

ARTICLE 3

Definitions

[Amended Sep. 21, 2015 per Ord. 2015-O-20, ZTA-2015-02]

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[Amended Nov. 21, 2017 per Ord 2017-O-18, ZTA-2017-03]

[Amended Feb. 20, 2018 per Ord 2018-O-02, ZTA-2018-01]

Word Usage

For the purpose of this Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

- A. The present tense includes the past and future tenses and the future tense includes the present, unless stated otherwise.
- B. The singular number includes the plural number and vice-versa.
- C. The word "shall" is mandatory. The word "may" is permissive.
- D. The word "building" includes the word "structure".
- E. The word "person" or "applicant" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- F. Any term not herein defined shall be as defined elsewhere in the Creedmoor Development Ordinance, as defined in Webster's New International Dictionary, most recent edition, unless the result does not effectuate the intent of the governing bodies, leads to absurd or illogical results, or is inconsistent with the surrounding textual context.
- G. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or table, the text shall control.

Words and terms defined for the purpose of use in this Ordinance appear in italics from time to time to assist with identifying such words and terms with special definitions. Italic fonts are for convenience and do not limit the application of the definition.

ABANDONED. Not occupied or in use for 60 or more consecutive days.

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

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

ACCESSORY USE. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

ACTIVE RECREATIONAL ELEMENTS. Parks, playgrounds, *athletic fields*, basketball or tennis courts, swimming pools, clubhouses, covered decks or pavilions, constructed picnic facilities.

ADAPTIVE REUSE. The conversion of an existing building built for one use to another use, typically to address some aspect of physical or functional obsolescence.

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure.

ADULT ESTABLISHMENT. The definition of "*adult establishment*" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. *Adult establishments* include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment business and massage businesses as those terms are defined by G.S.14.202.10, and adult motels and

adult cabarets.

"Adult motel" is defined as a hotel, motel or similar commercial establishment that:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or
- B. Offers a sleeping room for rent for a period of time that is less than ten hours; or
- C. Allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

"Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

- A. Persons who appear nude or semi-nude, or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, stock watering, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary *accessory uses* for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm. Agriculture does include forest management and timber harvesting activities, provided a management plan for that activity has been prepared by a Professional Forester registered in the State of North Carolina. See definition of Forest Land.

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

ALLOCATION. Approval to use a certain amount of water and/or wastewater capacity. Allocations are fulfilled by SGWASA with the concurrence of the City.

ALONG DRAINAGE. The area parallel to and within fifty (50) feet of the drainage channel.

ALTERATION. Any change, addition, relocation, replacement, or other physical modification to a sign or sign structure other than routine maintenance or change of copy not requiring the replacement of any part of the sign face.

ANIMAL UNIT. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

APPEAL, ZONING. A request for a review of the *Planning, Zoning and Subdivision Administrator's* interpretation of any provision of this land development ordinance.

APPRAISED VALUE. The value assigned to a structure by the Granville County Tax Assessor or by an MAI-certified real estate appraiser.

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 (1) to three (3) 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)". (This definition applies to flood hazard regulations.)

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

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

softball, soccer, football).

AUTO WRECKING. An activity that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

AUTOMOBILE REPAIR SERVICES, MAJOR. An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair of exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

AUTOMOTIVE REPAIR SERVICES, MINOR. An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air conditioners, brakes, carburetors, electrical systems, fuel systems, generators and starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

AWNING. A cloth, plastic, or other nonstructural covering permanently attached to a building that may be raised or retracted to a position against the building when not in use.

BALLOON, ACCENT. A small balloon (or group of small balloons) displayed at heights of less than eight feet.

BALLOON, TETHERED. A large balloon (or group of balloons of any size) intended for commercial promotion and tethered at a business location.

BAR. An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain a ABC license for on-premise beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premise consumption.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)

BASE FLOOD ELEVATION (BFE). The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed. The determination of the water surface elevations of the base flood is 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 approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation."

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

BED-AND-BREAKFAST INN. A private residence that offers bed and breakfast accommodations to lodgers for a period of less than one week, and that:

- A. Does not serve food or drink to the general public for pay;
- B. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- C. Includes the price of breakfast in the room rate; and
- D. Is the permanent residence of the owner or the manager of the business.

BERM, EROSION CONTROL. A mound of material and/or ditch the purpose of which is to divert the flow of run-off water.

BEST MANAGEMENT PRACTICES (BMP). Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of surface water bodies and wetlands; and (c) properly manage use and storage of fertilizers/pesticides. May use a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

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

BLOCKFACE. That portion of a block or tract of land facing the same side of a single street and lying between the closest

intersecting streets.

BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the City Board of Commissioners, to perform duties consistent with NCGS§ 160A-388.

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

BOOKSTORE, ADULT. A bookstore: 1) which receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or 2) having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

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

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

BREW PUB. A restaurant that prepares handcrafted natural beer as an *accessory use* intended for consumption on the premises.

BUFFER. An area of land planted or constructed to separate uses. Also, an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured from the normal pool elevation of impounded structures and from the top of bank of each side of streams or river.

BUFFER EASEMENT. An easement intended to permanently maintain an area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the 25% percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

BUILDABLE OR ZONING LOT. One or more lots of record with sufficient total area, sufficient area exclusive of easement, flood hazards, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and planting yards.

BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes. Also see *STRUCTURE*.

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

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

BUILD TO LINE. An alignment establishing a specific distance from the curb line to where the principal structure shall be built.

