, but not limited to: farmers market, flea markets, sidewalk kiosks and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.

OUTDOOR SEATING The provision of on-site outdoor seating areas by a restaurant, bar/tavern, or other uses where food or beverages are served for consumption as an accessory use. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

OUTSIDE OR DISPLAY SALES The sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is

not limited to, landscape materials, lawn and garden supplies, and produce.

OUTSIDE STORAGE The storage of any material for a period greater than 48 hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

PARKING LOT/STRUCTURE – PRINCIPAL USE
A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

PAWNSHOPS Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

PERSONAL SERVICES Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

PERSONAL SERVICES, RESTRICTED A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

PERSONAL WIRELESS FACILITY See “Wireless Telecommunications Facility.”

POST OFFICE Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations.

PRODUCE STANDS A temporary open air stand or place for the seasonal selling of agricultural produce by an individual (excludes Open Air Retail).

PROFESSIONAL SERVICES Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic,

industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

PUBLIC SAFETY STATION Facilities for federal, state and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

RACETRACK An outdoor course prepared for horse, dog, automobile, or other vehicle racing.

RECREATION FACILITIES, INDOOR Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

RECREATION FACILITIES, OUTDOOR Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

RECYCLING COLLECTION STATIONS A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

RELIGIOUS INSTITUTION Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

RESIDENTIAL CARE FACILITIES A staffed premises (not a single-family dwelling) with paid

or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

RESTAURANT A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

RIDING STABLES An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing and/or the hiring of horses for riding is offered.

SCHOOLS – ELEMENTARY & SECONDARY A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

SCHOOLS – VOCATIONAL/TECHNICAL A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (LBCS F6100 and F6140)

SHOOTING RANGE, OUTDOOR A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range exclude any area

for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

SMALL EQUIPMENT REPAIR/RENTAL The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

SPORTS ARENA/STADIUM A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats for spectators.

STORAGE-OUTDOOR STORAGE YARD The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

STORAGE – SELF-SERVICE A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

STORAGE-WAREHOUSE, INDOOR STORAGE Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

STUDIO – ART, DANCE, MARTIAL ARTS, MUSIC Small facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

SWINE FARMS A tract of land devoted to raising 250 or more animals of the porcine species.

TEMPORARY USE A land use on an individual parcel or site established for a limited and fixed

period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

THEATER, INDOOR MOVIE OR LIVE PERFORMANCE A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

THEATER, OUTDOOR An establishment for the performing arts with open-air seating for audiences.

THEATER, DRIVE-IN A specialized outdoor theater for showing movies or motion pictures on a projection screen where patrons view movies from their vehicles.

UTILITIES Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; or of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

Class 1: Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection/transmission, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

Class 2: Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants (greater than 0.3 mgd), and landfills.

VEHICLE RENTAL/LEASING/SALES Establishments which may have showrooms or open lots for selling, renting or leasing

automobiles, light trucks, motorcycles, and ATVs.

VEHICLE RENTAL/LEASING – MOVING TRUCKS Establishments exclusively for renting or leasing trucks, vans, and trailers for moving furniture and other goods.

VEHICLE SERVICES – MAJOR REPAIR/BODY WORK The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

VETERINARY SERVICES Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

WHOLESALING AND DISTRIBUTION Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include:

- Agents, merchandise or commodity brokers, and commission merchants;

- Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
- Merchant wholesalers;
- Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

WIRELESS TELECOMMUNICATIONS FACILITY

(WTF) A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or any form or type of wireless communications or service, including but not limited to commercial radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

WIRELESS TELECOMMUNICATIONS FACILITY

(NON-TOWER) A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

17.4 DEFINITIONS GENERALLY*

* Note - The parenthetical notation “(*Floodplain Development*)” shall indicate defined terms that apply only to the application and administration of the Flood Damage Prevention provisions of this ordinance.

** Note - The parenthetical notation “(*WTF*)” shall indicate defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this ordinance.

1-YEAR, 24-HOUR STORM The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours

ACCELERATED EROSION Any increase over the rate of natural erosion as a result of land-disturbing activities.

ACTIVE CONSTRUCTION Activities that contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.

ADDITION (*FLOODPLAIN DEVELOPMENT*) An extension or increase in the floor area or height of an existing building or structure.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE A measure, structure or device that controls the soil material within the land areas under responsible control of the person conducting the land-disturbing activity.

ADMINISTRATOR For the purposes of this ordinance, the Planning Director, the Director of Public Works and Utilities, the Director of Engineering, and their subordinate staffs are collectively referred to as the Administrator.

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

ALLEY A minor right-of-way privately or publicly owned, primarily for service or garage access.

AMBER LIGHTING Any non-white color lighting similar to the color of high-pressure sodium lighting and with a temperature rating of less than 2,700 Kelvin.

