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**DEFINITIONS  
AND  
MEASUREMENT**

# Chapter 10: Definitions and Measurement

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# CHAPTER 10.

# DEFINITIONS AND MEASUREMENT

## 10.1. GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

### 10.1.1. Meanings and Intent

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All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Chapter 10: Definitions and Measurement, the specific section's meaning and application of the term shall control.

### 10.1.2. Headings, Illustrations, and Text

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In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### 10.1.3. Lists and Examples

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Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### 10.1.4. Computation of Time

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- A.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the county, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the county. References to days are calendar days unless otherwise stated.
- B.** Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed delivery, three days shall be added to the prescribed period.

### 10.1.5. References to Other Regulations/Publications

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Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### **10.1.6. Delegation of Authority**

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Any act authorized by this Ordinance to be carried out by a specific official of the county may be carried out by a professional-level designee of such official.

### **10.1.7. Technical and Non-Technical Terms**

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Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### **10.1.8. Public Officials and Agencies**

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All public officials, bodies, and agencies to which references are made are those of the County of Currituck, unless otherwise indicated.

### **10.1.9. Mandatory and Discretionary Terms**

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The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

### **10.1.10. Conjunctions**

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Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A.** “And” indicates that all connected items, conditions, provisions or events apply; and
- B.** “Or” indicates that one or more of the connected items, conditions, provisions or events apply.

### **10.1.11. Tenses and Plurals**

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Words used in the present tense include the future tense. Words in the future tense include the past tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

### **10.1.12. Term not Defined**

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If a term used in this Ordinance is not defined in this Chapter, the Director shall have the authority to provide a definition through the Interpretation procedure (see Section 2.4.16, Interpretation) based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

**10.2. TABLE OF ABBREVIATIONS**

Table 10.2, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

<b>TABLE 10.2: ABBREVIATIONS</b>	
<b>ABBREVIATION</b>	<b>ASSOCIATED TERM</b>
AEC	Area of Environmental Concern
ATF	Department of Alcohol, Tobacco, & Firearms
BFE	Base Flood Elevation
BOA	Board of Adjustment
BOC	Board of Commissioners
CAMA	Coastal Area Management Act
CoBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FTA	Federal Telecommunications Act of 1996
HOA	Homeowners Association
HUD	Federal Department of Housing and Urban Development
kW	Kilowatt
LEED	Leadership in Energy and Environmental Design
LOMR	Letter of [FIRM] Map Revision
MW	Megawatt
NC	North Carolina
NCDEQ or DEQ	North Carolina Department of Environmental Quality
NCDOT or DOT	North Carolina Department of Transportation
NCGS	North Carolina General Statute
NFIP	National Flood Insurance Program
OPA	Otherwise Protected Area
PAS	Private Access Subdivision
PD	Planned Development
PUD	Planned Unit Development
ROW	Right-of-way
SR	Secondary Road in the North Carolina Secondary Road System
TRC	Technical Review Committee
UDO	Unified Development Ordinance
UP	Use Permit
US	United States of America

## 10.3. RULES OF MEASUREMENT

### 10.3.1. Purpose

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

### 10.3.2. Measurements, Generally

#### A. Distance Measurements, Generally

Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points.

#### B. Fractions

When application of ordinance requirements results in a fractional unit, the fractional amount shall be disregarded.

#### C. Irregular Shapes

The Director shall determine the applicable dimensional standards and setbacks for irregularly-shaped lots.

### 10.3.3. Lots

#### A. Definitions/Measurement

##### (1) Building Pad

The building pad is the lowest established grade adjoining the building. For pile or crawl space construction the building pad shall include the area beneath the building.

##### (2) Lot Area, Maximum

The maximum amount of land area, measured horizontally, that may be included within the lines of a lot. Areas and features not included within the definition of minimum lot area are not counted towards maximum lot area.

##### (3) Lot Area, Minimum

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see Figure 10.3.3.A.1, Lot Dimensions). Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

- (a) Public rights-of-way;
- (b) Areas below the mean high-water mark;
- (c) CAMA-designated wetlands;
- (d) The “pole” or “pan handle” portion of a flag lot; and
- (e) The land area occupied by U.S. Army Corps of Engineers-designated 404 wetlands.

##### (4) Lot Coverage

Lot coverage is a measure of intensity of a use of land that represents the portion of a site that is covered by impervious surface. For the purposes of

determining maximum lot coverage, the following features shall be considered as impervious surface:

- (a) The area covered by building rooftops, including eaves, awnings, and canopies, of all principal and accessory buildings;
- (b) The area covered by porches, patios, decks, balconies, and boardwalks that prevent infiltration of rainwater; and
- (c) Walkways, sidewalks, and vehicular use areas.

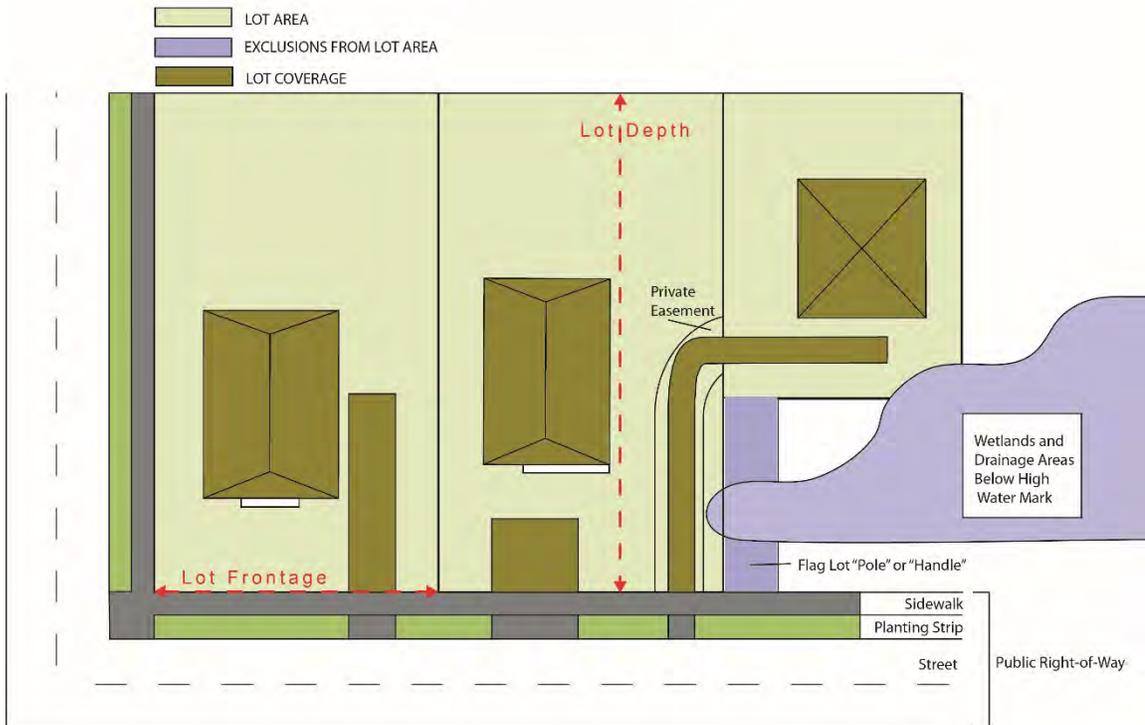
**(5) Lot Depth**

The horizontal distance between the front lot line and the rear lot line.

**(6) Lot (or Street) Frontage**

In the case of a building lot abutting upon only one street, the frontage line is the line parallel to and common with the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the lot frontage line. For the purpose of determining setback requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and setbacks shall be provided as required in this Ordinance.

**Figure 10.3.3.A.1, Lot Dimensions**



**(7) Lot Line**

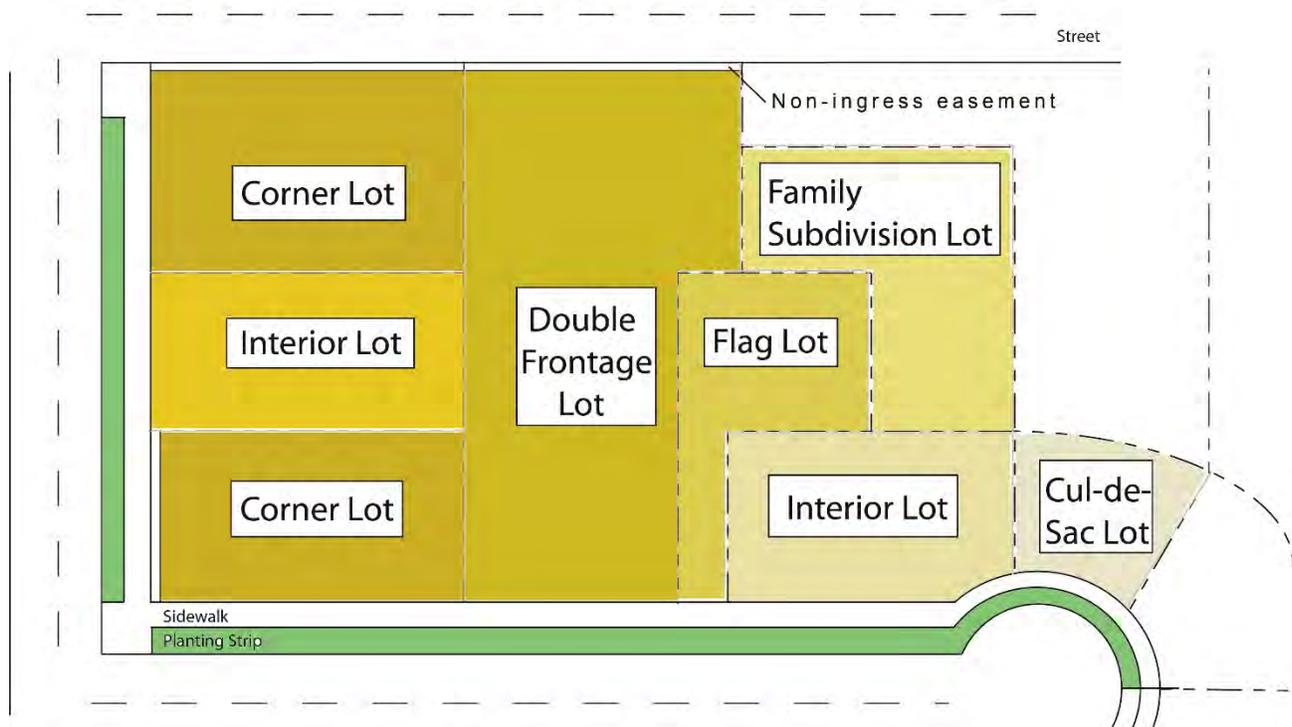
**(a) Corner Side Lot Line**

The corner side lot line is a side lot line that abuts a street or other right-of-way.

- (b) Front Lot Line**  
The front lot line is the line connecting the two side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.
- (c) Rear Lot Line**  
The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the front line.
- (d) Side Lot Line**  
The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.
- (8) Lot Types (see Figure 10.3.3.A.7, Lot Types)**

  - (a) Conservation Subdivision Lot**  
A building lot located within a conservation subdivision.
  - (b) Corner Lot**  
A lot located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.
  - (c) Cul-de-Sac Lot**  
A lot located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.
  - (d) Double Frontage Lot**  
A lot other than a corner lot with frontage on more than one street other than an alley.
  - (e) Family Subdivision Lot**  
A lot created through the family subdivision process (see Section 2.4.8).
  - (f) Flag Lot**  
A lot that does not abut or front a street where access is obtained by a narrow private right-of-way.
  - (g) Interior Lot**  
A lot other than a corner lot with only one frontage on a street other than an alley.

Figure 10.3.3.A.7, Lot Types

**(9) Lot Width**

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the inside edge of the front setback. On cul-de-sacs, lot width is measured at a point of tangency to the curve of the street.

**B. General Lot Requirements****(1) Conservation Subdivision Lots**

Lots within a conservation subdivision shall meet the minimum dimensional requirements for the zoning district where located, and the conservation subdivision, as a whole, shall comply with the requirements in Section 6.4, Conservation Subdivision.

**(2) Corner and Double Frontage Lots**

Corner lots in residential districts and all double frontage lots located shall include a five-foot-wide non-ingress/egress easement along the lot line bordering the more heavily-travelled street. The purpose for this easement is to ensure that the driveway serving the development obtains access from the less-travelled street.

**(3) Cul-de-Sac Lots**

Cul-de-sac lots shall:

- (a)** Maintain a minimum lot frontage width of 35 feet; and
- (b)** Maintain at least 80 percent of the required lot width for the district where located within 80 feet of the cul-de-sac pavement edge.

- (4) Family Subdivision Lots**
- (a)** Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).
  - (b)** Family subdivision lots are not required to front onto a public or private street.
- (5) Flag Lots**
- (a)** Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.
  - (b)** In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.
- (6) Lot Access**
- (a)** All lots must abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
  - (b)** All lots must maintain at least 20 feet for ingress/egress of emergency service vehicles.
  - (c)** Lots on islands accessible only by boat are exempt from (a) and (b) above.
- (7) Lot Boundaries**
- (a)** Lot boundaries shall be formed to coincide with natural or man-made drainage ways, to the maximum extent practicable, to avoid disruption of established drainage patterns.
  - (b)** Lot lines shall be at, or near, right angles or radial to streets.
  - (c)** Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.
- (8) Lot Coverage in Estuarine Shoreline Areas of Environmental Concern**
- Lot coverage within estuarine shoreline areas of environmental concern (lands within 75 feet of the normal or mean high water level of an estuary) shall be limited to a maximum of 30 percent, regardless of the type of building or paving.

#### 10.3.4. Required Setbacks

##### A. Definitions/Measurement

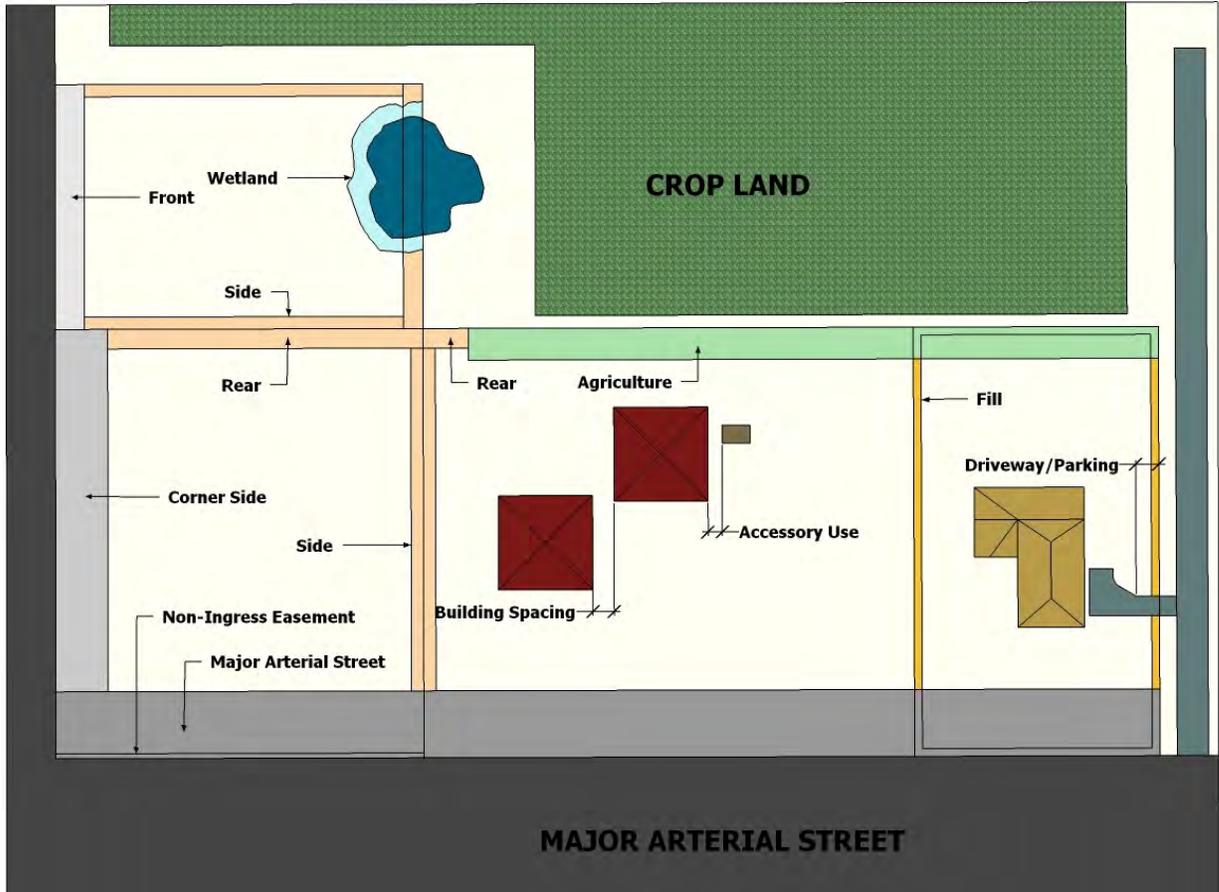
##### (1) Accessory Use Setback

The minimum required distance between a side or rear lot line and the closest portion of an accessory structure or accessory use area (see Figure 10.3.4.A, Required Setbacks).