BUILT-UPON AREA. That portion of a development project that is covered by impervious or partially impervious cover including buildings, walkways, pavement, crushed aggregate material (for pedestrian or vehicular use), recreation facilities (e.g., tennis courts), etc. Wooden slatted decks and the water area of a swimming pool are not considered Built-Upon Area.

BYPASS. See definition of Highway.

CALIPER INCHES. Quantity in inches of the diameter of trees measured at the height of six (6) inches above the ground

for trees four (4) inches in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

CANOPY. A permanent, unattached roofed structure that shelters a use or activity from the weather.

CERTIFICATE OF COMPLIANCE/OCCUPANCY. A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

CHANNEL LETTERING. A sign design technique involving the installation of three-dimensional lettering against a background, typically a sign face or building façade.



Example of Channel Lettering

CHANNELIZATION. Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainage-way or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.

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

CHICANE. An artificial feature creating extra turns in a roadway, used on City streets to slow the speed of traffic, by creating a horizontal deflection causing vehicles to slow as they would for a curve.

CLUSTER DEVELOPMENT. A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or preservation of environmentally-sensitive land areas. Buildings are grouped together in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family subdivisions and multi-family developments that may or may not involve the subdivision of land.

COLLECTOR STREET PLAN. A plan, adopted by the local governing body, for streets not shown on the Thoroughfare Plan and showing collector and, if appropriate, lower classification streets in the planning area.

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

COMMON OPEN SPACE. Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed of restriction.

COMPLETED. Work has progressed to the point that, in the opinion of the Planning, Zoning and Subdivision Administrator, it is sufficiently completed in accordance with all aspects of the approved plans and specifications, and that the work can be utilized for its intended purposes.

COMPOSTING FACILITY. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited.

CONDOMINIUM. Real Estate that is developed pursuant to the North Carolina Condominium Act, North Carolina General Statute Chapter 47C.

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

CONSERVATION EASEMENT. A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

CONSERVATION SUBDIVISION. A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.

CONSISTENCY STATEMENT. Required under NCGS§ 160-383, the term describes both a statement prepared by the Planning Board and a separate resolution adopted by the City Board of Commissioners describing how action being taken by the governing board is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable to the subject. (The Planning Board's statement advises and comments on plan consistency as well as any commentary deemed appropriate.) The Board of Commissioners' statement, adopted separately during the meeting where the ordinance is amended is required to address plan consistency as well as briefly explain why the Board considers the action taken to be both reasonable and in the public interest.

COTTAGE DEVELOPMENT. A cluster of small detached single family residences constructed to specific design standards and arranged around common open space, generally at higher density than the underlying zoning would allow for traditional detached single family residential development.

COTTAGE HOME. A small detached single family residence constructed to specific design standards and arranged around common open space as part of a cottage development.

COUNTY. Refers to Granville County, North Carolina.

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

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown drip-line.

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

CURB BULB. An extension of the curb into the street, beyond the standard edge of the curb, which narrows the width of the roadway and is used to slow the speed of traffic on City streets. The curb bulb may be used for landscaping, pedestrian crosswalk, or for a combination of uses. Sometimes referred to as a "bulb out."

DAY CARE CENTER. A facility licensed by the State of North Carolina for the care of children or adults for periods of less than 24 hours per day.

DENSITY CREDIT. An increase in the density allowed under a zoning district. The rules governing the issuance of density bonuses vary by zoning district.

DETENTION POND. A wet or dry stormwater holding area, either natural or manmade, which filters and releases stormwater to nearby or adjoining water bodies in a gradual fashion. Also see definition of Best Management Practices.

DEVELOPER. A person engaging in development.

DEVELOPMENT. Any land-disturbing activity that increases or changes the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil.

DEVELOPMENT. (This definition applies to the Watershed Standards in Article 19). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DEVELOPMENT AGREEMENT. An agreement between the City of Creedmoor and a developer pursuant to NCGS §160A.400.22 for a development with a reasonable build-out period specified in an ordinance reviewed and approved by the City Board of Commissioners. [Amended Jan. 19, 2016 per Ord. 2016-O-01, ZTA-2015-05]

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

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

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 ground-waters.

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

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

DIVERTER. A constructed feature designed to prevent left turns or through movements into a residential area, used as method to calm traffic on City streets.

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

DRAINAGE, DISPERSED. Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

DRAINAGE, ENHANCED. Drainage carried by existing natural drainage-ways which have been enhanced to resist soil erosion and stream bank degradation. An enhanced natural drainage-way is achieved with the installation of an engineered measure (i.e., netting, riprap) which will resist soil erosion and allow infiltration within the natural drainage-way.

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

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

DRAINAGEWAY, IMPROVED. Drainage channeled by impervious surfaces such as curb and gutter or concrete channels.

DRAINAGEWAY, PROTECTED. Drainage channeled by pervious devices such as sod waterways, berms, channels, or swales which have been stabilized with vegetation, rip-rap, or a combination of these, to resist soil erosion.

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

DRY DETENTION BASIN. A temporary storage basin for incoming stormwater that traps suspended pollutants, and reduces peak discharge from a site. Sometimes referred to as a dry pond or wet weather pond, these basins are typically dry between storm events and are primarily used to attenuate and delay stormwater runoff peaks.

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

DUPLEX. A structure having two (2) dwellings units within a single structure.

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

EASEMENT. A grant of one or more of the property rights, such as right of access, by the property owner to, or for use by the public, a corporation, or other entity. Storage of debris including, but not limited to, yard waste on public easements shall be unlawful and shall be handled in the same manner as nuisance violations.

