

# CHAPTER 17: DEFINITIONS

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## CHAPTER 17: DEFINITIONS

### Section 17.1 Acronyms

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Below is a list of acronyms (other than zoning districts) and their meanings found throughout the Ordinance:

- ATF: Alcohol, Tobacco, & Firearms
- BFE: Base Flood Elevation
- BOA: Board of Adjustment
- BOC: Board of Commissioners
- CAMA: Coastal Area Management Act
- CoBRA: Coastal Barrier Resources Act
- CBRS: Coastal Barrier Resources System.
- CUP: Conditional Use Permit
- FAA: Federal Aviation Administration
- FAR: Floor Area Ratio
- FCC: Federal Communications Commission
- FIRM: Flood Insurance Rate Map
- FIS: Flood Insurance Study
- FTA: Federal Telecommunications Act of 1996
- HOA: Homeowners Association
- HUD: Federal Department of Housing and Urban Development
- kW: Kilowatt
- MW: Megawatt
- NC: North Carolina
- NCDENR: North Carolina Department of Environment and Natural Resources
- NCDOT or DOT: North Carolina Department of Transportation
- NCGS or GS: North Carolina General Statute
- OPA: Otherwise Protected Area.
- PAS: Private Access Subdivision
- PUD: Planned Unit Development
- ROW: Right-of-way
- SR: Secondary Road in the North Carolina Secondary Road system
- SUP: Special Use Permit
- TRC: Technical Review Committee
- UDO: Unified Development Ordinance
- US: United States of America

### Section 17.2 Definitions

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#### **Abandonment**

A property, use, or structure which has been physically and objectively discontinued, relinquished, or vacated for a consecutive period of 180 or more days without any intention of transferring rights to the property to another owner or lessee or of resuming

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the use of the property regardless of intent of the owner, lessee, or previous occupant, or any other affiliated parties and regardless of any condition or circumstance beyond the control of such parties that prevent a continuation of the use or occupancy of the structure or property.

### **ABC Store**

A retail establishment that sells spirituous liquor under control of the North Carolina Alcoholic Beverage Commission.

### **Accessory Structure**

A structure, which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Garages, carports and storage sheds are common accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

### **Accessory Use**

See "Use, Accessory"

### **Accessway**

A private drive constructed with a compacted, graded, and drained roadbed with a 3" minimum gravel surface for access to lots created as a family subdivision.

### **Acreage**

Total acreage shall mean gross acres.

### **Adaptive Reuse of Historic Property**

Any use of a structure or tract of land that is listed on the National Register of Historic Places, together with surrounding grounds, that would not generally be permissible in the district where such property is located but which the board concludes, pursuant to the standards set forth in this ordinance, allows the property to be used in a manner that is economically viable while still preserving its historic character.

### **Addition (to an existing building)**

An extension or increase in the floor area or height of a building or structure.

### **Adjacent Grade**

The highest grade measured within thirty feet from the subject property lines into the adjoining lots.

### **Adjoining Property**

When used in connection with a notice requirement under this ordinance, this term shall refer to any tract having a border that touches at any point the border of the property that the subject of a proposed permit, appeal, variance, or rezoning, as well as any tract that would have such a common border point with the subject property if one were to disregard:

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- a. any intervening street or other public or utility right-of-way, and
- b. any intervening property that is under the same ownership as the subject property.

### **Administrator**

The person or persons to whom the duty of administering and enforcing the UDO is assigned by the County Manager. This title includes the planning staff and may be used interchangeably with the terms “planning staff”, “zoning administrator”, “subdivision administrator”, and “enforcement officer.”

### **Adult Establishment**

See Sexually Oriented Business

**Agribusiness**

A commercial operation that:

- a. involves the processing or distribution of farm products or the sale or repairs of farm machinery, equipment, or supplies, and
- b. is not otherwise specifically listed in the Table of Permissible Uses.

**Agricultural Land**

Including the woodland and wasteland which form a contiguous part thereof constituting a farm unit.

**Agricultural Uses, non-exempt**

Those uses that include an agricultural component but do not meet the criteria for a bona fide farm.

**Aircraft**

Any contrivance used or designed for navigation of or flight in the air by one or more persons.