**(2) Agriculture Setback**

The minimum distance, measured horizontally, between a lot line containing or designated for residential or nonresidential development and the general location of active agricultural activity associated with an adjacent farm use. For the purposes of this Ordinance, “active agricultural activity” shall include the growing of crops, pasture areas used by livestock, or woodlands subject to an active forestry management plan.

**Figure 10.3.4.A, Required Setbacks**



**(3) Corner Side Setback**

The area of a lot where no building may be permitted that extends from the required front setback line to the rear setback line and inward into the lot from the ultimate street right-of-way edge.

**(4) Driveway/Parking Setback**

The area of a residential lot where no driveways, parking areas, or other vehicular use area may be permitted that extended from a lot line inward into the lot. The portion of the driveway necessary to obtain direct vehicular access to a street is exempted from the driveway/parking setback requirement.

- (5) Fill Setback**  
The area of a lot where no accumulation or deposition of fill (dirt, stone, or other material intended to raise the established grade of land) may be permitted that extends from a lot line inward into the lot.
- (6) Front Setback**  
The area of a lot where no building may be permitted that extends from one side lot line to the other side lot line and projects inward into the lot from the ultimate street right-of-way edge.
- (7) Major Arterial Street Setback**  
The area of a lot where no building may be permitted that extends from the ultimate street right-of-way edge of a major arterial street inward into the lot. For the purposes of this Ordinance, major arterial streets include:
- (a)** US 158;
  - (b)** NC 168;
  - (c)** NC 34;
  - (d)** NC 136;
  - (e)** NC 615; and
  - (f)** NC 12.
- (8) Rear Setback**  
The area of a lot where no building may be permitted that extends from one side lot line to the other side lot line and projects inward into the lot from the rear lot line.
- (9) Side Setback**  
The area of a lot where no building may be permitted that extends from the edge of the front setback line to the edge of the rear setback line and projects inward into the lot from an interior lot line.
- (10) Small Structure Setback**  
The area of a beachfront lot where no building may be permitted that projects inward into the lot a specified distance from the first line of stable natural vegetation, as determined by NC Division of Coastal Management.
- (11) Spacing Between Buildings**  
The minimum distance, measured horizontally, from the closest point of one building to the closest point of an adjacent building on the same lot. The closest point shall include projections such as eaves, bump-outs, bay windows, or similar projections.
- (12) Riparian Buffer**  
The minimum distance, measured horizontally, around a wetland, stream, riparian area, or other surface water where buildings or other forms of development are prohibited. These setbacks are not applied to water dependent or functionally dependent features such as docks, piers, boat lifts, slips, moorings, or boat houses.

**B. General Setback Requirements****(1) Setback Exemptions**

- (a)** Fill and land disturbance setbacks shall not apply to fill necessary for installation of driveways, subject to approval by the County Engineer.
- (b)** Lots served by a shared driveway are exempted from the side setbacks in the proximity of the driveway. In no instance shall this provision exempt structures from compliance with applicable Fire Code requirements.
- (c)** Handicap ramps, fences, walls, water-dependent features, landscaping features (arbors, trellises, ornamental pools, etc.), public utility lines, pump or well covers, residential HVAC equipment, flagpoles, mailboxes, or other non-habitable structures of 25 square feet in size or less may encroach into a required setback, but shall not impede the flow of stormwater.

**(2) Setbacks Following Government Acquisition of Land**

Where land acquisition for a public purpose reduces the distance between an existing legally-established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.

**(3) Sight Triangles**

Regardless of the setbacks applied in a district, no structures shall be permitted within a required sight triangle.

**C. Allowable Setback Encroachments****(1) Building and Site Features**

- (a)** Eaves, gutters, canopies, chimneys, bay windows, and similar building features that do not impede the flow of stormwater may encroach into a required setback up to three feet.
- (b)** Porches, decks, patios, steps, sidewalks, and similar site features may encroach into a required setback provided they are uncovered, do not extend above the first habitable floor of the building, and do not impede the flow of stormwater. These site features may encroach into a required setback by up to:
  - (i)** Three feet for impervious site features; or
  - (ii)** Five feet for pervious site features.

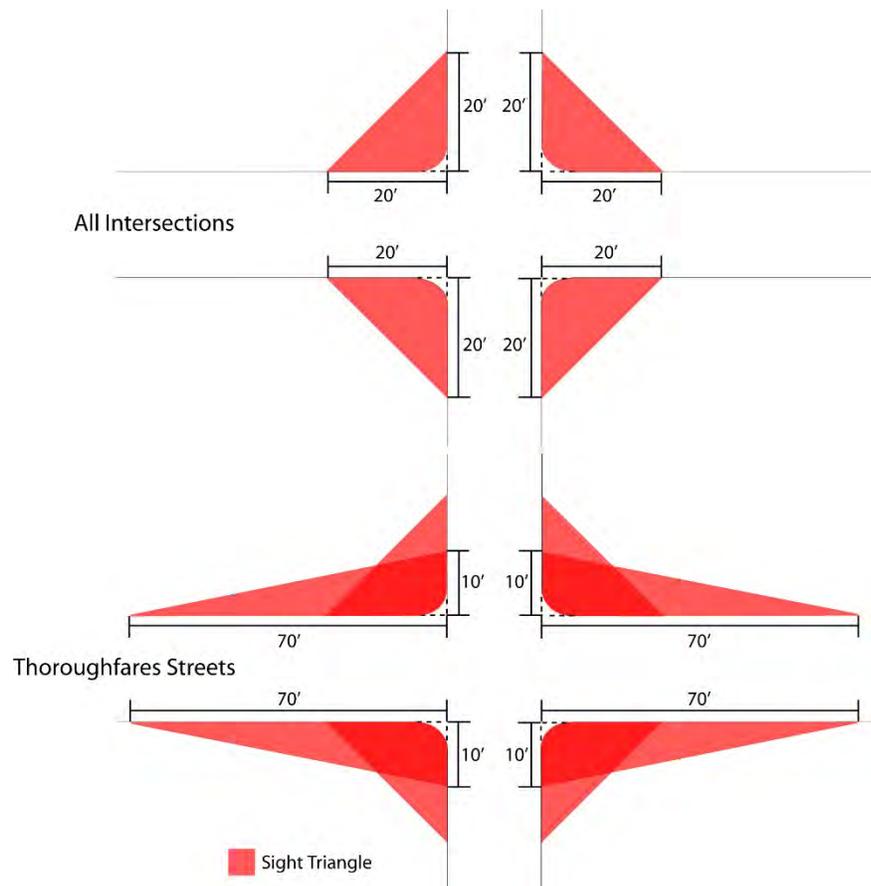
**(2) Public Facilities**

- (a)** Public walkways, boardwalks, sidewalks, and gazebos may be located within a required setback, but shall not be located within a required sight triangle.
- (b)** Guard gates may be placed within a right-of-way with permission of the owner of the right-of-way, provided it does not constitute a hazard to the public.

**D. Sight Triangles****(1) General Requirements**

- (a)** Minimum sight triangles for stopping conditions when connecting new local, collector, or major arterial streets to existing streets is 70 feet along the existing right-of-way and ten feet along the new right of way (see Figure 10.3.4.D, Sight Triangles).
- (b)** Minimum sight triangles for stopping conditions when connecting alleys or driveways to existing streets is 20 feet along streets, driveways, or alleys.

Figure 10.3.4.D, Sight Triangles

**(2) Exemptions**

Columns, sign posts, and utility poles, owned by the county, State, or public utility corporations and tree trunks which do not exceed one foot square or three feet in circumference, and natural topography shall not be considered obstructions to vision within the meaning of this sub-section.

**E. Separation**

When the standards in this Ordinance call for separation between two different use types or development features, separation shall be measured from the closet edge of one lot to the closet edge of the other lot.

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**10.3.5. Bulk**

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**A. Definitions/Measurement****(1) Building Size**

Building size is the total floor area located inside exterior walls and covered by a roof.

**(2) Density, Residential**

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract. For the purpose of determining maximum gross density, the following shall not be included in calculating the total amount of land area:

**(a)** CAMA-designated wetlands; and,

**(b)** U.S. Army Corps of Engineers designated 404 wetlands.

**(3) District Size**

The minimum size, in acres, of a base or overlay zoning district, including streets, rights-of-way, and open space areas, but excluding unbuildable lands.

**(4) Floor Area**

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

**(5) Floor Area Ratio**

The total floor area of all buildings or structures on a lot divided by the lot area.

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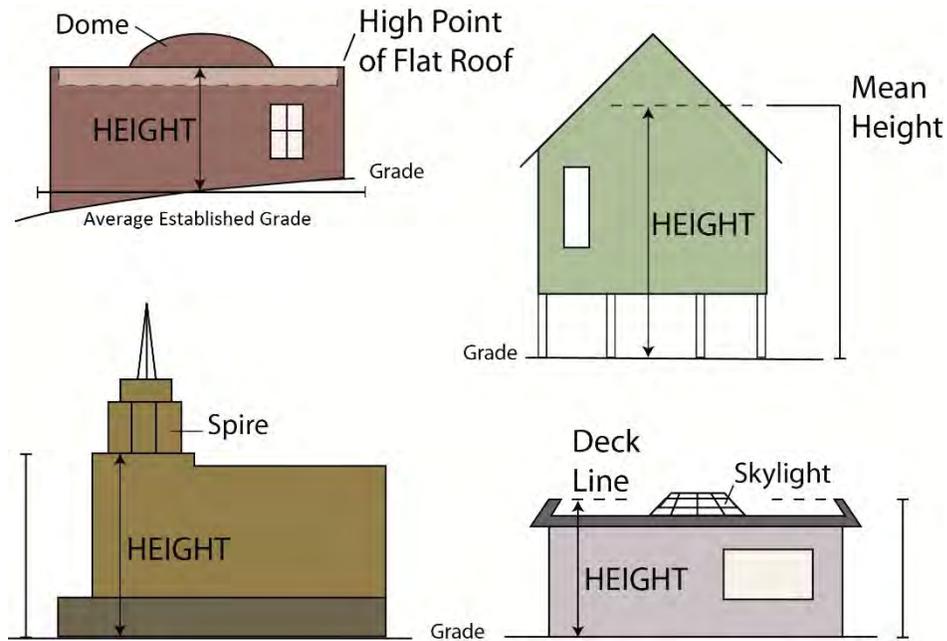
**10.3.6. Height**

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**A. Definitions/Measurement****(1) Building Height**

The vertical distance measured from the average established grade adjoining the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs (see Figure 10.3.6, Height Measurement).

**Figure 10.3.6, Height Measurement**



**(2) Building Story**

The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Building stories shall comply will all the applicable standards from the North Carolina State Building Code.

**(3) Established Grade**

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

**(4) Grade**

Grade means the level of the ground elevation prior to the commencement of development or land-disturbing activity.

**B. Height Requirements**

**(1)** Multi-story buildings within a mixed-use district or intended for mixed uses and all parking structures shall maintain a first floor ceiling height of at least 15 feet to accommodate commercial first-floor uses.

**(2)** Buildings within the APO may be subject to height requirements not applied to areas outside the APO.

**C. Exceptions**

**(1) General**

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights,

fire escapes or roof access stairways, outdoor recreation uses subject to Section 4.2.4.F., buildings or structures owned or operated by colleges or universities, elementary schools, middle schools, high schools, vocational or trade schools, mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

- (a) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
  - (b) The appurtenance does not exceed a maximum height of 200 feet above grade;
  - (c) The appurtenance is not constructed for the purpose of providing additional floor area in the building;
  - (d) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance; and,
  - (e) The maximum area and height of cupolas shall be determined as follows:
    - (i) The area of the base of appurtenances shall not singularly or collectively exceed 10 percent of the footprint of a structure's roof or 200 square feet, whichever is less.
    - (ii) The appurtenance shall be situated on top of a roof and shall not extend below the midpoint of a roof's ridge and eave.
    - (iii) The walls of the appurtenance shall not be directly in line with any exterior walls of the structure.
    - (iv) The appurtenance does not extend more than 15 feet above the highest roof ridge.
- (2) Special Flood Hazard Areas**
- When structures are required to be elevated in order to meet the design flood elevation (DFE), the maximum building height may be exceeded provided:
- (a) The resulting mean roof height does not exceed 38 feet; and
  - (b) The maximum building height is not exceeded by a distance greater than the difference between established grade and the DFE.
- (3) Multi-family Buildings in PD-R Districts**
- For buildings in legacy PD-R zoning districts that were subject to the two-foot raised finished floor provision, the total building height shall not exceed thirty-five feet, eleven inches (35'11").

### 10.3.7. Parking Space Computation

#### A. Fractions

When computation of the number of required parking spaces results in a fraction, the fraction shall be dropped.

#### B. Multiple and Mixed Uses

Unless otherwise approved, development containing more than one use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the Director determines that a lower standard proposed as part of an alternative parking plan would be adequate because of differences in peak operating hours.

**C. Seat Based Standards**

Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.

**D. Floor-Area Based Standards**

Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on total indoor floor area, minus any mechanical rooms, bathrooms, stairwells, or elevators. The square footage shall not include outdoor display or use area.

**E. On-Street Parking**

Except in planned developments, the Village Center district, or as allowed in Section 5.1.6, Alternative Parking Plans, on-street parking on public or private streets, driveways, or drives shall not be used to satisfy the off-street parking standards of this section.

**F. Driveways Used to Satisfy Requirements**

For single-family detached, attached, townhouses, and two- to four-family dwellings, driveways may be used to satisfy minimum off-street parking standards, provided sufficient space is available to satisfy the standards of this section and this Ordinance.

## 10.4. USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

### 10.4.1. General

**A. Purpose**

This section is intended to provide a systematic framework for identifying, describing, categorizing, and consolidating or distinguishing land uses in a way that makes it easier to determine how a particular land use activity, or combination of activities, is to be considered in applying the use table and other provisions in this Ordinance. This section is also intended to provide support in identifying instances where a new or unanticipated land use not identified in the use table is of such a nature, function, or duration that the impact of allowing it in a particular zoning district is so similar to that of a use type already identified in the use table as allowed in the zoning district that allowing the new or unanticipated land use should be interpreted as being consistent with the intent of the zoning district and the use regulations.

**B. Structure of this Section****(1) General**

This section identifies each of the five use classifications in Table 4.1.1.A. Summary Use Table, and includes a section under each use classification identifying each use category. There are “characteristics” and “examples” subsections under each use category (individual use types are defined in Chapter 10: Definitions).

**(2) Principal Use Characteristics and Accessory Uses**

The “characteristics” subsection describes common characteristics of each use category. Principal uses are assigned to the use category that most closely describes the nature of the principal use. Also listed are examples of common

accessory uses that, unless otherwise stated in this Ordinance, are allowed in conjunction with a principal use.

**(3) Examples**

The “examples” subsection lists common examples of use types included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “wholesale sales,” but sells mostly to consumers, is included in the Retail Sales and Service Use Category rather than the Wholesale Sales Use Category. This is because the activity on the site matches the characteristics of the Retail Sales and Service Use Category.

**C. Developments with Multiple Principal Uses**

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and Service Use Category because all of the development’s principal uses are in that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

**D. Interpretation of Unlisted Uses**

**(1) Procedure for Interpreting Unlisted Uses as Permitted**

The Director may interpret a particular land use not expressly listed in the use table as allowed in a particular zoning district, in accordance with the procedure in Section 2.4.16, Interpretation, and based on the standards in Section 10.4.1.D.2, Standards for Interpreting Unlisted Uses as Permitted.