ELECTRONIC GAMING OPERATION. Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or 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, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

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

ENCROACHMENT. The advance or infringement of uses, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to flood hazard regulations.)

ENFORCEMENT, COMPLAINT-BASED. Enforcement action initiated on the basis of information provided by a third-party complainant.

ENFORCEMENT OFFICER. The City *Planning, Zoning and Subdivision Administrator* or his/her designee.

ENFORCEMENT, PROACTIVE. Enforcement action initiated at the discretion of the *Planning, Zoning and Subdivision Administrator* independent of any third-party complaint.

EQUESTRIAN USE. Paddocks, fields, stables, barns, riding ring, and other facilities provided for use by or for horses.

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

EROSION, ACCELERATED. Any increase over the rate of natural (i.e. undisturbed by human intervention) erosion as a result of land-disturbing activities.

EXISTING DEVELOPMENT. Those projects, other than that associated with agricultural or forest management activities that meet at least one (1) of the following criteria:

- A. Projects that are either built, or have established a vested right based on statutory or common law as interpreted by the courts as of July 12, 2012 (for projects that do not require a state permit); or

- B. Projects having an approved site specific or phased development plan in compliance with NCGS§ 160A-385.1 Regulations. (This definition applies only with respect to watershed protection regulations found in Article 19 of this Ordinance.)

EXISTING LOT (LOT OF RECORD). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance or a lot described by metes and bounds, the description of which has been so recorded prior to December 31, 1999.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of this Ordinance.

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

FAMILY CARE HOME. A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to NCGS §168.21.

FEDERAL LAW REFERENCE. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permits (applies to watershed standards only).

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

FIXTURE, FULL CUT-OFF. An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

FIXTURE, PARTIAL CUT-OFF. An outdoor light fixture shielded in such a manner that more than zero (0) but less than ten (10) percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane, as determined by photometric test or certified by the manufacturer.

FLOOD AND FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

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 zoning ordinances, subdivision regulations, building codes, health regulations, special purposed ordinances, and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOOD INSURANCE RATE MAP (FIRM). An official map of the City of Creedmoor and its ETJ, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the City of Creedmoor and its ETJ.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

FLOOD PLAIN. The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake, or other body of standing water, which has been or may be covered by flood water and which is susceptible to being inundated by water from any source.

FLOOD PRONE AREA. See "FLOOD PLAIN."

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.

FLOODWAY FRINGE. The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined in these Definitions.

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

FLOOD ZONE. 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.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet. Additionally, gross floor area includes areas covered by canopies and like structures under which an active use is occurring such as drive-through service, gasoline pumping, loading and/or storage of materials, and similar activities.

FLOOR. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FOREST LAND. Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit must be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(3), and each tract must be under a sound management program.

FREEBOARD. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation."

FULLY SHIELDED LIGHTING FIXTURE. A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to 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. This definition applies only to the Flood Damage Prevention standards.

GATED COMMUNITY. A subdivision, neighborhood, or residential development to which entry is restricted to residents and their guests. Often includes barriers such as gates, security personnel, fences and/or walls.

GIFT SHOP. A retail space which has the primary purpose of selling souvenirs and small items suitable to be given as presents.

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

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

GRADING PLAN. The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

GRANDFATHERED. Not affected by a change in this Ordinance absent physical modification or abandonment. Buildings, land uses, and lots or parcels of property that do not meet the standards of this Ordinance but existed prior to the effective date of this Ordinance, and complied with prior ordinances, regulations, and or standards, shall not be affected by this ordinance absent physical modification or abandonment.

GRAND OPENING. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 60 calendar days after initial occupancy, to inform the public of their location and services available to the community.

GREENWAY. A linear open space along either a natural corridor such as a riverfront, stream valley or ridge line, or along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route managed for public use that has been designated on an officially adopted greenway plan. Greenways typically link parks, nature preserves, cultural features or historic sites with each other and/or with neighborhoods, schools, and commercial districts.

GROUP CARE FACILITY. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment.

HAZARDOUS MATERIAL. Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS §130A.290 (18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94.476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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

HAZARDOUS WASTE MANAGEMENT FACILITY. As defined in NCGS §130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HAZARDOUS WASTE TREATMENT FACILITY. A facility established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which includes several of the following equipment or processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities including settling systems, aerobic digester, anaerobic digester, clarifiers, neutralization facilities, solidifying facilities,

evaporators, reactions to facilitate recycling, analytical capabilities, and other similar technologies, and processes as may now exist or be developed in the future.