AMEND, AMENDMENT AND AMENDED (*WTF*)

Any change, addition, correction, deletion, replacement or substitution, other than typographical changes of no effect in an application or other document or filing.

ANSI STANDARDS Standards published by the American National Standards Institute (ANSI), a private, non-profit organization [501(c)(3)] that administers and coordinates the U.S. voluntary standardization and conformity assessment system. More information is available at www.ansi.org.

ANTENNA (*WTF*) A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

APPLICATION (*WTF*) All necessary and required documentation that an applicant submits in order to receive a Special Use Permit or Building Permit for Wireless Telecommunications Facilities.

AWNING/CANOPY SIGN Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.

BASE FLOOD (*FLOODPLAIN DEVELOPMENT*) The flood having a 1% chance of being equaled or exceeded in any given year based on current conditions hydrology.

BASE FLOOD ELEVATION (BFE) (*FLOODPLAIN DEVELOPMENT*) A determination of the water surface elevations of the base flood based on current conditions hydrology or future conditions hydrology as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal or State other source using FEMA approved engineering methodologies. This elevation, when combined with 2 additional vertical feet, establishes the regulatory flood protection elevation in flood hazard areas.

BASEMENT (*FLOODPLAIN DEVELOPMENT*) Any area of a building having its floor subgrade (below ground level) on all sides.

BEDROOM A room designated for sleeping, also known as a sleeping room.

BEING CONDUCTED A land disturbing activity that has been initiated and permanent stabilization of the site has not been completed.

BERM An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BONA FIDE FARM PURPOSES Includes the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS 106-581.1 and all other purposes described in NCGS 153A-340.b.2.

BORROW Fill material that is required for on-site construction and is obtained from other locations.

BUFFER A combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses from each other.

BUFFER ZONE The strip of land adjacent to a lake or natural watercourse.

BUFFERYARD The area of a required buffer in which plantings or other screening elements are to be located.

BUILDING Any structure built for support, shelter or enclosure for any occupancy or storage.

BUILDING COVERAGE A percentage figure referring to that portion of a lot covered with principal and accessory buildings or structures as measured by dividing the total area of building and structure footprints by the gross area of the lot.

BUILDING SETBACK LINE (MINIMUM) See “Setback (Minimum).”

BUILDING FLOOR AREA The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

BUILT-UPON AREA (BUA) That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water

area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

CAMOUFLAGE See “Stealth.”

CANOPY TREE Large-growing, shade-producing trees with an expected mature height of 40 feet or greater and an expected mature crown spread of 30 feet or greater.

CARRIER OR WIRELESS CARRIER An entity licensed by the FCC to provide Personal Wireless Service.

CEASE ORDER See “Stop Work Order”

CERTIFICATE OF COMPLETION OR COC (WTF)

A required document issued by the Town that confirms that all work represented in the application i) was properly permitted; ii) was done in compliance with and fulfilled all conditions of all permits, including any final completion deadline; iii) was fully constructed as approved and permitted; and iv) a final inspection was requested, conducted and the Facility or Complex passed the final inspection.

CERTIFICATE OF COMPLETION FOR SOIL EROSION AND SEDIMENTATION CONTROL A certificate issued by the Town of Wake Forest Engineering Department indicating that the permittee has achieved acceptable stabilization in accordance with the approved plan and has completed all work necessary on the site related to soil erosion. All land-disturbance shown on the approved plan is stabilized with permanent ground cover, permanent armor, or impervious surface. All proposed roads, utilities, permanent erosion control devices, and other infrastructure are installed as per approved plans. All temporary sediment control devices required by the approved plan are removed.

CERTIFICATE OF COMPLIANCE FOR PRELIMINARY SOIL EROSION AND SEDIMENTATION CONTROL A certificate issued by the Town of Wake Forest Engineering Department indicating that the erosion control devices shown on the approved plan have been constructed correctly and are operating correctly.

CERTIFIED ARBORIST An individual who has successfully completed the International Society of Arboriculture (ISA) exam process.

CHANGE OF USE For the purposes of this UDO only this term shall mean any alteration in the use of a lot or structure which, in the determination of the Administrator, changes the primary use such lot or property from one use type listed in the Use Table in Section 2.3.3 to another use type.

CHEMICAL STORAGE FACILITY (FLOODPLAIN DEVELOPMENT) A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CLEAR-CUTTING The indiscriminate and broad removal of trees, shrubs, or undergrowth.

CO-LOCATION The use of an approved telecommunications structure to support Antenna for the provision of wireless services.

COMMERCIAL IMPRACTICABILITY OR COMMERCIALLY IMPRACTICAL (WTF) The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercial impractical” and shall not render an act or the terms of an agreement “commercially impractical”.