**(2) Standards for Interpreting Unlisted Uses as Permitted**

The Director shall interpret an unlisted land use as permitted in a particular zoning district only after determining that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category allowable in the zoning district that the unlisted land use should be deemed allowable in the same manner as the similar use type or use category. In making such determination, the Director shall consider the purpose and intent statements in this Ordinance concerning the zoning district, the character of use types allowable in the district, and all relevant characteristics of the unlisted use, including but not limited to the following:

- (a)** The volume and type of sales, retail, wholesale, etc.;
- (b)** The size and type of items sold and nature of inventory on the premises;
- (c)** Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- (d)** Any dangerous, hazardous, toxic, or explosive materials used in the processing;
- (e)** The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building;

predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);

- (f) The type, size, and nature of buildings and structures;
- (g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
- (i) Trip purposes and whether trip purposes can be shared by other use types on the site;
- (j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity;
- (k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

**(3) Unlisted Use Not Permitted**

If, after applying the criteria in Section 10.4.1.D.2 above, the Director determines that a proposed unlisted use is not similar to a listed use, the proposed use shall be prohibited.

**(4) Effect of Approval of Unlisted Use**

- (a) After interpreting an unlisted use type as permitted in a particular zoning district, the Director shall determine whether the unlisted use is likely to be common or to recur frequently, or whether its omission from the use table is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common or would lead to confusion if unlisted, the Director shall initiate an application for a text amendment to list the use type in the use table. Until final action is taken on the text amendment application, the Director interpretation shall be binding.
- (b) If after interpreting an unlisted land use as permitted in a particular zoning district, the Director determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section 2.4.16.E, Effect of Interpretation, without further action or amendment of this Ordinance.
- (c) The Director's interpretation may be appealed in accordance with Section 2.4.17, Appeal.

## 10.4.2. Agricultural Use Classification

### A. Agriculture/Horticulture

#### (1) Characteristics

The Agriculture/Horticulture Use Category is characterized by general agricultural activities, including the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), fisheries, honey production, and similar uses. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

#### (2) Examples

Examples of Agriculture/Horticulture Use Types include agronomy, aquaculture, biotechnical, crop farming, fisheries, apiculture, and similar uses.

### B. Animal Husbandry

#### (1) Characteristics

The Animal Husbandry Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals.

#### (2) Examples

Examples of Animal Husbandry Use Types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals.

#### (3) Exceptions

Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.

### C. Agriculture Support and Services (Directly Related)

#### (1) Characteristics

The Agriculture Support (Directly Related) Use Category includes use types that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses.

#### (2) Examples

Examples of Agriculture Support (Directly Related) Use Types includes agricultural processing for on-site uses, agri-education, agri-entertainment, direct-market businesses, for the sale of produce grown on-site, equestrian facilities, farm-based tourism, farm co-ops, farmers markets, produce sales, and nurseries (production).

### D. Agriculture Support and Services (Not Directly-Related)

#### (1) Characteristics

The Agriculture Support (Not Directly Related) Use Category includes use types that provide support and services to agricultural, horticultural and animal

husbandry activities, off-site, and that are not directly related to on-going agricultural, horticultural or animal husbandry uses.

**(2) Examples**

Examples of Agriculture Support (Not Directly Related) Use Types include agricultural research facilities, farm machinery sales and rental, and stockyards/slaughterhouses.

**E. Silviculture**

**(1) Characteristics**

The Silviculture Use Category includes uses related to growing and harvesting of trees, timber, or woody-stemmed plants for commercial use, typically conducted in accordance with a forestry or resource management plan.

**(2) Examples**

Examples of Silviculture Use Types include forestry, or timbering on vacant land, subject to a forestry management plan.

**10.4.3. Residential Use Classification**

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**A. Household Living**

**(1) Characteristics**

The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations (see Section 4.3.3.L, Home Occupations).

**(2) Examples**

Example use types include detached residential dwellings like single-family dwellings or manufactured homes, attached residential structures like duplexes, mansion apartments, or townhouses, multi-family uses, and residential uses in the same building as nonresidential uses like live/work units or upper story dwellings.

**B. Group Living**

**(1) Characteristics**

The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

**(2) Examples**

Example use types include dormitories, family care homes, group homes, rooming, or boarding houses.

#### 10.4.4. Institutional Use Classification

##### A. Community Services

###### (1) Characteristics

The Community Services Use Category includes use types of a public, nonprofit, or charitable nature that provide a local service to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions that are open to the general public (for instance, any senior citizen could join a senior center) are included in the Community Services Use Category. The use type may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities.

###### (2) Examples

Example use types include community centers, cultural facilities, libraries, museums, senior centers, and youth club facilities.

###### (3) Exceptions

Parks are classified as Parks and Open Space.

##### B. Day Care

###### (1) Characteristics

The Day Care Use Category is characterized by use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.

###### (2) Examples

Example use types include adult day care centers and child care centers.

###### (3) Exceptions

The Day Care Use Category does not include incidental child care within a primary residence, drop-in or short-term day care provided in connection with employment or shopping center, recreational facility, religious institution, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.

##### C. Educational Facilities

###### (1) Characteristics

The Educational Facilities Use Category includes use types such as public and private schools at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities include

offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

**(2) Examples**

Example use types include public and private kindergarten schools, elementary schools, middle or junior high schools, and senior high schools that provide state-mandated basic education, as well as colleges or universities, and vocational or trade schools.

**D. Government Facilities**

**(1) Characteristics**

The Government Facilities Use Category includes use types that provide for the general operations and functions of local, state, or federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

**(2) Examples**

Example use types include post offices, government offices, and government maintenance, storage, and distribution facilities.

**(3) Exceptions**

- (a)** Law enforcement, Fire, and EMS facilities are classified as Public Safety.
- (b)** Passenger terminals for airports and surface transportation are classified as Transportation.
- (c)** City, County, and State parks are classified as Parks and Open Space.
- (d)** Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as Utilities.

**E. Health Care Facilities**

**(1) Characteristics**

The Health Care Facilities Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

**(2) Examples**

Example use types include hospitals, medical treatment facilities, drug and alcohol treatment facilities, and blood/tissue collection facilities.

**(3) Exceptions**

- (a)** Uses that involve provision of residential care for the elderly or disabled are classified as Institutions.
- (b)** Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, are considered Institutions.

**F. Institutions**

**(1) Characteristics**

The Institutions Use Category includes use types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, civic or fraternal club activities, housing and care for the elderly or disabled, and housing related to treatment programs. Accessory uses include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

**(2) Examples**

Example use types include religious institutions (with cemeteries, columbaria, and mausoleums as accessory uses), private clubs or lodges, nursing homes, assisted living facilities, halfway houses, and psychiatric treatment facilities.

**(3) Exceptions**

Adult care homes where individual units meet the definition of dwelling unit in Chapter 10: Definitions and Measurement, family care homes, and group homes are classified as Group Living.

**G. Parks and Open Areas**

**(1) Characteristics**

The Parks and Open Areas Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as accessory to cemeteries).

**(2) Examples**

Example use types include arboretums or botanical gardens, parks, community gardens, public golf courses, and cemeteries.

**(3) Exceptions**

Private golf courses are classified as Recreation, Outdoor.

**H. Public Safety**

**(1) Characteristics**

The Public Safety Use Category is characterized by use types that provide public safety services to the general public.

**(2) Examples**

Example use types include civil defense facilities, fire and EMS facilities, police stations, substations for fire and police, and fire training facilities, police firing ranges, and correctional facilities. Accessory uses include offices, teaching facilities, meeting areas, lunch rooms and cafeterias, sleeping quarters, storage, parking, and maintenance facilities.

**I. Transportation**

**(1) Characteristics**

The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. This use category also includes passenger terminals for surface transportation. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.

**(2) Examples**

Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus).

**(3) Exceptions**

Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.

**J. Utilities**

**(1) Characteristics**

The Utilities Use Category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Wireless telecommunications towers also are a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment.

**(2) Examples**

**(a)** Examples of major utilities include wastewater treatment plants, potable water treatment plants, electrical substations, wind energy facilities, and solar arrays.

**(b)** Examples of minor utilities include water towers, water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, ground-based electrical/telephone/cable vaults, and transit route facilities such as bus stops, bus shelters, and park-and-ride facilities.

**(c)** Examples of wireless telecommunications towers (free-standing, collocated, and roof-mounted) include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

**(3) Exceptions**

Landfills, recycling and salvage centers, and waste composing uses are considered Waste-Related Services.

**10.4.5. Commercial Use Classification**

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**A. Adult Entertainment**

**(1) Characteristics**

The Adult Entertainment Use Category includes use types that sell, distribute, or present material or feature performances or other activities that emphasize the depiction or display of specified sexual activities or specified anatomical areas as defined by the North Carolina General Statutes.

**(2) Examples**

Example Adult Entertainment Use Types include adult book stores, adult video stores, adult arcades, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting, or presenting media emphasizing sexually explicit content), as well as adult motels/hotels (motel/hotels largely

devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets or night clubs (featuring live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

**B. Animal Care**

**(1) Characteristics**

The Animal Sales, Services, and Care Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

**(2) Examples**

Examples of Animal Sales, Services, and Care Use Types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.

**C. Auditorium, Convention, and Conference Center**

**(1) Characteristics**

The Auditorium, Convention, and Conference Center Use Category is characterized by facilities used for business or professional conferences, seminars, and training programs.

**(2) Examples**

Example use types include auditoriums, convention centers, conference centers, meeting facilities, and corporate retreat facilities.

**D. Eating Establishments**

**(1) Characteristics**

The Eating Establishments Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

**(2) Examples**

Examples include restaurants with indoor and outdoor seating, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses), and dinner theaters.

**(3) Exceptions**

Bars, night clubs, or cocktail lounges are classified as Retail Sales and Services.

**E. Offices**

**(1) Characteristics**

The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities,

recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.

**(2) Examples**

Example use types include business and sales offices (such as lenders, banks, brokerage houses, tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects).

**(3) Exceptions**

**(a)** Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarter offices that are located in conjunction with or adjacent to a principal use in another use category are considered part of the other use category.

**(b)** Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.

**(c)** Government offices are classified as Government Facilities.

**(d)** Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care Facilities.

**(e)** Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Retail Sales and Services.

**F. Parking, Commercial**

**(1) Characteristics**

The Commercial Parking Use Category includes use types that provide free-standing parking lots and structures that are not accessory to a specific principal use. A fee may or may not be charged. A parking facility that provides both accessory parking for a specific principal use and regular fee parking for people not connected to the principal use is also classified as Commercial Parking. Accessory uses may include small shelters for parking attendants.

**(2) Examples**

Example use types include surface parking lots and parking structures (parking decks or garages).

**(3) Exceptions**

**(a)** Parking facilities that are accessory to a principal use, but charge the public to park for occasional events nearby, are not considered Commercial Parking.

**(b)** Parking facilities that are accessory to a principal use, even if the principal use leases the facility or those parking in the facility are charged a fee, are not considered Commercial Parking.

**(c)** Park-and-ride facilities are classified as Utilities.

**G. Recreation/Entertainment, Indoor****(1) Characteristics**

The Indoor Recreation/Entertainment Use Category includes use types that are privately owned and provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

**(2) Examples**

Example use types include country clubs, indoor commercial recreation uses (including bowling alleys, game rooms, shooting ranges, dancehalls, and skating rinks), and theaters (including cinemas, screening rooms, and stages).

**(3) Exceptions**

- (a)** Banquet halls that are part of hotels (classified as Visitor Accommodation) or restaurants (classified as Eating Establishments) are accessory to those uses.
- (b)** Private clubs or lodges are classified as Institutions.
- (c)** Recreational facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential use types.

**H. Recreation/Entertainment, Outdoor****(1) Characteristics**

The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities.

**(2) Examples**

Example use types include privately-owned arenas, amphitheaters, or stadiums, outdoor commercial recreation uses (including private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; drive-in movie theaters; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned active sports facilities such as ball fields, courts, shooting ranges, and archery ranges), athletic facilities, and private golf courses, and outdoor swimming pools (private).

**(3) Exceptions**

- (a)** Publicly owned golf courses, tennis courts, swimming pools, basketball courts, ball fields, and other similar outdoor recreational or entertainment-oriented facilities are classified as Parks and Open Space.
- (b)** Police firing ranges are classified as Public Safety Facilities.

**I. Retail Sales and Services****(1) Characteristics**

The Retail Sales and Services Use Category includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, gasoline sales, and parking. Use types within this use category have been categorized based on their intensity, scale, and function.

**(2) Examples**

Example Use Types include uses from the following groups:

**(a) Bars, Nightclubs, and Similar Establishments**

Establishments primarily devoted to the sale of alcoholic beverages for on-site consumption, along with dancing or other forms of entertainment (including live performances), and in which the sale of food is incidental.

**(b) Entertainment Establishments**

Indoor continuous entertainment activities such as game arcades, pool halls, and indoor firing ranges.

**(c) Personal Services Establishments**

Establishments meeting frequent or recurrent service needs of a personal nature, including financial institutions like check cashing establishments or payroll lenders, laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, martial arts classes, and psychics or mediums.

**(d) Repair Establishments**

Uses primarily engaged in providing repair services for TVs, bicycles, clocks and watches, shoes, guns, canvas products, appliances, and office equipment, and including tailors, locksmiths, and upholsterers.

**(e) Retail Sales Establishments**

Stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florists, garden supply centers, gift shops, grocery stores, hardware stores, home improvement centers, household products, jewelry stores, office supply stores, pet and pet supply stores, pharmacies, plant stores, and stationery shops.

**(3) Exceptions**

**(a)** Laundry and dry-cleaning plants are considered Industrial Services.

- (b) Building trade contractors with on-site storage that sell primarily to contractors and do not have a retail orientation are classified as Industrial Services.
- (c) Repair and service of automobiles, motorcycles, and light and medium trucks is classified as Vehicle Sales and Service, except that light repair and service is an allowable accessory to vehicle sales uses.
- (d) Bakeries, dinner theaters, or entertainment establishments primarily engaged in the sale of food for on-site consumption are considered Eating Establishments.
- (e) Cinemas, theaters, concert halls, and stages are considered Indoor Recreation/Entertainment.
- (f) Uses providing financial, professional, or business services by appointment or with only limited contact with the general public are classified as Offices.
- (g) Uses that involve the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content are classified as Adult Entertainment.

**J. Vehicle Sales and Services, Heavy**

**(1) Characteristics**

The Vehicle Sales and Services Use, Heavy Category include use types involving the direct sales and servicing of medium trucks, boats, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.

**(2) Examples**

Example use types include vehicle sales or rentals; significant automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; and automotive wrecker services.

**(3) Exceptions**

- (a) Refueling facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.
- (b) Storage of inoperable vehicles or parts is considered a Waste-Related Service.
- (c) Sales of automobiles, oil change service, tire sales and service, and muffler shops are considered Light Vehicles Sales and services.

**K. Vehicle Sales and Services, Light**

**(1) Characteristics**

The Vehicle Sales and Services Use, Light Category include use types involving the direct sales and servicing of automobiles, motorcycles, light trucks. Accessory uses include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.

**(2) Examples**

Example use types include automotive sales or rentals (including the sales and rental of automobiles, motorcycles, and light trucks); light automotive repair and servicing such as oil changes, state vehicle inspections, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.

**(3) Exceptions**

- (a)** Refueling facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.
- (b)** Storage of inoperable vehicles or parts is considered a Waste-Related Service.
- (c)** Sales of major recreational equipment, bodywork, painting, transmission work, or substantial engine repair is classified as Vehicle Sales and Service, Heavy.

**L. Visitor Accommodations**

**(1) Characteristics**

The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.

**(2) Examples**

Example use types include hotels or motels, bed and breakfast inns, private campgrounds, and hunting lodges.

**(3) Exceptions**

Rooming houses are classified as Group Living.

**M. Home Improvement Sales Establishment**

**(1) Characteristics**

Commercial enterprises that provide home improvement goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. A portion of the use is engaged in the sale, and/or storage of home improvement materials, supplies and equipment, while a portion of the use is engaged in retail sales of such goods and/or services. A limited area may be utilized for outdoor sales and storage. Covered unheated spaces, that may or may not have walls, protect large item, and other sales areas, from the elements.

**(2) Examples**

Example use types include home improvement goods and services, hardware, rope, fencing, building materials such as lumber, piping, and other, lawn and garden materials including plantings, bagged fertilizer, bagged mulch, bagged feed, paver blocks, etc.

### 10.4.6. Industrial Use Classification

#### A. Extractive Industry

##### (1) Characteristics

The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities.

##### (2) Examples

Example use types include quarries, borrow pits, sand and gravel operations.

#### B. Industrial Services

##### (1) Characteristics

The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

##### (2) Examples

Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; property management offices and operations; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses.

##### (3) Exceptions

Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.

#### C. Manufacturing and Production

##### (1) Characteristics

The Manufacturing and Production Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses,

storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

**(a) Heavy Manufacturing**

Heavy Manufacturing is the manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.