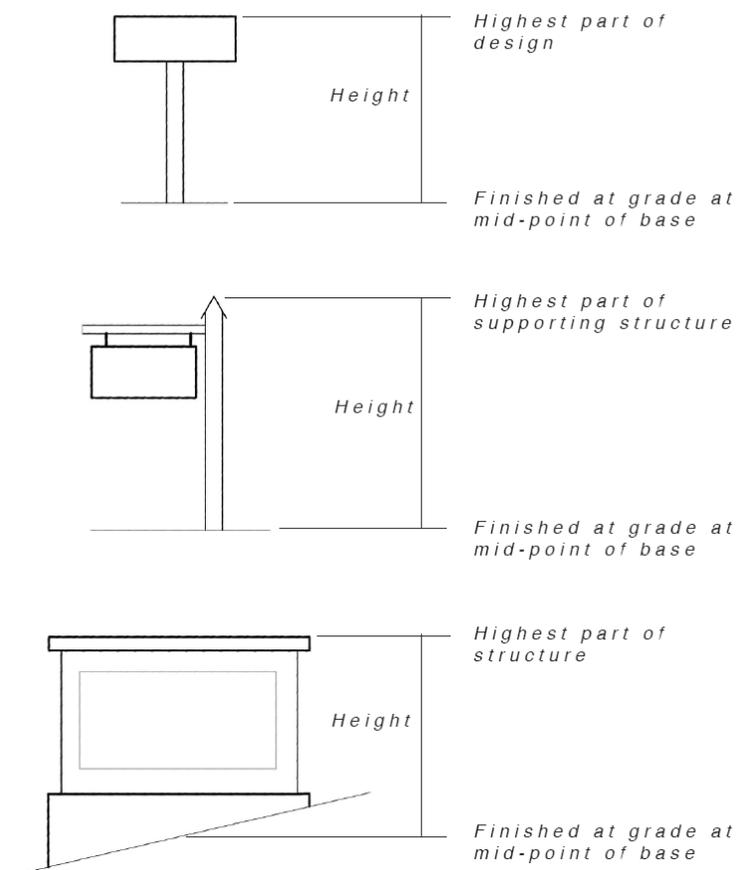
HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HIGHWAY. U.S. Highway 15 and/or N.C. Highway 50 and/or 56.

HEIGHT, BUILDING. For buildings with flat roofs, the vertical distance from the mean elevation of the finished grade to the highest finished roof surface. For buildings with pitched roofs, the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. (See definition below for freestanding sign height.)

HEIGHT, FREESTANDING SIGN. The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and finished grade at the midpoint of the base of the sign.

H E I G H T / S I G N



HEIGHT, OTHER STRUCTURE. The vertical distance from the existing grade to the highest point of the structure above such existing grade.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or the neighborhood.

ILLICIT CONNECTION. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks,

regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the water of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state.

IMPACT. The effect of one land use upon another as measured by traffic or noise generation, site activity, hours of operation, site lighting, vibration, smoke or odor emissions, or similar factors.

IMPERVIOUS SURFACE. Improvements including street pavement, driveways, walkways, buildings, rooftops, carports, gazebos, installed crushed aggregate materials, and other structures which cover the soil surface and prevent infiltration of water into the soil.

IMPERVIOUS SURFACE COVERAGE. That portion of a lot covered by buildings, structures, paving or other impervious surface materials.

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

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

- A. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- B. Wastewater resulting from processes of trade or business, including wastewater from laundry-mats and car washes, but not wastewater from restaurants;
- C. Stormwater contaminated with industrial wastewater; and
- D. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

INDUSTRY, LIGHT. Research and development activities, the manufacturing, compounding, processing, packaging, storage, *assembly*, and /or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Light industry typically involves land uses operated in such a manner as to control external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

INDUSTRY, HEAVY. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INFILL. New development that is sited on vacant or undeveloped land within an existing community, and that is enclosed by other types of existing development. The term "urban infill" implies that existing land is mostly built-out and what is being proposed for construction is in effect "filling in" the gaps. The term most commonly refers to building single-family homes in existing neighborhoods but may also be used to describe new development in commercial, office or mixed-use areas.

INTEGRATED MULTIPLE USE DEVELOPMENT (IMUD). A development containing three or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers and office parks having the characteristics listed above. Such

integrated developments may include outparcels for lease or for sale. Any such integrated development may be organized as a condominium or in a manner analogous to that of a Cityhouse development (with ownership parcels beneath the building units and with parking and driveways being in common elements owned and maintained by an Owners' Association).

JUNK/SALVAGE YARD. Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

JUNKED AUTOMOBILE. See MOTOR VEHICLE, JUNKED

LAND-DISTURBING ACTIVITY. Any use of land in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that causes or contributes to sedimentation.

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

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MAJOR). A disposal site other than minor demolition and construction debris landfill as defined in this ordinance for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MINOR). A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth which is less than three acres in size and is in operation for less than one year.

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

LIGHTING, ACCENT. Lighting intended to accentuate an architectural feature such as a window, roofline, or other vertical or horizontal element and consisting of small, non-flashing white lights.

LIVESTOCK. Animals, poultry or aquatic life bred and/or raised for the purpose of human and/or animal consumption.

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

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

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

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

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

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

LOT WIDTH. The mean width measured at right angles to its depth at the building front setback line.

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

LOWEST FLOOR. Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MAINTENANCE (OF A SIGN). Cleaning, painting, repairing, or replacing defective parts in such a manner that does not

alter the basic structure of a sign. This definition includes the changing of the copy or listings on a changeable copy, civic event, sandwich board, or directory sign and the replacement of sign copy with other sign copy of the same or smaller size on other permitted signs.

MAJOR WATERSHED VARIANCE. A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor greater than five (5) percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten (10) percent of any management requirement under the low density option.

MANUFACTURED HOME. A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant designed to be transported to a site on its own chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. Within the text of this Ordinance, the term “manufactured home” shall only apply to Class A or B manufactured homes unless explicitly stated to include Class C manufactured homes. Class A and Class B are manufactured homes constructed after July 1, 1976 that meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. Class C manufactured homes are manufactured homes that do not meet the definition of a Class A or Class B manufactured home. The term “manufactured home” does not include “recreational vehicles.”

MANUFACTURED HOME PARK OR SUBDIVISION. A site with required improvements and utilities for the long-term placement of manufactured homes which may include services and facilities for the residents.

MARKET VALUE. The building value, not including the land value, and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MEAN SEA LEVEL. For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as correct in 1929, the North American Vertical Datum (NAVD) as correct in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MIXED DEVELOPMENT. A mixture of residential and permitted office and/or commercial uses.