COMPLETED APPLICATION (WTF) An application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an Application.

COMPLEX (WTF) The entire permitted site or facility, including all structures and equipment located at the site.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

CONSERVATION EASEMENT An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.

CONSTRUCTION PROJECT SIGN A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.

CORNER LOT A lot which abuts the right-of-way of two streets at their intersection.

CPESC Certified professional in Erosion and Sediment Control. NCDOT Level I-III a/b certification is not required if a CPESC is onsite monitoring installation and has approved design.

CRITICAL ROOT ZONE The circular area of ground surrounding a tree extending from the center of tree to the greater of 1.5 feet per caliper inch DBH of the tree or the dripline (furthest extent of tree canopy). The area uniformly encompassed by a circle with a radius equal to 1-1/2 feet per inch of DBH tree trunk of the preserved tree measured at 4 1/2 feet above the ground (measured to the nearest inch), with the trunk of the tree at the center of the circle. The minimum radius shall not be less than 7 feet unless approved by the Administrator.

CURRENT CONDITIONS HYDROLOGY (FLOODPLAIN DEVELOPMENT) The flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.

DAS OR DISTRIBUTIVE ACCESS SYSTEM (WTF) A technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

DISTRIBUTIVE ACCESS SYSTEM (DAS) A technology using antenna combining technology generally allowing for multiple Carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

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

DEVELOPMENT FLOOR AREA The total building floor area of any construction projects simultaneously developed by a single developer.

DEVELOPMENT Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, other than rebuilding activity that does not qualify as redevelopment.

DEVELOPMENT (FLOODPLAIN 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.

DIAMETER AT BREAST HEIGHT (DBH) Standard measure of a tree trunk size, measured 4.5 feet (breast height) above ground level or the total diameter of all stems of a multi-trunk tree measured at 4 ½ feet above grade. If a tree splits into multiple trunks below 4.5 feet, then the trunk is measured at its most narrow point beneath the split.

DIRECTIONAL/IDENTIFICATION SIGNS Public purpose signs designed to identify parking areas, control traffic, and provide guidance to special areas and to announce one's arrival into the heart of the community. These signs are solely for the purpose of navigation and do not contain commercial messages.

DITCH OR CANAL A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inner-stream divide areas. A ditch or canal may have flows that are perennial, intermittent or ephemeral.

DISCHARGE POINT That point at which stormwater runoff leaves a tract of land in a concentrated flow pattern.

DISPOSAL (FLOODPLAIN DEVELOPMENT) As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DOUBLE FRONTAGE LOT A continuous (through) lot which is accessible from both streets upon which it fronts.

DRAINAGE EASEMENT A 20' wide minimum strip of land reserved for conveyance of stormwater required when the total drainage area exceeds 4 lots or 4 acres, whichever is less, generally located along rear or side lot lines, but may cross lots at such points that will not pose a hazard to persons or property.

DRAINAGEWAY A natural or artificial stream or depression that conveys surface water.

DRIPLINE A vertical line extending from the outer edge of a tree canopy to the ground.

EASEMENT A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

ELECTRONIC MESSAGE BOARD An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.

ELEVATED BUILDING (FLOODPLAIN DEVELOPMENT) A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE FACILITY (WTF) An existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial Modification.

FACILITY (WTF) A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

EMERGENCY/HAZARD SHELTERS A shelter intended to protect occupants from temporary emergencies and hazards.

ENCROACHMENT (FLOODPLAIN DEVELOPMENT) The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain,

which may impede or alter the flow capacity of a floodplain.

ENERGY DISSIPATER A structure or shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

EPHEMERAL STREAM A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. Ephemeral streams typically lack the biological, hydrological and physical characteristics associated with continuous or intermittent conveyances of water. 15A NCAC 02B.0233 92) (d).

ESTABLISHED FARM Means an ongoing agricultural operation including all such operations that qualify for the agricultural use value tax rate.

EROSION The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION (FLOODPLAIN DEVELOPMENT) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the town (May 16, 2006).

EXPRESSWAY An expressway is a divided street or road which serves through traffic with full or full partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

FAA The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC The Federal Communications Commission, or its duly designated and authorized successor agency.

FACILITY (WTF) A set of wireless transmitting and/or receiving equipment, including any

associated electronics and electronics shelter or cabinet and generator.

FINISHED GRADE The grade after construction, exclusive of any filling, berming, mounting, or excavating.

FINISHED (HABITABLE) AREA (FLOODPLAIN DEVELOPMENT) An enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access, or storage.

FLAG POLE LOT A lot with minimal frontage on a public street where access to the public street is by a narrow private driveway.