**Airport**

An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, except that an airstrip shall not be considered an airport.

**Airport Approach Zone**

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

**Airport Compatible Use Zone**

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

**Airport Runway Protection Zone**

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

**Airstrip**

An area of land or water, located on private property, which the owner of such land uses (or authorizes the use of) for the landing and take-off of:

- a. Not more than two aircraft owned or leased by the owner of such property, or
- b. Aircraft engaged in crop dusting of land owned or leased

**Airport Traffic Pattern Zone**

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

**Amendment, Major**

A change to an approved permit that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Examples include an increase in density, decrease of open space, major shifting of lot lots, and major shifting of streets.

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**Amendment, Map (Rezoning)**

A change of the zoning designation of a property or properties on the Currituck County Zoning Map.

**Amendment, Minor**

A change to an approved permit that has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Examples include reduction in density, increase of open space, slight lot line realignments, and slight relocation of street alignments.

**Amendment, Text**

A change to any text of the Currituck County Unified Development Ordinance.

**Anemometer**

Measures the wind speed and transmits wind speed data to the controller.

**Animal Services, with explosives training**

A site designed to handle the training of dogs in the areas of, security, drug, and explosive detection only. This definition explicitly excludes the training of dogs for the detection of cadavers and attack dog training.

**Animal Services, with outdoor kennels**

A site designed to handle the grooming, boarding, domestic obedience training, and medical care of animals where animals are not kept within a fully enclosed building.

**Animal Services, without outdoor kennels**

A site designed to handle the grooming, boarding, domestic obedience training, and medical care of animals within a fully enclosed building. This may include an outdoor pet relief area intended for occasional use. This shall not include facilities that keep animals outside of a fully-enclosed building for an extended period of time.

**Antenna**

Equipment designed to transmit or receive electronic signals.

**Appeal**

A request by an applicant for the Board of Adjustment to review a decision or interpretation by the zoning administrator.

**Arbor**

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

**Area of Environmental Concern (AEC)**

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

### **Area of Shallow Flooding**

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

### **Assisted Living Facility**

A residence for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

### **Athletic and Exercise Facility**

A recreational facility intended for physical activity within a fully enclosed building with exercise and athletic equipment.

### **Auction House**

A facility in which merchandise receives bids through auctioning process.

### **Automobile Parking, principle use**

The primary use of the site is for automobile storage.

### **Automobile Repair Shop or Body Shop**

The repair, rebuilding or reconditioning of motor vehicles or motor vehicle parts, including minor repair, major mechanical and body work, steam cleaning, painting, tire recapping and regrooving, and welding.

### **Automobile Service Station**

A retail establishment engaged in selling gasoline, diesel fuel oil and similar automobile accessories or services, and which may conduct the following accessory automobile repair services: muffler service, engine tune-ups, greasing, brake, radiator, and electrical service and tire replacement and other minor automobile repairs, excluding body work, major mechanical work, steam cleaning, painting, tire recapping or regrooving and welding.

### **Automotive and Motorcycle Racing Tracks**

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

### **Automotive Sales, Repair, and Services**

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, including but not limited to light trucks or vans, trailers, or recreation vehicles and including any vehicle leasing, rental, preparation or repair work. This definition includes but is not limited to auto dealerships, auto body shops, auto service stations, car washes, gas stations, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

**Awning/Canopy**

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

**Bars & Nightclubs**

An establishment whose principle business involves facilities providing live or recorded music and as part of the business involves the sale of food and beverage for consumption on the premises, and which, as part of its regular method of operation, allows into the establishment a number of patrons or customers which exceeds by 25% or more the seating capacity provided in the establishment. This definition shall not include dance halls, bars or nightclubs that are an accessory use to a full service restaurant, hotel or similar use which shall be subject to the provisions of the principle use.

**Base Flood**

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

**Base Flood Elevation (BFE)**

A determination as published in the Flood Insurance Study of the water surface elevations of the base flood. This elevation establishes the “Regulatory Flood Protection Elevation”.