MIXED-USE DEVELOPMENT. The combination of complementary land uses in an integrated fashion through the development of a tract of land, building or structure.

MODULAR HOUSING. A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final *assembly* on a permanent foundation.

MOTOR VEHICLE, JUNKED. A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) is more than five years old and appears to be worth less than one hundred dollars (\$500.00).

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that:

- A. Is located within the corporate limits of the City of Creedmoor, North Carolina; and

- B. Is owned or operated by the City; and
- C. Discharges to waters of the state, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the state.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. A permitting system authorized by the Clean Water Act, the program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states.

NECKDOWN. Constructed features designed and placed to narrow the width of traffic lanes in order to slow the speed of traffic on City streets. Curb bulbs and chicanes may be used for this purpose.

NEIGHBORHOOD. An area of the City with characteristics which distinguish it from others including distinct economic bases, housing types, schools, development styles or patterns, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers, or major water bodies.

NEIGHBORHOOD PLAN. The plan officially adopted by the Creedmoor City Board of Commissioners for a particular neighborhood or district that provides specific design standards and guidelines regulating the development and use of the property.

NEW CONSTRUCTION. Structures for which the “start of construction” commenced on or after the effective date of the original version of the community’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. (This definition applies only with respect to flood hazard regulations.)

NEW DEVELOPMENT. Any land-disturbing activity which adds to or changes the amount of built-upon area. (This definition applies only with respect to watershed protection regulations.)

NON-CONFORMING USE. Any nonconformity involving the use of the property. This may include, without limitation, nonconformities associated with a use not permitted in the zoning district in which it is located or a use conditionally allowed in the zoning districts in which it is located but for which no conditional use permit has been obtained.

NONCONFORMITY, DIMENSIONAL. Any nonconformity involving a dimensional or numerical development requirement except those involving signs which are addressed in Article 17. Dimensional nonconformities may include, without limitation, nonconformities associated with density, landscaping, buffering, lot size, lot width, lot depth, setbacks, height, structure size standards, impervious surface standards, open space, number of parking spaces, or separation requirements between particular uses or zoning districts.

NONCONFORMITY, LAWFUL. Any nonconformity involving a dimensional or numerical requirement or use of property that affects a structure erected or a lot created in conformity with the then-applicable development requirements of the City, but subsequently made nonconforming by action of the City through a zoning map or unified development code amendment.

NONENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

NONPROCESS DISCHARGE. Industrial effluent not directly resulting from the manufacturing process. An example is noncontact cooling water from a compressor.

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

OCCUPANCY. A separately leased or owned area within a building having ground level frontage on a right-of-way or parking facility.

OFF-PREMISES. Not located on the property to which it pertains.

OFFICE-WAREHOUSE. A land use that includes offices that support showroom or warehouse uses.

ON-PREMISES. Located on the property to which it pertains.

OPA. An Otherwise Protected Area.

OPEN SPACE. Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

PASSIVE RECREATION ELEMENT. Trails, open space, uncovered picnic areas, and similar facilities provided for recreational use.

PERENNIAL AND INTERMITTANT STREAMS. Those streams (and rivers), with associated lakes and ponds as indicated on the following:

- A. On the most recent version of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographical map;
- B. On the most recent version of the Soil Survey of Granville County developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (formerly the USDA Soil Conservation Service);
- C. By other site-specific evidence that indicates to the North Carolina Department of Environment and Natural Resources, Division of Water Resources (DWR) or their successors the presence of such waters not shown on either of these two (2) maps; or
- D. Upon determination following field inspection by a qualified professional.

PLAN, SKETCH. A rough sketch map of a proposed subdivision or site showing streets, lots, and any other information required by the City of sufficient accuracy used for discussion of the street system and the proposed development pattern. A sketch plan also refers to a plan showing a proposed project for the purposes of applying for a water and/or wastewater allocation.

PLANNED COMMUNITY. Real estate with respect to which any person, by virtue of that person's ownership of a lot, is expressly obligated by a declaration to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or other real estate described in the declaration. For purposes of this act, neither a cooperative nor a condominium is a planned community, but real estate comprising a condominium or cooperative may be part of a planned community. "Ownership of a lot" does not include holding a leasehold interest of less than 20 years in a lot, including renewal options.

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

PLANNING, ZONING AND SUBDIVISION ADMINISTRATOR. The City of Creedmoor official charged with administering, interpreting, and enforcing the Creedmoor Development Ordinance, including the sign regulations, or his/her designee.

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

PLAT, FINAL. The final map of all or a portion of a subdivision or site plan, showing the boundaries and location of lots, streets, easements and other requirements of the City, which is presented for approval by the City Board of Commissioners and subsequent recording in the Granville County Register of Deeds Office.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of the City, which is presented for preliminary approval.

POLLUTION. Man-made or man induced *alteration* of the chemical, physical, biological, thermal, and/or radiological integrity of water.

PORTABLE STORAGE UNIT (POD). A transportable unit designed and used for the temporary storage of household goods, personal items and other materials which is placed on a site of the use of occupants of a dwelling or building on a limited basis. Such containers are uniquely designed for their ease of loading to and from a transport vehicle.

POST-DEVELOPMENT. Conditions, in terms of drainage, stormwater runoff and the way in which land reacts from a hydrologic standpoint following land disturbing activities involved in development.

POST-FIRM. Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-DEVELOPMENT. The conditions that exist on a building site prior to initiation of land-disturbing activity. Naturally forested or open land surface areas and the associated drainage patterns prior to land disturbing activities involved in development.