FLOOD / FLOODING (FLOODPLAIN DEVELOPMENT) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) (FLOODPLAIN DEVELOPMENT) An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas. The FHBM includes a description of the boundaries of the floodplain, flood-prone and/or flood-hazard areas, including representations of the floodway, floodway fringe, future conditions flood hazard areas. The map is applicable to the community within the corporate limits and within the extraterritorial jurisdiction of the Town of Wake Forest.

FLOOD HAZARD SOILS Those types of soils in the relatively flat areas associated with natural watercourses which are subject to periodic flooding. The types of soils and their corresponding symbols are as follows:

Flood Hazard Soil Identification	Map Symbol
Altavista fine sandy loam, 0% to 4% slopes	AfA
Buncombe, 0 to 2% slopes	Bu
Chewacla, 0 to 2% slopes	Cm

Colfax fine sand loam, 0 to 6% slopes	Cn
Manatachie soils, 0 to 4% slopes	Me
Wahee fine sandy loam, 0 to 2% slopes	Wh
Wehadkee silt loam, 0 to 2% slopes	Wn
Wehandkee and Bibb soils	Wo
Worsham sandy loam, 0 to 4% slopes	Wy

FLOOD INSURANCE (FLOODPLAIN DEVELOPMENT) The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) (FLOODPLAIN DEVELOPMENT) An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) (FLOODPLAIN DEVELOPMENT) An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN / FLOOD PRONE AREA (FLOODPLAIN DEVELOPMENT) Any land area susceptible to being inundated by water from any source. The maximum area, adjoining a river, stream, watercourse or lake, which is likely to be flooded, by the base flood or the future conditions flood. The floodplain, flood-prone and/or flood-hazard areas includes “floodway” areas, “floodway fringe” areas and future conditions flood hazard areas. These areas are illustrated on flood hazard boundary maps, flood hazard soils plus additional distances,

recorded flood storage areas required by this UDO and drainage basin study maps.

FLOODPLAIN MANAGEMENT (FLOODPLAIN DEVELOPMENT) The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS (FLOODPLAIN DEVELOPMENT) Any ordinances, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING (FLOODPLAIN DEVELOPMENT) Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents. Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in “Floodproofing Regulations” June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

FLOODWAY (FLOODPLAIN DEVELOPMENT) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOD ZONE (FLOODPLAIN DEVELOPMENT) A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD (FLOODPLAIN DEVELOPMENT) The height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation to account for the many unknown

factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

FREEWAY A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at intersections.

FUTURE CONDITIONS FLOOD (FLOODPLAIN DEVELOPMENT) The flood having a 1% chance of being equaled or exceeded in any given year based on future conditions hydrology.

FUTURE CONDITIONS FLOOD ELEVATION (FLOODPLAIN DEVELOPMENT) A determination of the water surface elevations of the 1% annual chance flood based on future conditions hydrology as published in the Flood Insurance Study. This elevation, when combined with the freeboard, establishes the “Regulatory Flood Protection Elevation” in Future Conditions Flood Hazard Areas.

FUTURE CONDITIONS FLOOD HAZARD AREA (FLOODPLAIN DEVELOPMENT) The land area that would be inundated by the 1% annual chance flood based on future conditions hydrology.

FUTURE CONDITIONS HYDROLOGY (FLOODPLAIN DEVELOPMENT) The flood discharges associated with projected land-use conditions based on Wake Forest’s Land Use Management Plan and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

FUNCTIONALLY DEPENDENT FACILITY (FLOODPLAIN DEVELOPMENT) A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

GREENWAY A linear natural preserve available for free and unstructured recreation to the general public. This term is not meant to be inclusive of required pedestrian/bicycle connections from adjacent development to greenways. The various types of greenways as defined in the Wake Forest Open Space & Greenways Plan are as follows:

Type 1: Sensitive natural area with no formal greenway or trail development.

Type 2: Greenway corridors in a primarily natural state with gravel or dirt trails intended for use by pedestrians only.

Type 3: Corridors located outside floodplains with unpaved multi-use trails that are intended for use by pedestrians and bicyclists.

Type 4: High capacity off-road corridors and/or corridors located within floodplains that are paved for use by a wide variety of user groups including pedestrians, bicyclists, joggers, wheelchairs users, strollers and rollerbladers.

GROUND COVER Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

GROSS LEASABLE AREA The gross building floor area occupied or used by a tenant.

GROUND / FREESTANDING SIGN A sign that extends upward out of the ground, independent of a building, with an integral support structure.

HAZARDOUS WASTE FACILITY (FLOODPLAIN DEVELOPMENT) As defined in NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEIGHT When referring to a Tower or wireless support structure for a Wireless Telecommunications Facility, “height” includes the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device extending above the support structure. For all other structures and uses, see Section 4.5 – Measurement of Height.