**(b) Light Manufacturing**

Light Manufacturing is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

**(2) Examples**

**(a) Heavy Manufacturing**

Heavy Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; asphalt/concrete plants; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.

**(b) Light Manufacturing**

Example use types of light manufacturing include: production or repair of small machines or electronic parts and equipment; sewing or assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; communications equipment, precision items and other electrical items; research, development, and testing facilities and laboratories; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

**(3) Exceptions**

**(a)** Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services if the manufacturing area does not exceed 35 percent of the development's gross floor area.

**(b)** Manufacturing and production of goods from salvage material is classified as Waste-Related Services.

**(c)** Manufacturing and production of goods from composting material is classified as Waste-Related Services.

**D. Warehouse and Freight Movement****(1) Characteristics**

The Warehouse and Freight Movement Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

**(2) Examples**

Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; self-service storage; and outdoor storage (as a principal use).

**(3) Exceptions**

- (a)** Contractor's offices that do not include storage yards are classified as Offices.
- (b)** Use types that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Services.

**E. Waste-Related Services****(1) Characteristics**

The Waste-Related Services Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

**(2) Examples**

Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.

**(3) Exceptions**

Wastewater treatment plants and potable water treatment plants are classified as Utilities.

**F. Wholesale Sales****(1) Characteristics**

The Wholesale Sales Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site

or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

**(2) Examples**

Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

**(3) Exceptions**

- (a)** Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Services.
- (b)** Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

## 10.5. DEFINITIONS

### ABANDONMENT

A nonconforming, use, structure, or sign which has been physically and objectively discontinued, relinquished, or vacated for a consecutive period of 180 or more days without any intention of transferring rights to the property to another owner or lessee or of resuming the use of the property regardless of intent of the owner, lessee, or previous occupant, or any other affiliated parties and regardless of any condition or circumstance beyond the control of such parties that prevent a continuation of the use or occupancy of the structure or property.

### ABUTTING

The condition of two adjoining lots having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

### ACCENT

The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.

### ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

### ACCESSORY STRUCTURE

A structure that is subordinate in use and square footage to a principal structure or permitted use. In the case of agricultural uses, accessory uses such as barns may exceed the size of the principal structure.

For the purposes of Section 7.4, Flood Damage Prevention, accessory structure (appurtenant structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

### ACCESSORY USE

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot.

### ACCESSWAY

A private drive constructed with a compacted, graded, and drained roadbed with a gravel surface at least three inches deep, for access to lots.

### ACT OF GOD

Any event in which the damage to a nonconforming use or structure is outside of the control of a single individual. Damage or destruction by hurricane, flood, earthquake, or lightning are considered acts of God.

### ACTIVE RECREATION USES

Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas or parks.

#### **ADDITION**

Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load bearing wall is new construction.

For the purposes of Section 7.4, Flood Damage Prevention, addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

#### **ADJACENT**

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

#### **ADMINISTRATIVE ADJUSTMENT**

A type of flexibility permit approval reviewed and approved or denied by the Director in accordance with Section 2.4.15, Administrative Adjustment.

#### **ADMINISTRATIVE MANUAL**

A manual containing details on the mechanics of the development review process, information for potential applicants, and development review application forms.

#### **ADULT DAY CARE CENTER**

A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of abode, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.

#### **ADULT ENTERTAINMENT**

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to, adult arcades, adult bookstores, adult businesses, adult motion picture theaters, adult theaters, escort agencies, and massage businesses. As used in this Ordinance, the following definitions shall apply:

- a. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines are used to show films, motion pictures, video cassettes, digital reproductions, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- b. **Adult Bookstore:** An establishment that has as substantial portion (over 25 percent of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following:
  - i. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital reproductions, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
  - ii. instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- c. **Adult Business:** A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Affected Party

- i. persons who appear nude or semi-nude; or
  - ii. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  - iii. films, motion pictures, videocassettes, digital reproductions, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.
- d. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, digital reproductions, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.
- e. **Adult Theater:** A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.
- f. **Escort Agencies:** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.
- g. **Massage Business:** Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically excluded from this definition are massages under the direct supervision of (i) a licensed physician (ii) a masseuse licensed in the State of North Carolina, or (iii) where massage is an accessory to the principle use (except as an accessory to an adult establishment or sexually oriented business) such as at health clubs and beauty salons.
- h. **Specified Anatomical Areas:** Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. **Specified Sexual Activities:** Specified sexual activities shall include, but are not limited to, the following:
- i. human genitals in a state of sexual stimulation, arousal, or tumescence; or
  - ii. sex acts, normal or perverted, actual or simulated, including human masturbation, sexual intercourse, sodomy, or oral copulation; or
  - iii. fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts.

#### **AFFECTED PARTY**

Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.

#### **AGGRIEVED PARTY**

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the county, including any officer or agent of the county.

#### **AGRIBUSINESS**

A commercial enterprise in which agriculture products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick-your-own) operations, and operations in which delivery of products is made directly to consumers,

such as “farm share” arrangements under which periodic delivery of farm products is made for a subscription fee.

#### **AGRICULTURAL FACILITY**

A facility that provides tours, on-site samples of agricultural products, or produce stands.

#### **AGRICULTURAL PROCESSING**

Processing operations for agricultural products raised on the premises or locally only, including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture, or animal husbandry use.

#### **AGRICULTURAL RETAIL FACILITY**

A facility where the principal use is retail sales of products related to agriculture.

#### **AGRICULTURAL RESEARCH FACILITY**

A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences.

#### **AGRICULTURE/HORTICULTURE**

Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, apiculture, and similar uses. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days.

#### **AGRI-EDUCATION**

A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant, and animal sciences.

#### **AGRI-ENTERTAINMENT**

Events and activities such as corn mazes, hay rides and petting zoos that allow for recreation, entertainment and tourism in conjunction with agriculture support (directly-related).

#### **AIRCRAFT PARTS, SALES, AND MAINTENANCE**

The use of land for the display and sale of, or general repair, rebuilding, or reconditioning of any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

#### **AIRPORT APPROACH ZONE**

An area that is longitudinally centered on the runway centerline and extends outward and upward from each end of the primary surface. An approach zone is applied to each end of each runway based on the type of approach available or planned for that runway end.

#### **AIRPORT COMPATIBLE USE ZONE**

Defined areas on and off airport property that are zoned to ensure airport compatible land uses. In “Land Use Compatibility and Airports,” the Federal Aviation Administration recommends this approach to identify and implement land use controls for low-activity airports without significant aircraft noise exposure contours. The compatible use zones include the airport runway protection zone, the airport approach zone, and the airport traffic pattern zone.

#### **AIRPORT RUNWAY PROTECTION ZONE**

An area centered along the extended runway centerline that is used to enhance the safety of aircraft operations. The runway protection zone dimensions are functions of the design aircraft, airport conditions, and future development projections.

#### **AIRPORT TRAFFIC PATTERN ZONE**

An area centered on the runway protection zone that is used to enhance the compatibility of uses in close proximity to an airport. The traffic pattern protection zone dimensions are based on total runway length and airport capacity.

#### **ALTERATION**

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

#### **ALTERATION OF WATERCOURSE**

A dam, impoundment, channel, relocation, change in channel, alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of base flood.

#### **ALTERNATIVE CAMPING UNIT**

A camping unit constructed of canvas or other similar materials, not to exceed 400 square feet in area, intended to locate in a campground and used as temporary quarters for shelter during period of recreation, vacation, leisure time of travel and shall not be used for permanent living quarters. Alternative camping units shall be constructed for compliance with the applicable North Carolina Building Code and Section 7.4 of this ordinance. The unit may or may not include kitchen and restroom facilities. The term alternative camping unit includes terms such as yurts, eco-tents, safari tents or other similar names.

#### **ALTERNATIVE LANDSCAPING PLAN**

A plan or other proposal to deviate from the basic landscaping or tree protection standards in Section 5.2, Landscaping Standards, or Section 7.2, Tree Protection, as described in Section 5.2.9 of this Ordinance.

#### **ALTERNATIVE PARKING PLAN**

A plan or other proposal to utilize one or more of the alternative parking provisions in Section 5.1.6, Alternative Parking Plans, as a means of providing more off-street parking spaces than typically allowed or fewer spaces than required.

#### **AIRPORT**

Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

#### **AMENITIES**

Manmade or natural features which enhance or make more attractive a particular site for development.

#### **AMPHITHEATER**

See "Arena".

#### **AMUSEMENT PARK**

A permanent area open to the general public including at least three of the following activities: roller coasters, entertainment rides, games swimming, concerts, and exhibitions.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Animal Grooming

#### **ANIMAL GROOMING**

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

#### **ANIMAL HUSBANDRY**

The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep, and similar animal husbandry uses.

#### **ANIMAL SHELTER**

A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

#### **ANTENNA**

A device used to transmit and/or receive radio or electromagnetic waves between land based or orbiting uses.

#### **APPEAL**

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.17, Appeal. An appeal is a quasi-judicial decision made through an evidentiary hearing.

#### **APPLICANT**

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

#### **APPLICATION**

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate county department, or board as part of the development review processes.

#### **ARBOR**

A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.

#### **ARBORETUM**

A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

#### **ARCADE**

A series of arches supported by piers or columns.

#### **ARCH**

A curved, semicircular opening in a wall.

#### **ARCHITECTURAL LIGHTING**

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

#### **AREA OF ENVIRONMENTAL CONCERN (AEC)**

An area designated as such by the N.C. Coastal Resources Commission pursuant to GS 113A-113 of the Coastal Area Management Act.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Area of Shallow Flooding

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#### **AREA OF SHALLOW FLOODING**

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

#### **AREA OF SPECIAL FLOOD HAZARD**

See "Special flood hazard area (SFHA)"

#### **ARENA**

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

#### **ARTISAN FOOD AND BEVERAGE PRODUCER**

An establishment that engages in on-site commercial production of food and/or beverage products to a final form employing batch-processing or hand crafting using traditional methods, and distributes to customers on-site via product tasting and direct sales and/or off-site to retailers and wholesalers. Typical products include coffee roasters, chocolatiers, confectioners, cideries, microbreweries, brewpubs, and craft distilleries.

#### **ASSESSED VALUE**

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Currituck County Property Appraiser's office for the purposes of taxation.

#### **ASSISTED LIVING FACILITY**

A building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, health care assistance, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or proprietor. Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

#### **ATHLETIC FIELD**

Outdoor site or field designed for formal athletic competition in field sports.

#### **AUCTION HOUSE**

A facility in which merchandise receives bids through auctioning process.

#### **AUDITORIUM**

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

#### **AUTHORIZED AGENT**

A person with express written consent to act upon another's behalf.

#### **AUTOMATED TELLER MACHINE (ATM)**

An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Automotive Painting/Body Shop

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structure unrelated to the financial institution operating it. Such uses may not serve as the principal use of a parcel of land or site.

#### **AUTOMOTIVE PAINTING/BODY SHOP**

Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.

#### **AUTOMOTIVE PARTS AND INSTALLATION**

The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

#### **AUTOMOTIVE SALES OR RENTALS**

Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.

#### **AUTOMOTIVE RACING**

A recreational facility intended for the competitive racing of automobiles, motorcycles, or other mechanized vehicle.

#### **AUTOMOTIVE REPAIR AND SERVICING**

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

#### **AUTOMOTIVE WRECKER SERVICE**

An establishment operated for the purpose of temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

#### **AWNING**

A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.

#### **BAR OR COCKTAIL LOUNGE**

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.

#### **BASEMENT**

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

#### **BASE FLOOD**

The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

#### **BASE FLOOD ELEVATION (BFE)**

A determination of the water surface elevations of the base flood 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, State, or other source using FEMA

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Beach Strand

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approved engineering methodologies. This elevation, when combined with freeboard, establishes the Regulatory Flood Protection Elevation.

#### **BEACH STRAND**

The land between the edge of the sea and the first line of stable vegetation or development.

#### **BED AND BREAKFAST INN**

A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

#### **BILLBOARD**

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

#### **BLOCK**

A parcel of land entirely surrounded by streets or by any combination of streets, parks or railroad right-of-way.

#### **BLOCK FACE**

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

#### **BLOOD/TISSUE COLLECTION FACILITY**

A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

#### **BOARD OF ADJUSTMENT**

A quasi-judicial board appointed by the Board of Commissioners.

#### **BOARD OF COMMISSIONERS**

The Board of Commissioners for Currituck County, North Carolina.

#### **BOAT AND MARINE RENTAL, SALES, AND SERVICE**

Premises on which new or used boats and other marine vessels are displayed for sale, lease, or rental. On-site repair and service to boats is also provided.

#### **BOAT RAMP OR SLIP**

A location intended to for boaters to place boats into a body of water.

#### **BODY ART**

Art made on, with, or consisting of the human body. The most common forms of body art are tattoos and body piercings. Other forms include scarification, branding, subdermal implants, scalpelling, shaping, and body painting.

#### **BODY PIERCING**

Any method of piercing of the human skin of one person by another person with the intention of inserting any object including but not limited to jewelry. The term body piercing shall also include any process of marking or disfiguring the skin or other tissue of any person by branding or scarification but shall not include the piercing of the ear by an ear-piercing gun designed solely for that purpose; or physician-authorized surgical procedures. This definition of body piercing includes that process commonly referred to as implantation.

#### **BONA FIDE FARM**

Any tract or tracts of land used for farm purposes, including 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 Section 106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under Section 106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to Section 105-277.3 of the North Carolina General Statutes.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan.
- e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

#### **BOTANICAL GARDEN**

A garden having documented collections of living plants for the purposes of scientific research, conservation, display, or education.

#### **BREAKAWAY WALL**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation.

#### **BREWERY, LARGE**

A brewery with an annual beer production over 15,000 barrels or more and may contain a tap room/tasting room.

#### **BREW PUB**

A restaurant with facilities for the manufacture of beer on-site for consumption and retail sale at the restaurant. Where allowed by law, brewpubs may often sell beer "to go" and/or distribute to off-site accounts.

#### **BUFFER**

An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which buffer is used for recreation or parking.

#### **BUFFER, PERIMETER LANDSCAPE**

Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including but not limited to the Type A Basic, Type B Aesthetic, Type C Semi-opaque, and Type D Opaque described in Section 5.2.6, Perimeter Landscape Buffers.

#### **BUILDING**

See "Structure".

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Building Pad

#### **BUILDING PAD**

The area of a lot, outside of required setbacks, on which principal use improvements are located.

#### **BUILDING WALL**

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

#### **CALIPER**

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches and up to ten inches in diameter, and at breast height (4½ feet) for trees ten inches or greater in diameter. Trees with multiple trunks should be treated as multiple trees and the caliper for each trunk added to aggregate diameter measurement.

#### **CAMA**

North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality's (NCDEQ's) Division of Coastal Management (DCM).

#### **CAMPER**

See "Recreational Vehicle".

#### **CAMPGROUND**

Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground includes but not limited to, a travel camp, recreational camp, family campground, camping resort, recreational vehicles park and camping community. Campground does not include a summer camp, migrant labor camp or park for manufactured homes, or a construction camp, or storage area for unoccupied camping units.

#### **CAMPING CABIN**

A structure located in a campground, not exceeding 400 square feet and constructed to the North Carolina Building Code. Camping cabins may or may not include restroom and kitchen facilities. Such cabins shall be compliant with Section 7.4 of this ordinance.

#### **CAMPSITE**

A designated space designed for parking a recreational vehicle or for the location of a camper cabin, alternative camping unit or a tent with picnic tables, infrastructure hook-ups pedestal, fire rings and constructed platforms.

#### **CANOPY**

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

#### **CANOPY TREE**

A tree that has an expected height at maturity of 30 feet or more.

#### **CARETAKER'S QUARTERS**

An accessory dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight and/or protection of the principal use.

#### **CAR WASH OR AUTO DETAILING**

An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Automatic car wash establishments are further defined under the two following categories:

- a. Full service: An establishment featuring a conveyor system to move vehicles through the wash cycle. This type of car wash may include sales of gasoline, oil and other vehicle related merchandise. On-site attendants are required. Building size is limited by lot size, parking requirements, building and landscape setbacks or other site characteristics.
- b. Self-service: An establishment featuring a car wash system where vehicles are manually driven through a wash cycle, or washed manually using a wand or other hose. Incidental interior cleaning and exterior drying are performed by vehicle operator. This type of car wash does not have an on-site attendant and there is no gasoline, oil or other merchandise for sale.

#### **CASUALTY DAMAGE**

Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a storm, fire, theft, accident, or similar event that causes loss of or damage to property or improvements.

#### **CEMETERY, COLUMBARIUM, MAUSOLEUM**

Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.