PRE-FIRM. Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate map for the area.

PRINCIPALLY ABOVE GROUND. That at least 51% of the actual cash value of the structure is above ground.

PRINCIPAL STRUCTURE. A structure (or structures) in which the principal use of the lot or property is conducted.

PRINCIPAL USE. The primary use of any lot or property.

PROFESSIONAL OFFICE. The office of a member of a recognized profession maintained for the conduct of that profession, including, but not limited to, the offices of doctors, lawyers, dentists, landscape architects, architects, stockbrokers and financial analysts, chiropractors, engineers, surveyors, or city planners.

PROTECTED DRAINAGEWAY (CHANNEL). Where drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping, or a combination of those, and which allows infiltration of water into the soil.

PUBLIC OPEN SPACE. Open space that is accessible to the general public and maintained by the City.

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

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily for use not as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK. Any site or tract of land, of contiguous ownership, upon which 15 or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.

REFERENCE LEVEL. The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A0, AE, or A.

REGULATORY FLOOD PROTECTION ELEVATION. The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REGULATING PLAN. A master development plan for a site, parcel, or property, meeting the standards of the City of Creedmoor and identifying building, parking, and landscape locations, open spaces, trails, other amenities, and other features as required by the City. Upon its approval by the Creedmoor City Board of Commissioners, the plan becomes

the guide for the development of the property and all development activity on the property must comply with the plan.

REMEDY A VIOLATION. To bring the structure or other development into compliance with State and community floodplains 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. (This definition applies only with respect to flood hazard regulations.)

RENOVATION. The repairing or remodeling of a structure in which the exterior walls, foundation and roof are maintained structurally intact.

REQUIRED DRAINAGE CHANNEL. The theoretical stream bed section which is required to carry and discharge the runoff from a 100-year storm.

RESEARCH AND TECHNOLOGY PRODUCTION USES. Uses such as medical, optical and scientific research facilities, software production and development, clinics and laboratories, pharmaceutical compounding and photographic processing facilities, and facilities for the *assembly* of electronic components, optical equipment, and precision instruments.

RESIDENTIAL DEVELOPMENT. Buildings for use as residences such as attached and detached single-family dwellings, apartment complexes, condominiums, city-houses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

RETENTION POND. A wet or dry stormwater holding area, either natural or manmade, which has a permanent pool and does not release stormwater to nearby or adjoining water bodies. Also see Best Management Practices definition.

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

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

RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS. Velocity control of runoff.

RURAL MARKET. Place of business serving primarily rural areas and trading in primarily rural products, produce, crafts, and commodities. Does not include convenience stores, gasoline and/or fuel sales.

SALVAGE YARD. 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.

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

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

SCENIC CORRIDOR. An area providing scenic vistas visible from a highway or roadway that is designated by the City of Creedmoor as having special importance to the character of the City and meriting special protection and preservation measures as a consequence.

SEARCHLIGHT. A device that emits an upwardly-directed beam of light to attract commercial attention.

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

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

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

SETBACK, REAR. A setback from an interior property line lying on opposite side of the lot from the front street setback.

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

SETBACK, STREET. Any setback from a street, road or lane.

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

SHOPPING CENTER. A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property. On-site parking is provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center.

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.

SIGN. A communications medium, method, device, structure, or fixture that incorporates motion, lighting, graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction to or identification of a neighborhood, premises, event or facility.

SIGN ALTERATION. Any change to the size, shape, illumination, position, location, or construction of a sign or the supporting structure of a sign.

SIGN AREA. The size of a sign in square feet as computed by the area of not more than two standard geometric shapes (specifically, circles, squares, rectangles, or triangles) that encompass the shape of the sign exclusive of the supporting structure.



Example Illustrating Measurement of the Area of an Irregularly Shaped Sign

SIGN COPY. Any graphic design, letter, numeral, symbol, figure, device or other media used separately or in combination that is intended to advertise, identify or notify, including the panel or background on which such media is placed.

SIGN FACE. The side or sides of a sign on which a message is placed.

SIGN ILLUMINATION, TYPES OF:

- A. **AMBIENT.** Illumination of a sign by light from the sign's general surroundings, such as daylight or nearby street lights.
- B. **EXTERNAL.** Illumination of a sign by a source of light located exterior to the sign, such as a floodlight.
- C. **INTERNAL.** Illumination of a sign by a source of light contained within the sign itself

SIGN, NONCONFORMING. A sign that does not conform to one or more requirements of Article 17.

SIGN TYPES:

- A. **SIGN, AWNING.** A sign incorporated into or attached to an *awning*.
- B. **SIGN, BLADE (OR PROJECTING).** A sign attached to and projecting from the building façade, typically at