HIGHEST ADJACENT GRADE (HAG) (FLOODPLAIN DEVELOPMENT) The highest natural elevation of the ground surface, prior to

construction, immediately next to the proposed walls of the structure.

HIGH IMPERVIOUS SURFACE PROJECT Any project that has more than 24% built-upon area (BUA) for all residential and non-residential development in the Falls Creek, Richland Creek, and Neuse River Watersheds, and 6-30% BUA for all residential and non-residential development in the Smith Creek Watershed.

HIGH QUALITY WATERS (HQW) Those classified as such in 15A NCAC 2B.0101(e)(5) -General Procedures.

HIGH QUALITY WATER ZONES Areas that are within one mile and drain to HQWs.

HISTORIC STRUCTURE (FLOODPLAIN DEVELOPMENT) Any structure that is:

- 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;
- 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;
- Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.

IMPERVIOUS SURFACE Impervious surface area includes any material which reduces and/or prevents absorption of storm water. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. The effective impervious coverage for certain surfaces listed below are as follows:

1. Asphalt, concrete, crusher-run, gravel, masonry, marl, wood and other impermeable surfaces that prevent land area from infiltrating stormwater are 100% impervious.
2. Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the Town, so that the first one-half inch of stormwater infiltrates into the are ground are 70% through 10% impervious, depending on:
 - a. Compaction;
 - b. Condition of subgrade;
 - c. Extent of land disturbance;
 - d. Extent of porous openings;
 - e. Protection from siltation and clogging;
 - f. Slope of the ground area; and
 - g. Volume of stormwater stored.
3. Slatted wood decks that allow the drainage of water through the slats to an unpaved surface below are 50% impervious. If the area covered by the deck is washed gravel, the deck is 30% impervious.
4. Un-graveled natural footpaths, water surfaces of swimming pools and drainfields areas 0% impervious.
5. All other necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.

INTERMITTENT STREAM A well-defined channel that contains water for only a part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. Intermittent streams often lack biological and physical characteristics commonly associated with the perennial conveyances of water. 15A NCAC 02B.0233 (2)(g).

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-DISTURBING ACTIVITY Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the

natural cover or topography and that may cause or contribute to sedimentation.

LANDSCAPE PLAN A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

LETTER OF MAP AMENDMENT (LOMA) A letter from FEMA that officially removes a property or building from the FEMA special flood hazard area (SFHA) that was inadvertently shown in the SFHA on the FIRM.

LETTER OF MAP REVISION (LOMR) An official revision to the currently effective FEMA FIRM based on as-built conditions and/or more accurate data. It is issued by FEMA and may change FEMA base flood elevations, the location of the FEMA floodway lines and/or the location of the FEMA flood fringe line.

LOT A parcel of land having frontage on a public street or other officially approved means of access.

LOT FRONTAGE The lot width measured at the street right-of-way line from which the lot obtains access.

LOWEST ADJACENT GRADE (LAG) (FLOODPLAIN DEVELOPMENT) The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR (FLOODPLAIN DEVELOPMENT) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable

solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

LOW IMPACT DEVELOPMENT (LID) A method of site development and stormwater management that mimics the natural hydrologic functions of infiltration, runoff, and evapotranspiration on a site before development occurs. The objective of Low Impact Development is the volume of runoff leaving the site after development matches the volume of runoff before development. In addition, a LID project should maintain adequate flows to the streams and wetlands on the site rather than piping stormwater to a single low point.

LOW IMPERVIOUS SURFACE PROJECT A project that 24% built-upon area (BUA) for all residential and non-residential development in the Falls Creek, Richland Creek, and Neuse River Watersheds, and 6-12% BUA for all residential and non-residential development in the Smith Creek Watershed.

MAINTENANCE (WTF) Plumbing, electrical or mechanical work that may require a building permit but that does not constitute a Modification to the WTF.

MAJOR SUBDIVISION Any subdivision of land into 4 or more lots, or which requires the dedication of public utilities and/or public streets.

MANUFACTURED HOME (FLOODPLAIN DEVELOPMENT) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION (FLOODPLAIN DEVELOPMENT) A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

MARKET VALUE (FLOODPLAIN DEVELOPMENT) The building value, not including the land value and that of any

accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MEAN SEA LEVEL (FLOODPLAIN

DEVELOPMENT) The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MARQUEE SIGN Vertical signs projecting from the side of a building or a roof structure which may or may not incorporate changeable type.

MECHANICAL UTILITY Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

MINOR SUBDIVISION Any subdivision of land into 3 or fewer lots which does not require the dedication of public utilities and/or public streets.