#### **CEMETERY, FAMILY AND RELIGIOUS INSTITUTION**

Land and facilities used for the burial of the dead not subject to the requirements of the North Carolina Cemetery Act that are an accessory to a home or religious institution.

#### **CENTRALIZED WASTEWATER SYSTEM**

A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area.

#### **CERTIFICATE OF OCCUPANCY**

A type of permit reviewed and approved or denied by the Inspections Director that allows occupancy of a habitable structure.

#### **CHANGE OF USE**

The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

#### **CHEMICAL STORAGE FACILITY**

For purposes of Section 7.4. Flood Damage Prevention, a building, portion or a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

#### **CHILD CARE, INCIDENTAL**

A program or arrangement, licensed by the State and located in the provider's residence where, at any one time, twelve or fewer children under the age of 13, receive child care on a regular basis from persons other than their guardians, full-time custodians, or persons related to them

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Child Care Center

by blood, marriage, or adoption. This type of facility of facility is also referred to as an incidental home occupation and may include the State defined family child care home and child care center in a residence. This definition does not include day care centers, cooperative arrangements among parents (See Section 110-86 of the North Carolina General Statutes.).

#### **CHILD CARE CENTER**

A commercial or non-profit use licensed by the State where, at any one time, three or more children under the age of 13 receive child care in a building other than a residence on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).

#### **CITATION**

As used in Chapter 9: Enforcement, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.

#### **CLEAR-CUTTING**

Harvesting, clearing, or removal of all or the majority of existing trees located on a lot or site.

#### **CLEAR-CUTTING PERMIT**

A type of permit related to removal of existing trees reviewed and approved or denied by the Director in accordance with Section 2.4.13, Clear-Cutting Permit.

#### **CLOSE FAMILIAL RELATIONSHIP**

A spouse, parent, child, brother, sister, grandparent, or grandchild. This term includes the step, half, and in-law relationships.

#### **CLUB OR LODGE**

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

#### **CLUSTERED WASTEWATER SYSTEM**

A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

#### **COASTAL AREA MANAGEMENT ACT (CAMA)**

North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

#### **COASTAL BARRIER RESOURCES SYSTEM (CBRS)**

Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

#### **COASTAL HIGH HAZARD AREA**

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as Zone VE.

#### **COASTAL A ZONE (CAZ)**

An area within the special flood hazard area, landward of the V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A zones are not normally designed on FIRMs. (See Limit of Moderate Wave Action LiMWA).

#### **CODE OF ORDINANCES**

The county Code of Ordinances for Currituck County, North Carolina.

#### **COLD STORAGE PLANT**

A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

#### **COLLEGE OR UNIVERSITY**

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.

#### **COMMISSIONER**

A member of the Board of Commissioners for Currituck County, North Carolina.

#### **COMMUNITY AGRICULTURE**

The growing of vegetables or fruits by two or more persons on a single lot or tract for the purpose of personal consumption or re-sale, typically undertaken as an accessory use. Community agriculture uses may include equipment sheds, parking areas, irrigation facilities, and bulk outdoor storage.

#### **COMMUNITY CENTER**

A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

#### **COMMUNITY GARDEN**

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.

#### **COMMUNITY MEETING**

A meeting conducted by an applicant on a proposed development before an application for the development permit or approval is submitted to the county.

#### **CONCEPTUAL DEVELOPMENT PLAN**

A conceptual drawing or plan depicting the proposed development configuration proposed by an applicant as part of a conditional rezoning application.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Conditional Rezoning

#### **CONDITIONAL REZONING**

A type of zoning map amendment reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.4, Conditional Rezoning.

#### **CONDITIONAL ZONING DISTRICT CLASSIFICATION**

The classification of land on the Official Zoning Map subject to conditions of approval in accordance with Section 2.4.4, Conditional Rezoning.

#### **CONDOMINIUM**

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

#### **CONNECTIVITY**

The relative degree of connection between streets, sidewalks, or other means of travel.

#### **CONSERVATION SUBDIVISION**

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with Section 6.4, Conservation Subdivision.

#### **CONSTRUCTION DRAWINGS**

Technical plans, maps, and engineered drawing depicting public infrastructure, streets, drainage, open space, and lots proposed as part of a major subdivision preliminary plat.

#### **CONTIGUOUS**

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

#### **CONTRACTOR SERVICES**

Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.

#### **CONVENIENCE STORE**

A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Gasoline and/or fast food may also be offered for sale but only as a secondary activity of a convenience store. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.

#### **CONVENTION CENTER**

A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. Similar structures with a capacity of less than 500 people are auditorium or conference center uses.

#### **CORNICE**

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

#### **COROLLA WILD BANKER HORSES**

The wild horses of North Carolina's Currituck Outer Banks descended from Colonial Spanish Mustangs which have been designated as the North Carolina State Horse. Also referred to as wild Banker horses, Corolla wild horses or Currituck Banks wild horses.

#### **CORRECTIONAL FACILITY**

Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.

#### **COTTAGE DEVELOPMENT**

A type of residential multi-family development that contains cottage homes in which four or more individual dwelling units are located on individual lots and are not physically attached to any other principle structure.

#### **COUNTRY CLUB**

A private recreational facility open to members and their guests. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned development.

#### **COUNTY**

Currituck County, North Carolina.

#### **COUNTY ENGINEER**

The Director of Engineering for Currituck County, North Carolina, or a designee.

#### **CRABSHEDDING**

An operation in the crab harvesting industry that involves the controlled shedding or molting of blue crabs to produce the more commercially valuable soft-shelled form. Soft crab shedding systems are designed to put near-molt crabs in a controlled environment, so they can efficiently be harvested during the period that the shell is soft.

#### **CRAFT DISTILLERY**

An establishment where spirituous liquor is produced on-site, and which shall include a tasting room in which guests or customers may sample the products. Craft distilleries shall not produce more than 52,000 cases annually or 100,000 proof gallons.

#### **CREMATORY**

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

#### **CROSS-ACCESS**

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

#### **CROSSWALK**

A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

#### **CUL-DE-SAC**

A short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

#### **CULTURAL CENTER**

Museums, outdoor theaters, or facilities that exhibit antiques or items painted or crafted by local artists.

#### **CULTURAL FACILITY**

Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit.

#### **CUPOLA**

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

#### **DECENTRALIZED WASTEWATER SYSTEM**

An on-site or cluster system used to collect, treat, and disperse or reclaim wastewater from a small service area.

#### **DECK**

A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade.

#### **DESIGN FLOOD ELEVATION**

See “Regulatory flood protection elevation (RFPE)”.

#### **DEVELOPER**

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

#### **DEVELOPMENT**

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. “Development” shall include, but not be limited to, the following:

- a. Construction or enlargement of a building or structure;
- b. Change in the type of use of a building, structure, or land;
- c. Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- d. Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- e. Demolition of a structure or the removal of trees from a parcel of land;
- f. Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- g. Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland;
- h. Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, and,
- i. For the purposes of Section 7.4, Flood Damage Prevention, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

#### **DEVELOPMENT AGREEMENT**

An agreement entered into between the county and a landowner in accordance with Section 2.4.18, Development Agreement.

#### **DEVELOPMENT ACTIVITY**

Any activity defined as development which will necessitate a Flood Development Permit. This includes buildings, structures, and non-structural items, including but not limited to fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

#### **DIAMETER AT BREAST HEIGHT (DBH)**

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

#### **DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)**

The digital official map of Currituck County issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

#### **DINNER THEATER**

An eating establishment offering food to patrons while seated at tables or through a buffet line before, during, or after a performance by one or more actors in a theatrical production.

#### **DIRECTOR**

The Development Services Director of Currituck County, or a designee.

#### **DISPLAY BOARD**

The portion of a sign where the message changes by way of lights or some other mechanical means (e.g., time and temperature displays).

#### **DISPOSAL**

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.

#### **DISTILLERY**

An establishment where spirituous liquor is produced on-site, and which may include a tasting room in which guests or customers may sample the products.

#### **DISTRIBUTION HUB FOR AGRICULTURAL PRODUCTS**

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers.

#### **DISTRIBUTION HUB FOR AGRONOMIC PRODUCTS**

A place where agronomic products are available for pick up or delivery. Agronomic products include but are not limited to seeds, fertilizer, and soil and plant amendments.

#### **DISTRICT**

An area delineated on the Official Zoning Map which sets forth standards and guidelines for all development within the prescribed district.

#### **DISTRICT, OVERLAY**

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

#### **DOCK OR PIER**

A structure built over or floating upon the water used as a landing place for boats or other marine transport, fishing, swimming, and other recreational uses. Docks may include boat houses, seating areas, gazebos, boat lifts, and storage facilities.

#### **DORMITORY**

A building used principally to provide rooms for sleeping accommodations at an educational, public, or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

#### **DOWNSTREAM BOUNDARY CONDITION**

The resulting condition at the downstream end of a hydrologic and hydraulic analysis, usually occurring at point of substantial change in a drainage network (such as the mouth of a stream), or at such point as the impact on the water surface elevation from the upstream changes being examined can be shown to be de minimis.

#### **DRAINAGE**

General terms applied to the removal of surface or resurface water from a given area either by gravity via natural means or by systems constructed so as to remove water, and is commonly applied herein to surface water.

#### **DRAINAGE, POSITIVE**

An area that has been graded or shaped to prevent pooling of stormwater runoff.

#### **DRIPLINE**

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

#### **DRIVEWAY**

A private road or vehicular accessway providing access to parking areas, garages, dwellings, drive-up windows, or other similar features on up to two different lots.

#### **DRIVE-THROUGH**

A facility designed to enable a person to transact business while remaining in a motor vehicle.

#### **DRUG AND ALCOHOL TREATMENT FACILITY**

Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

#### **DRUG STORE OR PHARMACY**

A freestanding establishment that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

#### **DWELLING, DUPLEX**

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

#### **DWELLING, LIVE/WORK**

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

#### **DWELLING, MANSION APARTMENT**

Three or more dwelling units located within a single structure designed and constructed to appear as a large single-family detached home. Such structures may have a common entrance or separate entrances to each dwelling unit.

#### **DWELLING, MANUFACTURED HOME - CLASS A**

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- a. the home has a length not exceeding three times its width;
- b. the pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- c. the exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- d. a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the home after placement on the lot and before occupancy; and
- e. the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

#### **DWELLING, MANUFACTURED HOME - CLASS B**

A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a class A manufactured home.

#### **DWELLING, MANUFACTURED HOME - CLASS C**

Any manufactured home that does not meet the definitional criteria of a class A or class B manufactured home. Class C manufactured homes are manufactured homes constructed prior to July 1, 1976, and are not permitted in Currituck County.

#### **DWELLING, MULTI-FAMILY**

A dwelling containing three or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

#### **DWELLING, SINGLE-FAMILY DETACHED**

A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include manufactured homes, recreational vehicles, or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

#### **DWELLING, TOWNHOUSE**

A type of multi-family dwelling, in which three or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line. The habitable spaces of different dwelling units are typically arranged on a side-by-side rather than a stacked configuration.

#### **DWELLING, UPPER STORY**

A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the first floor.

#### **DWELLING UNIT**

One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities, and sanitary facilities.

#### **EASEMENT**

A grant by a landowner to another landowner or to the public, for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

#### **EAVE**

The projecting lower edges of a roof that overhangs the wall of a building.

#### **EGRESS**

An exit from a building or site.

#### **ELECTRONIC GAMING OPERATION**

An electronic gaming operation is any business enterprise where persons utilize electronic machines, 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 term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

#### **ELEVATED BUILDING**

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

#### **ELEVATION**

The front, side, or rear of a structure.

#### **ENCROACHMENT**

For the purposes of Section 7.4, Flood Damage Prevention, 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.

#### **ENTERTAINMENT ESTABLISHMENT**

Indoor continuous entertainment activities such as game arcades, video and pinball parlors, pool halls, indoor firing ranges, and similar types of uses.

#### **EQUESTRIAN FACILITY**

A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.

#### **EROSION**

The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

#### **EVIDENTIARY HEARING**

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation pursuant to this ordinance.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Existing Development

#### EXISTING BUILDING

For the purposes of Section 7.4, Flood Damage Prevention, any building and/or structure for which the start of construction commenced before November 1, 1984.

#### EXISTING DEVELOPMENT

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Development Services Department for the specific development in question:

- a. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
- b. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 160D-108, or
- c. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 160D-108.

#### EXISTING LOT (LOT OF RECORD)

A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Currituck County, or a lot described by metes and bounds, the description of which has been so recorded and which at the time of recordation and the time it was originally subdivided met all applicable subdivision and zoning regulations then in effect. In addition, this definition shall include lots for which a plat and/or deed is recorded in the Office of the Register of Deeds and the lot was created prior to August 2, 1965; a lot upon which an existing structure is located provided a valid building permit was obtained for the construction; or, a lot which at the time of creation met all subdivision and zoning requirements provided a plat is approved by the administrator and recorded with the Register of Deeds containing a certification as to having met the then existing regulations in effect.

#### EXPANSION

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

#### EXTRACTIVE INDUSTRY

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

#### FAÇADE

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.

#### FACILITY TOUR LOCATION

A facility such as a factory, institution, or a plant which conducts tours on a regularly scheduled basis.

#### FAIR MARKET VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the

buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

#### **FAMILY**

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

#### **FAMILY CARE HOME**

An establishment with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than six residents who are handicapped. Handicapped person means a person with a temporary or permanent physical, emotional, or mental disability including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments but not including mentally ill persons who are dangerous to others. Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

#### **FARM MACHINERY SALES, RENTAL, AND SERVICE**

An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and in gardens, and related parts, tools and accessories, but not non-farm equipment or materials.

#### **FARMERS MARKET**

A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.

#### **FENCE**

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

#### **FILL**

Any material placed or graded on a lot where the material has the effect of increasing the elevation of any portion of the lot.

#### **FINANCIAL INSTITUTION**

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial institutions may include drive-through facilities.

#### **FITNESS CENTER**

A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as an accessory use.

#### **FLEA MARKET**

A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

#### **FLOOD (OR FLOODING)**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

#### **FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)**

An official map issued by FEMA on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

#### **FLOOD HAZARD BOUNDARY MAP (FHBM)**

An official map issued by FEMA where the boundaries of the special flood hazard areas have been defined as Zone A.

#### **FLOOD INSURANCE**

The insurance coverage provided under the National Flood Insurance Program.

#### **FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

#### **FLOOD INSURANCE STUDY (FIS)**

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.

#### **FLOOD ZONE**

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.

#### **FLOODPLAIN ADMINISTRATOR**

The individual appointed to administer and enforce the flood damage prevention regulations.

#### **FLOODPLAIN DEVELOPMENT PERMIT**

A type of development permit for development within a special flood hazard area reviewed and approved or denied by the Director in accordance with Section 2.4.12, Floodplain Development Permit prior to the commencement of development activity.

#### **FLOODPLAIN OR FLOOD PRONE AREA**

Any land area susceptible to being inundated by water from any source.

#### **FLOODPLAIN MANAGEMENT**

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**

This Ordinance and other regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

#### **FLOODPROOFING**

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.

#### **FLOOD-RESISTANT MATERIAL**

Any building product (material, component, or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

#### **FLOODWAY**

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

#### **FLOODWAY ENCROACHMENT ANALYSIS**

An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The elevation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

#### **FLOOR**

The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

#### **FOOD SALES (AS AN ACCESSORY USE)**

The sale of prepared or processed food, snacks, baked goods, or other products intended for human consumption either for or not for profit, whether prepared on or off site as an accessory or subordinate activity to the principal use.

#### **FOOTCANDLE**

The amount of light that falls onto a surface as emitted by an exterior lighting device.

#### **FREEBOARD**

The height added to base 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, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation (RFPE).

#### **FREESTANDING SIGN**

A sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.

#### **FRONT (OR PRIMARY) FAÇADE**

The side or elevation of a structure that contains the structure's architectural front including the primary customer entrance.

#### **FRONTAGE**

The width in linear feet occupied by each separate business or other use or the width in linear feet of a lot which fronts on a public street. Each building or lot front shall, for purposes of sign copy area allowed, be separately calculated.

#### **FRONTAGE, BUILDING**

The linear length of only that portion of a building used by an individual tenant on a separate lot or by an individual tenant in a multiple tenant development and which faces a public street or alley.

#### **FUEL OIL/BOTTLED GAS DISTRIBUTOR**

An establishment that distributes fuel oil or bottled gases such as propane or liquid petroleum for compensation.

#### **FULL CUT-OFF LENS**

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

#### **FULL SERVICE AREA**

Portions of the county designated in the 2006 Land Use Plan as areas where the full range public infrastructure can and should be provided. Given the anticipated presence of public infrastructure, these areas are the most appropriate for increased growth and development, as anticipated by the Land Use Plan. The locations of Full Service Areas are shown in the 2006 Land Use Plan.