- right angles to the building.
- C. *SIGN, CANOPY*. A sign incorporated into or attached to a canopy.
 - D. *SIGN, CHANGEABLE COPY*. A sign or portion thereof designed to accommodate frequent copy changes through manual, mechanical or digital means.
 - E. *SIGN, CIVIC EVENT*. A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
 - F. *SIGN, DIRECTIONAL*. An on-premises sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians entering, exiting, or on a site, including signs marking entrances and exits, parking areas, loading zones, or circulation patterns.
 - G. *SIGN, DIRECTORY*. A sign listing the names, uses, or locations of the discrete uses or activities conducted within a building or group of buildings that is intended to provide on-site directions.
 - H. *SIGN, EXEMPT*. A sign identified in Article 17, section 6 that is exempt from the requirements of this ordinance, either conditionally or unconditionally.
 - I. *SIGN, FLAT (OR WALL)*. A sign attached directly to and generally parallel with the façade of a building.
 - J. *SIGN, INCIDENTAL*. A sign, generally informational, whose purpose is secondary to the use of the premises on which it is located, such as the date of building erection, the building address, the hours of operation, the open or closed status of the operation, the credit cards honored, and similar incidental information, and containing no commercial message.
 - K. *SIGN, MACHINE*. A sign attached to a machine such as a gasoline pump, a drive-through menu kiosk, a soft drink dispensing machine, or an ATM.
 - L. *SIGN, MODEL HOME*. An on-premises sign advertising a home model of a type that is available for sale in a subdivision.
 - M. *SIGN, MONUMENT (OR GROUND)*. A freestanding sign supported by a structure that is at least as wide as the sign to which it is attached.
 - N. *SIGN, OPEN HOUSE*. A temporary off-premises or on-premises sign displaying information about a real estate sales event happening at a property offered for sale.
 - O. *SIGN, OUTDOOR ADVERTISING (OR BILLBOARD)*. A type of off-premises sign that contains a commercial message.
 - P. *SIGN, PERMANENT*. A sign intended or designed for permanent display and permitted as such.
 - Q. *SIGN, POLE*. A freestanding sign supported by a structure consisting of not more than two poles.
 - R. *SIGN, SANDWICH BOARD (OR A-FRAME)*. A temporary freestanding sign designed and displayed to provide information to pedestrians.
 - S. *SIGN, SNIPE*. A temporary sign not otherwise defined in this Article that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, fence, railing, public telephone pole, traffic control device, or tree or to the ground.
 - T. *SIGN, TEMPORARY*. A sign not intended or designed for permanent display and permitted as such.
 - U. *SIGN, TIME AND TEMPERATURE*. A sign that displays time and temperature information as its primary message.
 - V. *SIGN, V-TYPE*. An attached sign consisting of two separate faces arranged in a “V” pattern and having an angle of 120 degrees or less as measured from the side attached to the building.
 - W. *SIGN, WINDOW*. A sign attached to a display window or door window that is intended to be viewed from

the exterior. This definition shall include signs attached to the interior of a display window or door window.

- X. *SIGN, YARD SALE.* A temporary off-premises or on-premises sign advertising a sales event in a residential zoning district.

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

SINGLE FAMILY RESIDENTIAL. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit, except for the permitted accessory dwelling unit.

SITE PLAN. A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by the regulations, such as lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and the locations of proposed utility lines.

SITE SPECIFIC DEVELOPMENT PLAN. A plan that has been submitted to the City by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals: A subdivision plat, a preliminary or general development plan, a conditional use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the City. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures and other improvements; the approximate dimensions, including height, of the proposed building and other structures; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any other information required by the City for the type of plan or approval requested by the landowner. A variance shall not constitute a site specific development plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property may constitute a site specific development plan.

SLUDGE. Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the North Carolina Environmental Management Commission.

SOLAR COLLECTOR. [Amended May 27, 2014 per Ord. 2014-O-03] Any means by which solar energy is received or absorbed and concentrated for use. Solar collectors are usually arranged in panels, which can be combined or linked to form arrays. Collectors may be roof-mounted, ground-mounted or integrated into building components.

SOLAR ENERGY COLLECTION SYSTEM. [Amended May 27, 2014 per Ord. 2014-O-03] A solar photovoltaic or solar thermal system that is accessory to a principal use and converts solar energy into electricity or absorbs solar energy as heat and transfers that heat for common household or commercial purposes.

SOLAR FARM. [Amended May 27, 2014 per Ord. 2014-O-03] A utility-scale principal land use that uses many solar arrays or any freestanding solar energy collection system that generates electricity on a site larger than 5 acres, primarily for off-site use.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste as defined in NCGS §130A.290(a)(35).

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

SOUTH GRANVILLE WATER AND SEWER AUTHORITY. Also referred to in this ordinance as "SGWASA," this agency provides water and sewer service to properties within the corporate limits and the extraterritorial jurisdiction of the City.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a one (1%) or greater chance of being

flooded in any given year, as determined in Section 18.2-4(B) of this ordinance.

STABILIZING VEGETATION. Any vegetation that prevents accelerated soil erosion.

START OF CONSTRUCTION. Includes substantial improvement, and means the date of 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 *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. (This definition applies only with respect to flood hazard regulations.)

STORM, 100-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 10-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

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

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

STREAM. A watercourse that collects surface runoff.

STREAM BUFFER. A natural, vegetated, or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection Regulations).

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

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

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

STREET, PRIVATE. A vehicular travel-way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

STREET, PUBLIC. A dedicated public right-of-way for vehicular traffic which: (1) has been accepted by NCDOT for maintenance, or (2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. *Alleys* are specifically excluded from this definition.

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

sewer lines, gas lines, power lines, and communication lines.

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

STORMWATER. Any flow resulting from, and occurring during or following, any form of natural precipitation.

STORMWATER CONVEYANCE OR STORMWATER CONVEYANCE SYSTEM. Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made or natural channels, pipes, culverts, and storm drains and any other natural or man-made feature or structure designed or used for collecting or conveying stormwater.

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)

SUBDIVISION. The division of land into two or more lots by a plat and recorded with the county clerk and register of deeds.