MODIFICATION OR MODIFY (WTF) The addition, removal or change of any of the physical and visually discernible components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, or the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change-out of equipment for different, better or more modern equipment.

MODIFIED NATURAL STREAM An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological and physical characteristics commonly associated with the

continuous conveyance of water (perennial stream).

NATURAL EROSION The wearing away of the earth's surface by water, wind, or other natural agent under natural environmental conditions undisturbed by humans.

NCDOT EROSION CONTROL CERTIFICATION A certification required by the DOT for all erosion control projects.

- **Level I: Erosion & Sediment Control/Stormwater Inspector/Installer** - Required for each supervisor of grading contractor installing temporary erosion and sediment control/stormwater devices and/or subcontractor.
- **Level II: Erosion & Sediment Control/Stormwater Site Management** - Superintendent/foreman in charge of grading activities, contractor personnel assigned to conduct NPDES sites inspections and fill out NPDES weekly log.
- **Level III a/b: Design Professionals**

NCGS The North Carolina General Statutes and all rules and orders adopted pursuant to them.

NECESSARY, NECESSITY OR NEED (WTF)

What is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the Application. Necessary or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards. Any situation involving a choice between or among alternatives or options is not a Need or a Necessity.

NEIGHBORHOOD PARKS Improved space set aside for public use and recreation that is comprised of one or more of the following typologies (as outlined in Section 7.5.1): Park/Greenway, Green, Square, Playground, and Community Garden.

NEW CONSTRUCTION (FLOODPLAIN

DEVELOPMENT) Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention

Ordinance (May 16, 2006) and includes any subsequent improvements to such structures.

NIER Non-Ionizing Electromagnetic Radiation.

NONCONFORMING SIGN A sign legally established prior to the effective date of this ordinance or subsequent amendment thereto, that does not conform to the sign regulations found herein.

NON-ENCROACHMENT AREA (FLOODPLAIN DEVELOPMENT) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

OFFICIAL MAPS OR PLANS Any maps or plans officially adopted by the Wake Forest Board of Commissioners as a guide to the development of the Town of Wake Forest.

OFF-SITE STORMWATER CONTROL

MEASURES The overall design, construction and maintenance of one or more devices and measures and associated drainage easements, conduits, inlets, channels, pipes and ditches, level spreaders, filters, buffers, bioretention areas, sand filters, detention basins, wetlands and ponds necessary to collect, convey, store and control stormwater runoff and pollutants for more than one lot. Stormwater control facilities serving contiguous properties or a subdivision or a portion of a subdivision greater than one lot are examples of off-site stormwater control facilities.

ON-SITE STORMWATER CONTROL MEASURES

The overall design, construction and maintenance of one or more devices and measures and associated drainage easement, conduits, inlets, channels pipes, ditches, level spreaders, filters, buffers, bioretention areas, sand, filters, detention basins, wetlands and ponds, necessary to collect, convey, store and control stormwater runoff and pollutants within and for a single lot.

OPEN SPACE Those areas set aside and protected from development which may be left in a generally unimproved state.

OWNER The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee,

or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

PARENT ENTITY An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

PE Professional Engineer License.

PERENNIAL STREAM A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed below the water table for most of the year. Groundwater is the primary source of water for perennial streams. A perennial stream exhibits the typical biological, hydrological and physical characteristics commonly associated with the continuous conveyance of water. 15A NCAC 02B.033 (2)(I).

PERMIT The approval document allowing land-disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.

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

PERSON CONDUCTING LAND-DISTURBING

ACTIVITY Any person who may be held responsible for a violation unless expressly provided otherwise by the erosion and sedimentation control regulations of this article, the SPCA Act, or any order adopted pursuant to these regulations or the SPCA Act.

PERSON RESPONSIBLE FOR THE VIOLATION

Examples of this include:

- The developer or other person who has or holds himself out as having financial or operational control over the land – disturbing activity; and/or

- The landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of the erosion and sedimentation control regulations of this article, the SPCA Act, or any order adopted pursuant to these regulations or the SPCA Act as imposes a duty upon him; and/or
- The contractor or subcontractor who is authorized to perform land-disturbing work for the landowner.

PHASE OF GRADING One of two types of grading, rough or fine. Grading plans are required to be phased.

PLANNED UNIT DEVELOPMENT A district designed to promote a compatible mix of uses in an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage design flexibility, multi-modal connectivity between uses; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities and adequate public facilities.

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

POST-FIRM (FLOODPLAIN DEVELOPMENT) Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM (FLOODPLAIN DEVELOPMENT) Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRELIMINARY FLOOD INSURANCE RATE MAP (PFIRM) A map(s) released by the Federal Emergency Management Agency (FEMA) for public comment prior to the effective date of the FIRM as established by FEBA. The map may be in both digital and printed format and shows the community and FEMA special flood hazard areas, community encroachment areas and FEMA floodways, FEMA and community base flood elevations, flood insurance risk premium zones and other data. The data and

maps are subject to change prior to the effective date.