#### **FUNCTIONALLY DEPENDENT FACILITY**

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.

#### **FUNERAL HOME**

An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

#### **GABLE**

A triangular area of an exterior wall formed by two sloping roofs.

#### **GARAGE**

An outbuilding or accessory structure for the purpose of parking vehicles.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Garage or Yard Sale

#### **GARAGE OR YARD SALE**

A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.

#### **GASOLINE SALES**

Buildings and premises where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations.

#### **GENERAL INDUSTRIAL SERVICE AND REPAIR**

Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage.

#### **GLARE**

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

#### **GLAZING**

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

#### **GOLF COURSE**

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

#### **GOLF DRIVING RANGE**

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

#### **GOVERNMENT MAINTENANCE, STORAGE, AND DISTRIBUTION FACILITY**

A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

#### **GOVERNMENT OFFICE**

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

#### **GREEN ROOF**

The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

#### **GREENHOUSE**

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

#### **GREENWAY**

A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

#### **GROCERY STORE**

An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

#### **GROUND COVER**

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

#### **HALFWAY HOUSE**

A licensed home for not more than nine juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

#### **HAZARDOUS WASTE MANAGEMENT FACILITY**

For purposes of Flood Damage Prevention, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS 130A, Article 9.

#### **HEAVY EQUIPMENT SALES, RENTAL, AND SERVICE**

An establishment engaged in the display, sale, leasing, servicing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). The use may also consist of a vehicle or series of vehicle that service or repair heavy equipment on-site.

#### **HELICOPTER LANDING FACILITY**

An area, either on ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

#### **HIGHEST ADJACENT GRADE**

For the purposes of Section 7.4. Flood Damage Prevention, the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

#### **HISTORIC STRUCTURE**

For the purposes of Section 7.4. Flood Damage Prevention, any structure that is:

- a. 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;

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Home Occupation

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

#### HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician’s offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

#### HOMEOWNERS ASSOCIATION (HOA)

An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The home owners association is responsible for maintaining and enhancing the shared public and private infrastructure (e.g., streets and sidewalks) and common space like recreation features.

#### HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

#### HOTEL OR MOTEL

Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

#### HOUSING FOR POULTRY

Enclosures, coups, and fenced areas intended for the care and keeping of small domestic poultry as an accessory use to a single-family dwelling unit.

#### HUNTING (OR FISHING) LODGE

An enterprise consisting of one or more buildings wherein there are located not more than 15 lodging units designed to provide short term accommodations primarily to persons intending to participate in hunting or fishing activities. A hunting and fishing lodge does not include a restaurant open to the general public in connection with or on the same premises as the lodge (if a restaurant is so operated, the enterprise shall be classified as a hotel or motel).

### HYDROLOGIC & HYDRAULIC ANALYSIS

The analyses of how watersheds respond to the conversion of rainfall to runoff, and how that response is translated into stream flows, water depths and water surface elevations. Such analyses can be performed for natural and manmade drainage systems, which can be open (stream networks), or closed (pipe networks), or combinations of the two. H&H analyses are generally performed with specialized computer software packages such as SWMM, HEC-HMS/HEC-RAS, P-8 Urban Catchment Model, etc.

### ICE HOUSE

A manned or unmanned facility selling packaged ice manufactured off-site to members of the public at retail or wholesale.

### IMPERVIOUS SURFACE

A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: non-vegetated roofs, structures, swimming pools, streets, parking areas, sidewalks, driveways, and any concrete, asphalt, or compacted gravel surface.

### IMPROVEMENT

As used in Section 7.4, Flood Damage Prevention, any repairs, reconstruction, or rehabilitation of a building.

### INCINERATOR

A facility that burns refuse at high temperatures to reduce the volume of waste.

### INFRASTRUCTURE

Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities, streets, sidewalks, stormwater systems, firefighting elements (i.e. ponds, hydrants, etc.), communications, and public facilities such as fire stations, parks, schools, government buildings, etc.

### INGRESS

Access or entry to a building or site.

### INSPECTIONS DIRECTOR

The Director of Inspections for Currituck County, North Carolina, or a designee.

### INTERNALLY ILLUMINATED NEON SIGN

A sign where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electrical current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to the parts of the sign that contain the message, shall also be considered an internally illuminated sign.

### INTERPRETATION

An interpretation of this Ordinance, the Official Zoning Map, or conditions of approval made in writing by the Director or designee in accordance with the standards in Section 2.4.16, Interpretation.

### ISLAND DEVELOPMENT

Development on an island accessible only by boat.

#### **JUNK**

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. Junk does not include materials used for recycling purposes as part of an approved recycling center (processing or transfer).

#### **JUNKYARD**

An establishment or place of business which is maintained, operated or used for sorting, keeping, buying or selling junk or recoverable materials.

#### **KENNEL**

A facility where dogs, cats, or other domestic animals over six months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. The facility may be indoors, outdoors, or both.

#### **LAND**

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

#### **LAND APPLICATION OF COMMERCIAL SLUDGE AND SEPTAGE**

The soil amendment practice of applying organic waste materials, such as sewage sludge, non-sewage sludge, septage, food processing, and other solid waste, for agricultural purposes.

#### **LAND DISTURBING ACTIVITY**

Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.

#### **LAND USE PLAN, 2006**

The land use plan for Currituck County approved by the North Carolina Division Coastal Management and the adopted by the Board of Commissioners.

#### **LANDFILL, CONSTRUCTION DEBRIS**

A solid waste disposal facility consisting of an area of land or an excavation used for disposal of solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

#### **LANDFILL, LAND CLEARING AND INERT DEBRIS**

A solid waste disposal facility consisting of an area of land or an excavation used for disposal of solid waste generated solely from land clearing activities and/or solid waste consisting solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

#### **LANDOWNER**

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records of the register of deeds of the county shall be presumed to be the person in control of the property.

#### **LANDSCAPING**

The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.

#### **LANDSCAPE STRIP, PERIMETER**

Vegetative material associated with the perimeter landscaping required for a vehicular use area.

#### **LARGE RETAIL DEVELOPMENT**

A retail establishment consisting of a single tenant in a single building of 30,000 square feet or more in area with 60 percent or more of the total floor area occupied by retail sales activities.

#### **LAUNDROMAT**

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

#### **LAUNDRY, DRY CLEANING, AND CARPET CLEANING FACILITY**

A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

#### **LAW ENFORCEMENT, FIRE, OR EMS FACILITY**

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

#### **LETTER OF MAP CHANGE (LOMC)**

An official determination issued by Federal Emergency Management Agency that amends or revises an effective Flood Insurance Program map or Flood Study. LOMC shall include:

- (a) Letter of Map Amendment (LOMA): an official amendment, by letter to an effective NFIP map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with this Ordinance.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of certified as-built documentation, a LOMR may be issued by Federal Emergency Management Agency to revise the effective FIRM.

#### **LIBRARY**

A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.

#### **LIGHT DUTY TRUCK**

For the purposes of Section 7.4., Flood Damage Prevention, any motor vehicle rated at 8,500 lbs. Gross Vehicular Weight Rating or less which has a vehicular curb rate of 6,000 lbs. or less and which has a basic vehicle frontal area of 45 square feet or less as defined in Title 40 US Code of Federal Regulations at Subpart 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or,
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or,
- (c) Available with special features enabling off-street or off-highway operation and use.

#### **LIMIT OF MODERATE WAVE ACTION (LIMWA)**

The boundary line given by Federal Emergency Management Agency on coastal map studies marking the extents of Coastal A Zones (CAZ).

#### **LIMITED SERVICE AREAS**

Portions of the county designated in the 2006 Land Use Plan as areas where some public infrastructure can be accommodated (though the anticipated level of service provision is reduced from that found in a Full Service Area). Given the anticipated presence of public infrastructure, these areas are appropriate for more growth and development than would anticipated for rural, agricultural, and conservation areas by the Land Use Plan. The locations of Limited Service Areas are shown in the 2006 Land Use Plan.

#### **LIVESTOCK**

Animals normally raised on a farm, or as part of commercial agricultural or animal husbandry operations, or normally used for purposes related to agricultural production or commerce, wildlife farms and animal rehabilitation facilities. Livestock, including animal breeds derived from livestock, shall not be deemed to be pets and may not be maintained as an accessory to a residential use unless specifically permitted within the Unified Development Ordinance. Livestock shall be defined into two groups as follows:

- a. Large animals: including horses, mules, donkeys, llamas, cattle, swine, goats, sheep, and similar breeds.
- b. Small animals: including chickens, turkeys, peacocks, and other fowl and similar breeds.

#### **LOADING SPACE, OFF-STREET**

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

#### **LOT**

A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

#### **LOT, EXISTING**

See "Existing Lot (Lot of Record)".

#### **LOT, FLAG**

An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. The arm portion of the lot is not counted in determining minimum lot area. Further, in cases where a minimum lot width is prescribed, the arm width may be less than the minimum required lot width.

#### **LOWEST ADJACENT GRADE**

For the purposes of Section 7.4, Flood Damage Prevention, the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

#### **LOWEST FLOOR**

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.

#### **LUMEN**

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

#### **MACHINE SHOP**

An establishment where metal is cut and shaped by machine tools.

#### **MAINLAND**

The portion of Currituck County connected to the mainland, but excluding Knotts Island and Gibbs Woods.

#### **MAJOR RECREATIONAL EQUIPMENT**

Vehicles and equipment intended primarily for recreational purposes, including, but not limited to: boats, campers, recreational vehicles, motor homes, and travel trailers.

#### **MANSARD ROOF**

A sloped roof or roof-like facade architecturally comparable to a building wall.

#### **MANUFACTURED HOME**

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. The term "manufactured home" does not include a "recreational vehicle".

#### **MANUFACTURED HOME/PREFABRICATED BUILDING SALES**

A retail establishment engaged in the sale of manufactured homes or prefabricated buildings that are built or assembled on- or off-site.

#### **MANUFACTURED HOME PARK OR SUBDIVISION**

For the purposes of Flood Damage Prevention, means a parcel (or contiguous parcels) or land divided into two or more manufactured home lots for rent or sale.

#### **MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION, EXISTING**

For the purposes of Section 7.4, Flood Damage Prevention, 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 initial effective date of the floodplain management regulations adopted by the community.

#### **MANUFACTURING, HEAVY**

Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Manufacturing, Light

products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

#### **MANUFACTURING, LIGHT**

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

#### **MAP AMENDMENT**

A type of zoning district change reviewed and approved, or denied by the Board of Commissioners in accordance with Section 2.4.3, Map Amendment.

#### **MAP REPOSITORY**

The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data for FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

#### **MARINA**

Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Marinas for ten boats or less shall be classified as privately owned outdoor recreation facilities.

#### **MARITIME FOREST**

Forested areas along the coast that are subject to salt spray or periodic inundation by salt water.

#### **MARKET VALUE**

For the purposes of Section 7.4, Flood Damage Prevention, 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.

#### **MAXIMUM EXTENT PRACTICABLE**

No feasible or practical alternative exists, as determined by the county, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”

#### **MEDICAL TREATMENT FACILITY**

A small-scale facility which may or may not be located in a converted dwelling or residence where patients are admitted for examination and treatment by one or more physicians, dentists

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Medical Waste

or psychologists. Patients may or may not receive care or lodging overnight. Such facilities may include sleeping rooms for care workers and members of patient's families.

#### **MEDICAL WASTE**

Any isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes, as such terms may be further defined and used in the Currituck County Code of Ordinances.

#### **MICROBREWERY**

A brewery that produces less than 15,000 barrels and may contain a tap room/tasting room. Where allowed by law, microbreweries may often sell beer "to go" and/or distribute to off-site accounts.

#### **MIXED-USE DEVELOPMENT**

A tract of land or structure developed for two or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

#### **MUSEUM**

A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.

#### **NATURAL PHENOMENON**

A naturally occurring area which is of interest to the general public, such as natural habitat areas.

#### **NEIGHBORHOOD RECREATION CENTER**

A facility providing recreation facilities and/or meeting rooms, that is typically oriented to addressing the recreational needs of the residents of a neighborhood or community area.

#### **NEW CONSTRUCTION**

For the purposes of Section 7.4, Flood Damage Prevention, structures for which the "start of construction" commenced on or after July 18, 1984, of the initial floodplain management regulations and includes any subsequent improvements to such structures.

#### **NIGHTCLUB**

Any establishment, whether public or a private club, serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance. An establishment is not a nightclub if the establishment: (1) has a Class A restaurant license from the State of North Carolina; (2) maintains a full service restaurant on its premises at all times when it is open to the public for business; and (3) provides facilities for seating not less than 40 persons simultaneously at tables for the service of meals. The establishment is also not a nightclub if the establishment allows entrance at all times to any person regardless of age.

#### **NON-ENCROACHMENT AREA**

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Non-participating landowner

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#### **NON-PARTICIPATING LANDOWNER**

The owner of a parcel of land not included in the use permit application for a Wind Energy Facility, Large.

#### **NONCONFORMING LOT**

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

#### **NONCONFORMING SIGN**

Any sign lawfully existing on the effective date of this Ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

#### **NONCONFORMING SITE FEATURE**

Any site feature or attribute, including but not limited to off-street parking, landscaping, screening of mechanical equipment, or walls and fences that was lawful at the time of development that does not conform to all the standards and regulations of this Ordinance.

#### **NONCONFORMING STRUCTURE**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

#### **NONCONFORMING USE**

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

#### **NONCONFORMITY**

A nonconforming use, structure, lot of record, sign, or site feature.

#### **NORTH CAROLINA COMMERCIAL BUILDING CODE**

A set of standards and regulations established by the North Carolina Building Council that control building design, construction, and materials used in commercial or nonresidential construction.

#### **NORTH CAROLINA GENERAL STATUTES**

The laws created by the State of North Carolina legislature and to which Currituck County is required to uphold.

#### **NORTHERN CURRITUCK WILDLIFE HABITAT PRESERVATION CORRIDOR**

A north-to-south corridor of property located in the SFR district, targeted for natural features and wildlife habitat including Corolla Wild Banker horse habitat. A map of the corridor is adopted by the county's Wild Horse Advisory Board.

#### **NOTICE OF APPEAL**

The document and justification for an appeal of a decision or interpretation made by a county staff member.

#### **NOTICE OF VIOLATION**

A notice indicating an infraction of this Ordinance; not associated with a fine.

#### **NURSERY, PRODUCTION**

The growing, storage, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for resale, typically occurring as wholesale or retail sales directly to landscaping professionals. Such uses may include limited incidental retail sales to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwelling.

#### **NURSING HOME**

Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying nomenclature or designation such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries. This does not include the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

#### **OCCUPIED BUILDING**

A permanent habitable structure that is occupied or in use and connected to water, sewer and electric utilities.

#### **OFFICIAL ZONING MAP**

See "Zoning Map".

#### **OFFICE, BUSINESS AND SALES**

A room, or group of rooms used for conducting the affairs of a general business establishment, including financial services or sales of real estate or other personal property, but not professional services. Examples of business services office uses include offices for retail and wholesale establishments, banking services, investment banking, stock brokerage, investment services, credit card services real estate sales, artwork, artifacts, or other specialized services.

#### **OFFICE, PROFESSIONAL SERVICES**

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, permanent cosmetic tattooing, and similar professions.

#### **OFF-PREMISE SIGN**

See "Sign, Off-premise".

#### **ON-SITE WASTEWATER SYSTEM**

An on-site system relying on natural processes and/or mechanical components to collect, treat, and disperse wastewater from a single dwelling or building.

#### **OPACITY**

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

#### **OPEN SPACE**

Space suitable for passive recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying

areas, marshland, environmentally-sensitive areas, required landscaping areas and some governmental facilities. Such space must be free of automobile traffic but parking is allowed, and be readily accessible to all those for whom it is required.

#### **OPEN SPACE, ACTIVE**

Space suitable for active forms of recreation, including athletic fields, playgrounds, swimming pools, courts, tracks, and similar uses that are well served by streets, parking facilities, spectator areas, restroom facilities, and exterior lighting where appropriate.

#### **OPEN SPACE, COMMON**

An open space area owned privately or in common for use by all members of the public.

#### **OPEN SPACE, PASSIVE**

Required open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains and pools, plazas, and similar areas. Such areas may also include undisturbed natural vegetation.

#### **OPEN SPACE, PRIVATE**

Space on each building lot that is for the private use of inhabitants.

#### **OPEN SPACE SET-ASIDE**

Portion of a proposed development required for reservation as permanent open space by Section 7.1 Open Space Set-Asides.