SUBDIVISION, EXPEDITED REVIEW. A residential subdivision involving five or more acres, establishing no more than three lots that meet applicable lot dimension guidelines set out in Article 8. Resulting lots shall not require a waiver, modification, or variance from any requirement of this Ordinance, and shall comply with applicable zoning regulations. At least ten years shall have passed since the property was subdivided under any expedited review process. The resulting lots shall have a permanent means of ingress/egress designated on the recorded plat. No sketch plan review or preliminary plat review shall apply to this classification of minor subdivision.

SUBDIVISION, MAJOR. Any non-residential subdivision; or a residential subdivision establishing more than four new lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewage or water line, or requiring a waiver or variance from any requirement of this Ordinance.

SUBDIVISION, MINOR. A residential subdivision involving four or fewer lots fronting on an existing approved public street(s), not requiring any new public or private street(s) for access to interior property, not requiring extension of public sewage or water line and not requiring a waiver, modification, or variance from any requirement of this Ordinance.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-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. See definition of “substantial improvement”. 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. (This definition applies only with respect to flood hazard regulations.)

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-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 officials 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.

SUBSTANTIALLY SIMILAR. The same or significantly the same as a prior plan or application as determined by the associated land area, the intensity of development proposed, the range of proposed uses, the type, variety and scale of signage, and other relevant factors.

SUBURBAN OPEN SPACE AMENITIES. Land available for active or passive recreation including parks, trails, clubhouses, playgrounds, *athletic fields* and courts, picnic facilities, benches, community gardens, and pools. It can include natural areas including floodplains, water bodies, wetlands, woodlands, land used for stormwater retention, and slopes over 15%.

SURFACE WATER BUFFER. A natural, vegetated, or re-vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection regulations.)

TAILGATE MARKET. The permanent or regularly-periodic offering for sale of fresh agricultural products directly to the consumer at an open air market.

TELECOMMUNICATIONS TOWER. A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building or other structure.

TEMPORARY HEALTH CARE STRUCTURES. The following definitions apply to temporary health care structures as defined in NCGS §160A-383.5:

- A. *ACTIVITIES OF DAILY LIVING* - Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- B. *CAREGIVER* - An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- C. *FIRST OR SECOND DEGREE RELATIVE* - A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- D. *MENTALLY OR PHYSICALLY IMPAIRED PERSON* - A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- E. *TEMPORARY FAMILY HEALTH CARE STRUCTURE* - A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and NCGS §143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

THEATER, ADULT. An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical areas.

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

TOURIST HOME. A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

TOWNHOUSE. Single occupancy units attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open areas owned in common.

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral

abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

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

TREE, CANOPY. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown of 30 feet.

TREE, UNDERSTORY. A species of tree which normally grows to a mature height of 15 to 35 feet in height.

TYPICAL REQUIRED DRAINAGE CHANNEL SECTION. A cross-sectional view of a required drainage channel.

UNDISTURBED AREA. That portion of a lot, tract, or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection score sheet evaluation. (This definition applies only with respect to watershed protection regulations.)

URBAN OPEN SPACE AMENITIES. Facilities for active and passive recreational use located in urban areas that include sidewalks widened beyond what is required by code, plazas, street furniture, outdoor eating or gathering areas, fountains, rooftop gardens, areas featuring public art, or other urban-related amenities.

USE, CONDITIONAL. A use which is generally compatible with other land uses permitted in a zoning district but which, because of its unique characteristics or potential impacts on the surrounding neighborhood and the City of Creedmoor as a whole, requires individual consideration of its location, design, configuration, and/or operation at the particular location proposed.

USE, PERMITTED. A use allowed within the zoning district provided the basic standards and requirements of the zoning district and the required provisions of this Ordinance are met.

USE PERMITTED WITH ADDITIONAL STANDARDS. A use permitted by right, provided that the additional standards intended to ensure that the use fits the intent of the zoning districts within which it is permitted and that the use is compatible with other development permitted within the zoning district, are met.

VARIANCE. Official permission from the *Board of Adjustment* to depart from the requirements of this ordinance.

VEGETATIVE BUFFER. An area meeting regulatory buffer requirements consisting entirely of plant materials that form a screen.

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

VIOLATION. 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 certificates, or other evidence of compliance required in Article 18 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood hazard regulations.)

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

WATER QUALITY CONSERVATION EASEMENT. See Easements.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level, 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.

WATERS OF THE STATE. Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United State Department of the Interior Geological Survey 7.5 minute series topographic maps. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the state, which are not the result of impoundment of waters of the state, are not waters of the state.

WATERSHED CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first).

WATERSHED, WATER SUPPLY. The entire area of the City of Creedmoor's jurisdiction is defined by the North Carolina Environmental Management Commission as the water supply watershed for Falls Lake.

WET DETENTION POND. A natural or man-made water body that provides for the storage and gradual release of stormwater runoff by means of a permanent pool of water having an outfall to another water body, and which has a permanent pool that utilizes both settling and biological process to remove both particulate and soluble particulates. See Best Management Practices definition.

WET RETENTION POND. A natural or man-made water body that provides for the storage of stormwater runoff by means of a permanent pool of water. See Best Management Practices definition.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions.

WIRELESS FACILITY – Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- A. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- B. Wireline backhaul facilities.
- C. Coaxial or fiber optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS FACILITY (MICRO) – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

WIRELESS FACILITY (SMALL) – A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
- B. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

WIRELESS FACILITY (SUBSTANTIAL MODIFICATION) – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

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

YARD SALE (OR GARAGE SALE). The sale of items outdoors, or from a vehicle, or from a garage or other *accessory building*, belonging to one or more sponsors of the sale.

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

ZONING VESTED RIGHT. A right pursuant to NCGS §160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.