PRELIMINARY FLOOD INSURANCE STUDY (PFIS) A narrative report released by the Federal Emergency Management Agency for public comment prior to the effective date.

Information contained in the PFIS includes a description of past flooding and studies, the study area, engineering methods, community and FEMA base flood elevations, other community and FEMA flood data. The flood insurance rate maps are also included as part of the flood insurance study. The data and maps are subject to change prior to the effective date.

PRIMARY CONSERVATION AREA Such areas include riparian corridors, special flood hazard areas, unique geological formations, rock outcroppings, rare plants, rare plant communities, rare habitats, wetlands, & prime agricultural areas/farmland.

PRINCIPALLY ABOVE GROUND (FLOODPLAIN DEVELOPMENT) At least 51% of the actual cash value of the structure is above ground.

PRIVATE DRIVEWAY A roadway serving 2 or fewer lots, building sites or other divisions of land and not intended to be used for public ingress or egress.

PROJECTING/SUSPENDED SIGN Pedestrian-scaled signs mounted to the side of a building or underside of a balcony or arcade which can be read from both sides.

PROTECTIVE COVER Natural or artificial ground cover of grass, trees, shrubs, or mulch sufficient to reduce erosion potential.

PUBLIC OR COMMUNITY SEWAGE DISPOSAL SYSTEM A sanitary sewage disposal system, regulated by the Division of Environmental Management, North Carolina Department of Natural and Economic Resources, with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water.

PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM A system serving 10 or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development constructed to specifications approved by the Division of

Health Services, North Carolina Department of Human Resources.

PUBLIC SAFETY AND/OR NUISANCE (FLOODPLAIN DEVELOPMENT) Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RADOME A housing that contains one or more antennas made from a material that is transparent to radio waves. A radome is expressly not an antenna.

RECREATIONAL VEHICLE (RV) (FLOODPLAIN DEVELOPMENT) A vehicle, which is:

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

REDEVELOPMENT Any rebuilding activity other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

REFERENCE LEVEL (FLOODPLAIN DEVELOPMENT) The top of the lowest floor for structures within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas designated as Zone AE, A, A99 or X (Future).

REGIONAL STORMWATER CONTROL MEASURES The overall design, construction and maintenance of measures and devices and associated drainage easements, conduits, inlets, channels, pipes, ditches, filters, buffers, bioretention areas and ponds that are necessary to collect, convey, store and control stormwater runoff and pollutants within or outside a development and for one or more developments, as shown on the stormwater control master plans approved by the State of North Carolina.

REGULATORY FLOOD PROTECTION ELEVATION (FLOODPLAIN DEVELOPMENT)

The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

- In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard.
- In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.
- In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus 2 feet of freeboard.

REMEDY A VIOLATION (FLOODPLAIN DEVELOPMENT)

To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development

REPAIRS AND MAINTENANCE (WTF) The replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted.

RIVERINE (FLOODPLAIN DEVELOPMENT)

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

PARAPET SIGN A building-mounted sign erected upon and completely over any part the roof of a building.

SALVAGE YARD (FLOODPLAIN

DEVELOPMENT) Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SEDIMENT The solids 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.

SEEDING Seed, straw and tack, hydroseed, sod, or other approved seeding method.

SEDIMENT POLLUTION CONTROL ACT (SPCA ACT) North Carolina Sediment Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

SETBACK (MINIMUM) A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

SIGN Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

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

SINGLE-TIER LOT A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

SITE PLAN A plan and/or review process for any type of development or building activity on particular parcel or parcels of land.

STABILIZATION The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.

STEALTH OR STEALTH TECHNOLOGY (WTF) A

design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such techniques as DAS or its functional equivalent or camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

STOP WORK ORDER A written order to stop work, issued by the Administrator, upon determining that work is being conducted in violation of this ordinance.

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 MANUAL The Stormwater Design Manual approved for use in Phase II jurisdictions by the N.C. Division of Environmental Quality and certified by this jurisdiction is at least as stringent as the Stormwater Design Manual approved for use in Phase II jurisdictions the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Design Manual are to the latest published edition or revision.

STORMWATER CONTROL DEVICES

MEASURES The overall design, construction and maintenance of on or more physical devices, measures and associated drainage easements, conduits, inlets, channels, pipes and ditches, level spreaders, filters, buffers, bioretention areas, sand filters, detention basins, swales, wetlands and ponds or any other-Town approved best management practice necessary to collect, convey, store, treat and control stormwater runoff and pollutants.