#### **ORDINANCE**

A document of regulations enforceable as municipal law.

#### **OTHERWISE PROTECTED AREA (OPA)**

See “Coastal Barrier Resources System” (CBRS).

#### **OUT-PARCEL**

A lot or pad site within a commercial area or shopping center that is zoned for commercial use and functions as a separate unit.

#### **OUTDOOR DISPLAY AND SALES**

The placement of products or materials (other than vehicles) for sale outside the entrance of a retail or wholesale sales establishment.

#### **OUTDOOR SHOOTING RANGE**

The commercial use of land for the discharging of firearms for the purpose of target practice, skeet and trap shooting, shooting competitions, or instructional classes. This does not include private ranges intended for personal non-commercial use or infrequent special events subject to a temporary use permit (see Section 2.4.11).

#### **OUTDOOR STORAGE**

An area for the storage of goods that have a large size, mass, or volume and are not easily moved or carried without the use of a mechanical lifting device. This includes but is not limited to items such as lumber, large stacks of outdoor furniture, mulch, fertilizer, equipment, and other similar uses.

#### **OUTDOOR TOUR OPERATOR**

A company or individual that arranges travel tours associated with outdoor recreation. This shall include, but is not limited to, guided or independent horse, bicycle, Segway, boat, or vehicle tours. For the purposes of this definition, the term vehicle includes any self-propelled device or structure used for transporting persons.

#### **OUTDOOR TOUR OPERATOR, AVIATION**

A company or individual that arranges aerial tours and instruction including hang gliding, paragliding, powered paragliding, powered parachutes, trikes, light sport aircraft, ultralights and general aviation aircraft. The aircraft may be powered or non-powered. Flights may be guided or independent.

#### **OUTER BANKS**

The portion of the county located on coastal barrier island.

#### **OVERLAY DISTRICT**

A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.

#### **OWNER**

The person firm or organization in whom is vested the ownership, dominion or title of property. The person firm or organization who is recognized and held responsible by the law as the owner of property.

#### **PARAPET**

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

#### **PARCEL**

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

#### **PARK, PUBLIC AND PRIVATE**

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

#### **PARKING DEMAND STUDY**

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

#### **PARKING BAY**

The parking module consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

#### **PARKING LOT**

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

#### **PARKING LOT DRIVE AISLE**

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

#### **PARKING SPACE, ACCESSIBLE**

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

#### **PARKING SPACE, OFF-STREET**

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

#### **PARKING STRUCTURE**

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

#### **PARKING, DEFERRED**

A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.

#### **PARKING, OFF-SITE**

An off-street parking area provided on a different parcel than the use it is intended to serve.

#### **PARKING, ON STREET**

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

#### **PARKING, SHARED**

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

#### **PARKING, TANDEM**

A parking space within a group of two or more parking spaces arranged one behind the other.

#### **PARTY WALL**

A wall separating and common to two or more buildings on individual lots that consists of noncombustible material as specified by the Virginia Uniform Statewide Building Code.

#### **PASSENGER TERMINAL, SURFACE TRANSPORTATION**

A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

#### **PATHWAYS, PEDESTRIAN**

Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

#### **PATIO**

An area, usually paved, adjoining a building - used as an area for outdoor lounging, dining, or gathering.

#### **PAWN SHOP**

An establishment engaged in loaning money upon deposit of personal property. Such uses also store personal property on site and sell goods at retail sale.

#### **PEDESTRIAN**

A person traveling on foot under their own locomotion.

#### **PEDESTRIAN CONNECTION**

A right-of-way intended for pedestrian movement/activity, including but not limited to, sidewalks, internal walkways, external and internal arcades, and plazas.

#### **PERFORMANCE GUARANTEE**

Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit or other development approval.

#### **PERMANENT COSMETIC TATTOOING**

An advanced form of cosmetic tattooing performed by a permanent cosmetic technician. Services provided include but are not limited to the following:

- (a) The diminishment of the appearance of scar tissue due to traumatic injury;
- (b) Enhancement of lip symmetry due to the cleft lip;
- (c) Restoration of the areola complex;
- (d) Restoration of the appearance of hair loss due to alopecia;
- (e) Vitiligo color restoration; and,
- (f) Permanent cosmetics.

Permanent cosmetic tattooing does not include services defined as body art.

#### **PERSON**

For the purposes of enforcing this Ordinance in accordance with Chapter 9: Enforcement, “person” includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Chapter 9: Enforcement, for violating this Ordinance shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

For all other purposes, “person” means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

#### **PERSONAL SERVICES ESTABLISHMENT**

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning, and personal care services; psychics and mediums; martial arts schools; dance or music classes.

#### **PERVIOUS SURFACE**

Any land surface not effectively covered by impervious surface, in which rainfall and stormwater runoff can naturally infiltrate.

#### **PILASTER**

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

#### **PLANNED DEVELOPMENT**

When used to describe a type of development, a tract of land that is planned and developed as an integral unit in accordance with a master plan and flexible development standards that illustrate and address land uses, circulation, utilities, parking, setbacks, housing densities, land coverage, landscaping and buffers, open space, and similar features of the project.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Planned Unit Development

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When used as a process, terms describe type of zoning district change procedure reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.5, Planned Development.

#### **PLANNED UNIT DEVELOPMENT**

A master-planned development under unified control that allows a variety of different use types and development configurations reviewed and approved by the county under previous versions of the unified development ordinance.

#### **PLANNED UNIT DEVELOPMENT OVERLAY**

The overlay zoning district used to designate areas where planned unit development is permitted.

#### **PLANNING BOARD**

The Currituck County Planning Board, established by ordinance in accordance with the North Carolina General Statutes.

#### **PLANTING SEASON**

The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.

#### **PLANTING STRIP**

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

#### **PLAYGROUND**

Land which is improved with active recreation equipment and areas such as swings, gym bars, and other similar equipment.

#### **PLAZA**

An open area which is available to the public for gathering, walking, seating, and eating.

#### **PORCH**

A covered projection (can be glazed or screened) from the main wall of a building, usually attached to or part of and with direct access to a building entrance, that is not used for livable space.

#### **PORTABLE SHIPPING CONTAINER**

A large container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

#### **PORTICO**

A large porch usually with a pediment usually associated with an entrance, supported by columns.

#### **POST-FIRM**

Construction or other development for which the “start of construction” occurred on or after November 1, 1984, the effective date of the initial Flood Insurance Rate Map

#### **PRE-FIRM**

Construction or other development for which the “start of construction” occurred before November 1, 1984, the effective date of the initial Flood Insurance Rate Map.

#### **PREMISES**

A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

#### **PRESENT USE VALUE**

A designation used by the Currituck County Property Appraiser to identify land which is being used for agricultural purposes.

#### **PRESERVATION AREA**

An open space set-aside approved as part of a preservation subdivision for the purpose of preserving riparian buffers, wetlands, plant and wildlife habitats of local significance, maritime forests, natural heritage areas, and wildlife corridors. Preservation areas are subject to the standards of Section 6.7 Preservation Subdivision.

#### **PRESERVATION SUBDIVISION**

The division of a tract of land into two or more lots, building sites, or other divisions that set asides open space for preservation and restoration of wildlife and the Corolla Wild Banker horse habitat, protection and preservation of natural features, and are created in accordance with Section 6.7 Preservation Subdivision.

#### **PRIMARY DRIVE AISLE**

The main aisle(s) that extends from the street right-of-way, or from the driveway entrance(s) serving a development along the front of the building it serves.

#### **PRIMARY ENTRANCE**

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

#### **PRIMARY FRONTAL DUNE**

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

#### **PRINCIPALLY ABOVE GROUND**

At least 51 percent of the actual cash value of the structure is above ground.

#### **PRODUCE STAND OR PRODUCE SALES**

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

#### **PROJECTING BAY**

A space projecting outward from the main walls of a building and forming a bay in a room, often incorporating a window.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Property Management Offices and Operations

#### **PROPERTY MANAGEMENT OFFICES AND OPERATIONS**

Uses primarily engaged in the supervision and administration of rental properties including, but not limited to, marketing, reservations, revenue management, guest satisfaction, cleaning and maintenance, and linen services.

#### **PROPERTY OWNERS ASSOCIATION**

See “Homeowners Association (HOA)”.

#### **PSYCHIATRIC TREATMENT FACILITY**

Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

#### **PUBLIC CONVENIENCE CENTER/TRANSFER STATION**

A publically-owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.

#### **PUBLIC HEARING, LEGISLATIVE**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official county business which require public participation and input.

#### **PUBLIC INFRASTRUCTURE**

Aspects of the public realm owned and maintained by the county, the state, or a utility regulated under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.

#### **PUBLIC ROAD**

Roads maintained by North Carolina Department of Transportation.

#### **PUBLIC SAFETY AND/OR NUISANCE**

For the purposes of Section 7.4, Flood Damage Prevention, 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.

#### **QUASI-JUDICIAL DECISION**

A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

#### **QUORUM**

The minimum number of board members that must be present in order to conduct official business or take official action.

#### **RAINWATER CISTERN**

A catchment device intended to capture rain water from a roof or other surface before it reaches the ground.

#### **RECOVERABLE MATERIALS**

Materials which the majority can be feasibly recycled, and has been diverted or removed from solid waste stream for sale, use, or reuse.

#### **RECREATIONAL VEHICLE**

A vehicle 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; designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel or seasonal use; fully licensed and ready for highway use; that does not exceed 8.5 feet in width in the transport mode; and of a size and weight that does not require a special highway movement permit when towed by a motorized vehicle. Recreational vehicles shall not have any permanent (hard) wiring, plumbing, or mechanical connections. The term “recreational vehicle” does not include a “manufactured home”.

#### **RECREATION, INDOOR**

A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

#### **RECREATION, OUTDOOR**

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, and drive-in theatres.

#### **RECREATION AREA**

Golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf), horseback riding, surfing, bicycling, boating, fishing picnicking, hiking, or rafting and where either the attraction or within 10 miles, all necessary equipment can be rented.

#### **RECYCLABLE MATERIALS**

Materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. Recyclable materials do not include residential or commercial solid waste, hazardous or toxic waste.

#### **RECYCLING CENTER, PROCESSING**

A facility used for the collection and processing of recyclable and recoverable materials. Processing means the preparation of materials for efficient shipment, or to an end-user’s specifications, by such means as briquetting, compacting, chipping, flattening, grinding, crushing, sorting, shredding, cleaning, and altering. A processing recycling center does not include salvage of junk yards.

#### **RECYCLING CENTER, TRANSFER**

A facility which recyclable or recoverable materials are collected, sorted, and prepared for transfer to another facility for processing. A transfer recycling center may not process by briquetting, compacting, chipping, flattening, grinding, crushing, shredding, cleaning, or altering the materials.

#### **REDEVELOPMENT**

Any proposed expansion, addition, reduction, or other alteration to an existing building, structure, or other constructed feature on a lot or site. Redevelopment also includes changes

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Reference Level

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in use to existing buildings, as well as modifications to site features such as parking, signage, landscaping, grading, stormwater management devices, or changes to outdoor storage.

#### **REFERENCE LEVEL**

The top of the lowest floor for structures within the special flood hazard area in the A and AE flood zones, and the bottom of the lowest horizontal structural member of the lowest floor of structures in the VE flood zone.

#### **REGISTERED ENGINEER**

A person who, by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, has acquired by engineering education and subsequently licensed as a professional engineer by the Board established in Chapter 89C of the North Carolina General Statutes.

#### **REGULATORY FLOOD PROTECTION ELEVATION (RFPE)**

The base flood elevation plus freeboard. In special flood hazard areas where base flood elevations have been determined, this elevation shall be the base flood elevation plus two feet of freeboard. In special flood hazard areas where no base flood elevation has been established, this elevation shall be at least two feet above the highest adjacent grade.

#### **RELIGIOUS INSTITUTION**

A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

#### **REMEDY A VIOLATION**

For the purposes of Section 7.4, Flood Damage Prevention, 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.

#### **REPAIR ESTABLISHMENT**

An establishment primarily engaged in the provision of repair services for TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment.

#### **RESEARCH AND DEVELOPMENT**

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

#### **RESTAURANT, WITH INDOOR AND OUTDOOR SEATING ONLY**

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such a facility may include indoor and outdoor seating, but no drive-through service.

#### **RETAIL SALES ESTABLISHMENT**

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos.

#### **REWILD**

A comprehensive conservation effort focused on preserving and or restoring ecosystem health by reestablishing areas intended to act as a wildlife corridor and to remain in a predominately natural state.

#### **RIGHT OF WAY**

An area of land not on a lot (or part of a minimum lot area) that is dedicated for public or private use to accommodate a transportation system and necessary public or private utility infrastructure (including but not limited to roads, water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an easement. For a subdivision subject to county review, the area of land shall be owned fee-simple and of a sufficient width to meet the requirements of this Ordinance.

#### **RIVERINE**

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

#### **ROADSIDE MARKET**

A retail establishment located beside a major arterial or collector street engaged in the retail sale or resale of agricultural products and seafood by one or more vendor.

#### **ROOF, FLAT**

A roof with a slope of less than one foot of vertical rise for every four feet of horizontal run (3:12).

#### **ROOFLINE**

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys or other minor projection.

#### **ROOMING HOUSE OR BOARDING HOUSE**

Any building or portion thereof for providing lodging, either with meals (boarding house) or without meals (rooming house), to not more than five guests, where rent is paid to the owner or proprietor.

#### **ROOT ZONE**

The area inside the dripline of a tree that contains its roots.

#### **SALVAGE YARD**

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

For the purposes of section 7.4, Flood Damage Prevention, 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.

#### **SAND DUNES**

A naturally occurring accumulations of sand in ridges or mounds landward of the beach.

#### **SATELLITE DISH ANTENNA**

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals. Satellite dishes with a diameter up to 39 inches are considered as “small” satellite antenna dishes, while any such use with a diameter of more than 39 inches is considered as a “large” satellite dish antenna.

#### **SCHOOL**

A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

#### **SEASONAL HIGH WATER TABLE**

The upper limit at which soil is saturated with water for periods long enough for anaerobic conditions to affect soil chemical properties and color or the highest level that groundwater, at atmospheric pressure, reaches in the soil in most years, but not necessarily the level to which it rises in response to severe storm events.

#### **SEASONAL CAMPSITE**

A campsite designated for use by a campground guest for a period exceeding thirty consecutive days.

#### **SEASONAL SALES**

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

#### **SECURITY TRAINING FACILITY**

A facility located on at least 3,500 contiguous acres which provides the following services; explosives training, driver training (including vehicle maintenance facility to support driver training activities), training operations utilizing fixed and rotary wing aircraft (including parachute operations and training, airstrip and supporting aviation structures, and parachute landing zones), towers that are 100' tall or less that are used in connection with security training, dining facilities, commercial retail and lodging areas, and office, clerical, research and services related to security training operations and services.

#### **SELF-SERVICE STORAGE**

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Also called “mini-warehouse.”

#### **SENIOR CENTER**

A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned, but are not operated for a profit.

#### **SHEAR WALL**

Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

#### **SHED**

A structure intended for storage of equipment and materials that are incidental to the care and maintenance of the land and features of the parcel on which the shed is located. A shed shall not be used as a dwelling.

#### **SHOPPING CENTER**

One or more commercial buildings with 5,000 or more square feet of area that is divided into four or more individual tenant spaces that are planned, constructed, and managed as a single entity with common parking, access, loading, stormwater, landscaping, and open space facilities.

#### **SHORT TERM CAMPSITE**

A campsite designated for use by a campground guest for a period of less than thirty days.

#### **SHRUB**

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

#### **SIGHT TRIANGLE**

A triangular shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. The site triangle is 10 feet x 70 feet where public road rights-of-way intersect and, 20 feet x 20 feet where driveways intersect with road rights-of-way.

#### **SIGN**

Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision two of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them.

#### **SIGN AREA**

The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

#### **SIGN PERMIT**

A type of permit approval related to signage reviewed and approved or denied by the Director in accordance with Section 2.4.10, Sign Permit.

#### **SIGN, AWNING**

Any message printed on an awning.

#### **SIGN, BANNER**

A sign constructed of plastic or fabric of any kind that is attached to supports, a framework, or a flat surface.

#### **SIGN, DEVELOPMENT ENTRANCE**

A freestanding sign located at the entrance of a designated residential community.

#### **SIGN, FLAG OR FEATHERFLAG**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

#### **SIGN, FREESTANDING**

A permanent sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.

#### **SIGN, INFLATABLE**

Any display capable of being expanded by air or other gas and used on a permanent or temporary basis.