STORMWATER RUNOFF The surface flow of water resulting from precipitation in any form

and occurring immediately after rainfall or melting.

STREAM An intermittent or perennial surface water subject to US Army Corps of Engineers (Corps) and/or NC Division of Water Resources (DWR) 404/401 jurisdiction. To confirm jurisdictional status, a formal Corps and/or DWQ response is required (e.g. Jurisdictional Determination).

STREAM CLASSIFICATION The existing or contemplated best usage of streams, pursuant to 15A NCAC 02B .0300, and/or subsequent clarifications, modifications, and addenda.

STREETS A dedicated and accepted public right-of-way, or privately maintained access, for vehicular traffic which conforms to any of the specific street classifications in Section 6.7.2 of this ordinance.

STRUCTURE A walled and roofed building that is principally above ground, a gas or liquid storage tank, or other man-made facilities or infrastructure. For floodplain management purposes “principally above ground” means that at least 51% of the actual cash value of the structure is above ground.

STRUCTURAL CAPABILITY OR “STRUCTURAL CAPACITY (WTF) Notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.

SOLID WASTE DISPOSAL FACILITY (FLOODPLAIN DEVELOPMENT) As defined in NCGS 130A-290(a) (35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE (FLOODPLAIN DEVELOPMENT) As defined in (NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA) (FLOODPLAIN DEVELOPMENT) The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year based on current conditions hydrology.

START OF CONSTRUCTION (FLOODPLAIN DEVELOPMENT) Includes substantial improvement, and means the date the building

permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STEALTH OR STEALTH DESIGN A design or treatment such as a Distributed Antenna System or its equivalent that minimizes adverse aesthetic and visual impacts on the land, property and buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

STRUCTURE (FLOODPLAIN DEVELOPMENT) A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

STRUCTURAL BMP A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods

installed or created on real property. “Structural BMP” is synonymous with “structural practice”, “stormwater control facility,” “stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “stormwater control measures,” “structural stormwater treatment systems,” and similar terms used in this ordinance.

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

SUBDIVISION All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedications of a new street or a change in existing streets.

SUBSIDIARY An affiliate that is, directly or indirectly, through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE (FLOODPLAIN DEVELOPMENT) Damage of any origin sustained by a structure during any 1-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT (FLOODPLAIN DEVELOPMENT) Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any 1-year period for which the cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the

minimum necessary to assure safe living conditions; or,

- Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIAL MODIFICATION (WTF) A change or Modification that increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or (a) except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or (b) increases the square footage of the existing equipment compound by more than 2,500 square feet.

SUBSTANTIAL PROGRESS For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial expenditures” used for determining vested rights pursuant to applicable law.

TELECOMMUNICATIONS The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TELECOMMUNICATIONS STRUCTURE OR SUPPORT STRUCTURE A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities to physically support antennas and other

equipment necessary for the provision of wireless service.

TEMPORARY (WTF) Unless otherwise specified by this ordinance, something intended to, or that does, exist for fewer than 90 days.

TEMPORARY SIGNS Portable signs used to announce or advertise specific events which have a definite beginning and end date/time.

TEN-YEAR STORM The storm water runoff resulting from precipitation 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.

TOP OF BANK The points in a cross-section where the stream channel makes a transition to flood plain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, and/or changes in the composition of substrate materials.

TOWER Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

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

TWENTY-FIVE YEAR STORM The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

UNBUILDABLE AREAS Areas that have highly erodible soils or slopes in excess of 60%.

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

UNDERSTORY TREE Small-growing trees with an expected mature height of 20 to 40 feet.

UPPER WATERSHED DRAINAGEWAY A natural or artificial stream or depression that drains more than 5 acres of surface water located within a Water Supply Watershed Overlay District.

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 is 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.

VIOLATION (FLOODPLAIN DEVELOPMENT) The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

WALL SIGN Flat signs or lettering which are painted or attached to the wall of a building or structure.

WASTE Surplus soil or earth materials resulting from on-site construction and disposed of at other locations.

WATER SURFACE ELEVATION (WSE) (FLOODPLAIN DEVELOPMENT) The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE (FLOODPLAIN DEVELOPMENT) A lake, river, creek, stream or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERCOURSE BUFFER ZONE The strip of land adjacent to a lake, river, creek, stream.

WETLANDS Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition of wetlands is used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes in Section 404 of the Clean Water Act.

WINDOW SIGN Flat signs or lettering which are painted or attached to the window of a building or structure. These signs also include retail window displays which are intended to showcase/advertise goods and products to pedestrians on the sidewalk.

WORKING DAYS Days exclusive of Saturday, Sunday, Federal and State holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken under the Land Disturbance Permit.

WIRELESS CARRIER See “Carrier”

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