#### **SIGN, INSTITUTIONAL**

A freestanding sign located on property that contains a use classified as an Institutional Use in Table 4.1.1.A.

#### **SIGN, MENU BOARD**

A freestanding or wall sign that lists the foods or other products available at facilities with approved drive through lanes.

#### **SIGN, MESSAGE BOARD**

A message board, reader board, or electronically controlled message sign providing a means of altering outgoing information on a sign not associated with a drive through lane.

#### **SIGN, MOBILE MARQUEE**

Any sign mounted on wheels or built with axles to which wheels may be attached. A sign attached to a motor vehicle shall not be considered a mobile sign.

#### **SIGN, NONCONFORMING**

Any sign that does not meet one or more of the requirements of this Ordinance as of the effective date of this Ordinance.

#### **SIGN, OFF PREMISE**

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premises signs may exist or otherwise be subject to the requirements of this article. Billboards are examples of off-premises signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County government or their public agencies.

#### **SIGN, OFF PREMISE DIRECTIONAL**

An off-premise sign that displays the name of a business, institution, or other location or activity and the direction in which it is located.

#### **SIGN, ON PREMISE**

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premises signs may exist or otherwise be subject to the requirements of this article regarding such signs. Ground signs and directional signs are examples of on-premises signs.

#### **SIGN, PENNANT OR STREAMER**

Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, or supported by a pole usually in series designed to move in the wind.

#### **SIGN, ROADSIDE MARKET**

A temporary sign located on property of approved roadside markets.

#### **SIGN, ROOF**

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

#### **SIGN, SANDWICH BOARD**

A temporary sign consisting of two sign faces placed together at an angle of ninety (90) degrees or less to form an “A” shape which tapers from a wide base to a narrow top.

#### **SIGN, SUSPENDED**

A sign hanging down from a marquee, awning, or porch that would exist without the sign.

#### **SIGN, TEMPORARY**

A sign not permanently mounted to a building or into the ground. To be deemed permanently mounted, a sign must be (a) attached or secured by bolting, welding, molding, nailing, concrete or similar mechanisms; and (b) made of materials enabling the sign to maintain its structural integrity and the clarity of its graphics through the passage of time and weather.

#### **SIGN, WALL**

A sign fastened to a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Railing, suspended and awning signs are also included in this definition.

#### **SIGN, WINDOW**

Any sign attached to the window glass of a commercial building.

#### **SILVICULTURE**

The farming of trees in accordance with the State of North Carolina Forestry Commission requirements.

#### **SITE LANDSCAPING**

Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.(see Section 5.2, Landscaping Standards).

#### **SITE PLAN, MAJOR**

A type of site approval reviewed and approved or denied by the Technical Review Committee, in accordance with Section 2.4.7.D, Major Site Plan Review Procedure.

#### **SITE PLAN, MINOR**

A type of site approval reviewed and approved or denied by the Director, in accordance with Section 2.4.7.E, Minor Site Plan Review Procedure.

#### **SITE-SPECIFIC SITE PLAN (VESTING PLAN)**

A diagram to scale showing the development plans for a project and containing all information required of a commercial site plan, special use permit, or preliminary plat.

#### **SOIL PERMEABILITY OR SOIL INFILTRATION RATE**

The measure of the rate at which soil is able to absorb rainfall or irrigation, typically measured in inches per hour or millimeters per hour.

#### **SOIL VOIDS**

The measure of the proportion of empty spaces available to store water within the soil profile, expressed as a fraction of the volume of voids over the total volume, between 0–1, or as a percentage between 0–100 percent.

#### **SOLAR ARRAY**

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

#### **SOLAR ENERGY EQUIPMENT**

A system designed to convert solar radiation into usable energy for space, water heating, or other uses.

#### **SOLAR ENERGY FACILITY (SEF)**

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

#### **SOLID WASTE DISPOSAL FACILITY**

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

#### **SOLID WASTE DISPOSAL SITE**

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method, as defined in NCGS 130A-290 (a)(36).

#### **SPECIALTY EATING ESTABLISHMENT**

Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

#### **SPECIAL EVENT**

A planned, temporary activity required subject to review and approval of a temporary use permit by the county.

#### **SPECIAL FLOOD HAZARD AREA**

The land in the floodplain (including the floodway and the non-encroachment area) subject to a one percent or greater chance of flooding in any given year.

#### **SPECIAL USE PERMIT**

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards; reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.6, Special Use Permit. A special use permit includes any valid conditional use permit, use permit or special use permit issued by the county. A special use permit is a quasi-judicial decision made through an evidentiary hearing.

#### **STABLE**

A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of horses and an instructor engaged for the purpose of educating and training students in equitation.

#### **STADIUM**

See “Arena”.

#### **START OF CONSTRUCTION**

For the purposes of Section 7.4, Flood Damage Prevention, 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.

#### **STATE**

The state of North Carolina.

#### **STOCKYARD/SLAUGHTERHOUSE**

A site where livestock is stored and butchered for food.

#### **STORMWATER MANAGEMENT MANUAL**

The Stormwater Management Manual for Currituck County adopted by the Board of Commissioners.

#### **STREET STUB**

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

#### **STREET TREE**

A canopy tree planted or existing within or along either side of a street right-of-way.

#### **STREET, ALLEY**

Any strip of land publicly or privately owned, less than 16 feet in width between lot lines, set aside for vehicular right-of-way to adjoining lots.

#### **STREET, ARTERIAL ACCESS**

A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.

#### **STREET, COLLECTOR**

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.

#### **STREET, CONNECTING**

A street which serves as the connecting road system between roads within a subdivision and the thoroughfare system.

#### **STREET, CUL-DE-SAC**

A local street that terminates in a vehicular turnaround.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Street, Dead-End

#### **STREET, DEAD-END**

These are streets less than 2,500 feet in length, open at one end only without special provisions for turning around (i.e. cul-de-sac, T-intersection) and have no collector characteristics.

#### **STREET, LOCAL**

A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.

#### **STREET, LOOP**

A street that has its beginning and points on the same road.

#### **STREET, MAJOR ARTERIAL**

A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

#### **STREET, PRIVATE**

A street other than a public street.

#### **STREET, PRIVATE ACCESS**

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

#### **STREET, PUBLIC**

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

#### **STREET, RESIDENTIAL COLLECTOR**

A street which serves as a connecting street between local residential roads and the thoroughfare systems. Types of residential collector streets include: dead-end streets, connecting streets, loop streets, and subdivision access streets.

#### **STREET, SUBDIVISION ACCESS**

A road built through vacant property to provide access to the property being developed. This road would not have existing lots platted along it.

#### **STRUCTURE**

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

For the purpose of section 7.4, Flood Damage Prevention, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

#### **SUBDIVIDER**

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

#### **SUBDIVISION, FAMILY**

A subdivision where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., child, grandchild).

#### **SUBDIVISION FINAL PLAT**

A type of subdivision approval reviewed and approved or denied by the Director in accordance with Section 2.4.8.E.4, Final Plat.

#### **SUBDIVISION, MAJOR**

A subdivision that includes public or private streets, creates six or more lots, or both, and is subject to the improvement standards in this Ordinance.

#### **SUBDIVISION, MINOR**

The division of land into three or fewer lots that does not constitute a no review subdivision, and does not require significant infrastructure improvement. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

#### **SUBDIVISION, NO-REVIEW**

A subdivision of land that involves:

- a. Creation of lots that are ten acres or more in size each;
- b. A single parcel of two acres or smaller in size into three or fewer lots, with no public or private streets;
- c. Public acquisition of land for right-of-way; or
- d. Shifting or recombination of lot lines where no new lots are created.

#### **SUBDIVISION, PRELIMINARY PLAT, TYPE I**

A type of subdivision approval reviewed and approved or denied by the Technical Review Committee in accordance with Section 2.4.8.E.2.

#### **SUBDIVISION PRELIMINARY PLAT, TYPE II**

A type of subdivision approval reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.8.E.3, and Section 2.4.6, Special Use Permit.

#### **SUBSTANTIAL DAMAGE**

For the purposes of Section 7.4, Flood Damage Prevention, damage of any origin sustained by a structure during any five-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two 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 percent of the market value of the structure before the damage occurred.

#### **SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required bringing the structure into compliance with existing state or county health, sanitary, safety, or building Ordinance specifications necessary to ensure safe habitation of the structure.

For the purposes of Section 7.4, Flood Damage Prevention, any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year period for which the cost equals or exceeds 50 percent 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:

- (a) 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
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

### **SUSTAINABLE DEVELOPMENT**

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

### **SUSTAINABLE DEVELOPMENT PRACTICES**

One or more development features voluntarily provided by an applicant or developer as a means of promoting sustainable development and/or taking advantage of available sustainable development practice incentives.

### **SWALE**

A depression in the land that collects stormwater runoff and conveys it to another location.

### **SWIMMING POOL**

An above- or below-ground structure that is filled with water and used for swimming.

### **TAP ROOM/TASTING ROOM**

A room ancillary to an artisan food and beverage producer that is used for sampling by the public of products produced on site.

### **TATTOO PARLOR**

An establishment whose principle business activity is the practice of producing body art including but not limited to the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

### **TAXICAB SERVICE**

Transport by vehicle (ex. taxi, limousine) for a single passenger or small group of passengers between locations of their choice.

### **TECHNICAL BULLETIN AND TECHNICAL FACT SHEET**

A Federal Emergency Management Agency publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the US Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for the use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations: rather they provide specific guidance for complying with the minimum requirements of existing NIFP regulations.

#### **TECHNICAL REVIEW COMMITTEE**

A group of county staff and governmental agencies who review and approve site plans, sketch plans, and construction drawings for subdivisions.

#### **TELECOMMUNICATIONS ANTENNA, COLLOCATION ON EXISTING TOWER OR BUILDING**

Collocation is a situation in which two or more different wireless communication service providers place wireless communication antenna(s) and/or other wireless communications equipment on a common antenna-supporting structure (tower, or other stationary device) or building.

#### **TELECOMMUNICATIONS TOWER, FREESTANDING**

A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

#### **TEMPERATURE CONTROLLED**

For the purposes of Section 7.4 Flood Damage Prevention, the temperature regulated by a heating and/or cooling system, built-in, or appliance.

#### **TEMPORARY CONSTRUCTION OR SALES OFFICE**

A temporary mobile unit located at a development site for to be used for construction or sales purposes.

#### **TEMPORARY USE PERMIT**

A permit authorizing the operation of a temporary use or special event approved, approved with conditions, or denied by the Director in accordance with Section 2.4.11, Temporary Use Permit.

#### **TENNIS COURT**

A court, paved or covered by grass, dedicated to the playing of tennis. Such facilities may be indoors out outdoors, and may include tall fences, exterior lighting, or bleachers for spectators.

#### **TENT**

Any temporary shelter, canopy or enclosure of canvas, fabric, plastic film or other stretch material supported and sustained by a pole(s) and/or guy line(s).

#### **TERITARY TREATMENT**

Advanced cleaning of wastewater that goes beyond the secondary or biological stage, removing nutrients such as phosphorus, nitrogen, and most biochemical oxygen demand and suspended solids.

#### **TEXT AMENDMENT**

An amendment to the language of this Ordinance approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.2, Text Amendment.

#### **THEATER**

A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment.

#### **TRACT**

A unit of land typically subdivided into a series of smaller lots.

#### **TRAVEL TRAILER**

See “Recreational Vehicle”.

#### **TREE PROTECTION ZONE**

An area that extends around the roots and driplines of Heritage trees and existing trees on a site that are intended for preservation during and after construction.

#### **TREE, HERITAGE**

An existing Live Oak tree of eight inches or more in diameter at breast height, and any other existing tree (except those specified in Section 7.2.3, Heritage Trees Defined) with a diameter at breast height of 18 inches or more.

#### **TRUCK OR FREIGHT TERMINAL**

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

#### **TURNING RADIUS**

The arc of a public or private street where it intersects with another street.

#### **UNIFIED DEVELOPMENT ORDINANCE**

This Ordinance, (also known as the Currituck County Unified Development Ordinance) the officially adopted zoning ordinance of the County of Currituck, North Carolina.

#### **UNDERSTORY TREE**

A tree that has an expected height at maturity of no greater than 30 feet.

#### **UNIVERSITY**

See “College or University”.

#### **USE**

The purpose for which land or a structure is arranged, designed or intended, or for which either land or a structure is or may be occupied or maintained.

#### **UTILITY, MAJOR**

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

#### **UTILITY, MINOR**

Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

#### **VALET PARKING**

The provision of parking for vehicles whereby vehicles are parked and un-parked in a parking area, parking lot or any parking structure by a person other than the owner or operator of the vehicle.

#### **VARIANCE**

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.14, Variance. A variance is a quasi-judicial decision made through an evidentiary hearing.

For the purpose of Flood Damage Prevention, a grant of relief from the requirements of this ordinance.

#### **VEGETATION, NATIVE**

Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

#### **VEHICULAR USE AREA**

Areas used for the parking and circulation of automobiles, trucks, and motorcycles.

#### **VEHICULAR USE AREA LANDSCAPING, PERIMETER**

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

#### **VESTED RIGHT**

The right to undertake and complete a development or use of property under the terms and conditions of an approved site-specific development plan currently in effect or as otherwise allowed by law.

#### **VESTIBULE**

A passage, hall, or room between the outer door and the interior of a building, also known as a lobby.

#### **VETERINARY CLINIC**

A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

#### **VIOLATION**

For the purposes of Section 7.4, Flood Damage Prevention, 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.

#### **VOCATIONAL OR TRADE SCHOOL**

A specialized instructional school operating for or not for profit that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair.

#### **WALL PACK**

An exterior lighting device that is flush-mounted on a vertical wall surface.

#### **WALL, PARAPET**

A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.

#### **WAREHOUSE (DISTRIBUTION)**

A use engaged in distribution of manufactured products, supplies, and equipment.

#### **WAREHOUSE (STORAGE)**

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

#### **WASTE COMPOSTING**

Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.

#### **WATER SURFACE ELEVATION (WSE)**

The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **WATERCOURSE**

A lake, river, creek, stream, wash, channel 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.

#### **WATERWAY CONVEYANCE SYSTEM**

A natural or man-made drainage channel, structure, or feature designed, intended, or used to collect and convey stormwater runoff.

#### **WETLANDS**

Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas. There are three types of wetlands;

- a. CAMA Wetlands - Those areas of land, marsh, or swamp which are frequently saturated or covered with water, subject to tidal action, and designated by various state agencies as CAMA Wetlands.
- b. 404 Wetlands - Wetlands regulated under Section 404 of the federal Clean Water Act. These wetlands may be filled with Army Corps of Engineers approval.
- c. Isolated/non-404 Wetlands – Wetlands regulated under the North Carolina administrative code. These wetlands may be filled with N.C. Division of Water Quality (DWQ) approval.

#### **WHOLESALE SALES ESTABLISHMENT**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

#### **WILD HORSE ADVISORY BOARD**

An advisory board established by the Currituck County Board of Commissioners charged with the duty of providing guidelines and general managing objectives for the Corolla Wild Banker horses.

#### **WIND ENERGY FACILITY, LARGE**

A wind energy facility that incorporates a wind turbine tower in excess of 120 feet in height, or more than one wind turbine tower, that generates a total of more than 100 kilowatt hours of electricity per year.

#### **WIND ENERGY FACILITY, SMALL**

A wind energy facility, constructed as an accessory uses, that includes a single wind tower turbine with a height of less than 120 feet, that generates less than 100 kilowatt hours of electricity per year.

#### **WINERY**

A building or property at which wine is produced, and which may include a tasting room.

#### **WING WALL**

Shorter walls that extend outwards from the front façade of a building used to divide the structure into different visual compartments, control pedestrian movement along the structure, or retain slopes.

#### **YIELD PLAN**

The maximum number of lots that may be created from single or recombined parcels based on the underlying zoning district(s) and after all CAMA Wetlands, Adjacent 404 Wetlands and all streets (ten percent or more of the total tract) have been removed.

#### **YOUTH CLUB FACILITY**

A boys' club, a girls' club, or any other non-profit facility that is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors.

#### **ZONING COMPLIANCE PERMIT**

A permit reviewed and approved, approved with conditions, or denied by the Director in accordance with Section 2.4.9, Zoning Compliance Permit.

#### **ZONING DISTRICT**

A geographic area of land designated on the Official Zoning Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

#### **ZONING MAP**

The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

#### **ZONING ORDINANCE**

See "Unified Development Ordinance".

#### **ZOOLOGICAL/BOTANICAL PARK OR FARM**

A facility in which living animals or plants are kept and exhibited to the public.