**Basement**

Means any area of the building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast**

A use:

- a. that takes place within a building that, was designed and used as a single-family detached dwelling,
- b. that consists of a single dwelling unit together with the rental of one or more dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients,
- c. where the provision of meals, if provided at all, is limited to the breakfast meal; and,
- d. where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one full-time employee.

**Billboard**

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

**Boarding House**

A residential use:

- a. that consists of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units,
- b. where the rooms are occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

**Boat Ramp**

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

**Boat Sales, Repair, and Services**

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used boats, including any boat leasing, rental, preparation or repair work. This definition includes but is not limited to boat dealerships and boat repair facilities.

**Body Art Services**

Establishment for tattoos and the piercing or manipulation of skin on body parts other than the ears.

**Body Piercing Business**

Any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service.

**Bona Fide Farm**

Any tract or tracts of land, one of which must contain at least ten acres which meets the following criteria:

- a. On such property an owner or leasee is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock, or poultry; and,
- b. Such property has produced or yielded, during each of the three immediately preceding years, a gross income from the above-described commercial production or growing of crops, plants, livestock, or poultry (including payments received under Soil Conservation or Land Retirement Programs, but not land rents paid to a non-resident owner) of at least \$1,000.

**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.

**Buffer Strip**

A strip of land that provides protection to adjoining properties from incompatible views, noises, fumes, lighting and other disturbances through the use of vegetation, fencing, or berms the actual width of the strip of property or a combination of all these items.

**Bufferyard**

A strip of land which by width or vegetation or fencing or a combination of these protects adjoining properties from incompatible views, noises, fumes, lighting, and other disturbances.

**Building**

A structure having a roof and designed to be used as a place of occupancy, indoor employment, storage, or shelter

**Building, Principle**

The primary building on a lot or a building that houses a principle use.

**Building Setback Line**

The distance between the nearest position of any building and a street or highway right-of-way line when measured from the closest point.

**CAMA**

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

**Camp**

A temporary shelter (cabin, tent or camper) or open air area where one or more persons camp.

**Camper**

A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping. (see also "manufactured housing").

**Campgrounds**

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

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### **Camping**

To live temporarily in a camp or outdoors. This definition does not include infrequent overnight camping on a private lot containing a residence.

### **Camping Unit**

A tent, tent trailer, camping trailer, pickup camper, motor home, recreational vehicle, or any other commonly used temporary shelter device used as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel, (but not utilized as their sole residence). To qualify as a camping unit, vehicular and mobile units shall be eligible to be currently licensed and registered by a governmental body and shall be legal to travel on North Carolina highways without special permits for size, width or other reasons. For purposes of this definition, temporary shelter device shall mean a unit not occupied by the same persons in the campground for more than 90 days in a one year period. A mobile home or manufactured home shall not be considered a camping unit.

### **Cemetery**

Land and facilities used or intended to be used for the burial of the dead and dedicated for cemetery purposes as a business and for profit. These cemeteries for profit are regulated by the North Carolina Cemetery Act and the North Carolina Cemetery Commission. This definition does not include cemeteries established or operated by churches, governmental agencies or families.

### **Cemetery, Family and Church**

Land and facilities used for the burial of the dead not subject to the requirements of the North Carolina Cemetery Act.

### **Certificate of Occupancy (CO)**

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this ordinance and all other applicable building regulations.

### **Certify**

Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the county, the county may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the county may accept certification by telephone from some agency when the circumstances warrant it, or the county may require that the certification be in the form of a letter or other document.

### **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.

**Child Care Home**

A residential care home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

**Child Care Institution**

An Institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

**Circulation Area**

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

**Coastal Barrier Resources System (CBRS)**

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

**Coastal High Hazard Area**

The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI-3, VE or V. Also, a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in this ordinance, as Zones VE or V1-30.

**Colleges & Universities**

The buildings, grounds, and associated uses of an institution for higher learning with teaching and research facilities that award degrees.

**Collocation/Site Sharing**

See Wireless Communication Facility

**Combination Use**

A use consisting of a combination on one lot of two or more principle uses separately listed in the Table of Permissible Uses. Under some circumstances, a second principle use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principle use classification, this shall not constitute a combination use.

**Commercial**

Any activity involving the sale of goods or services carried out for profit.

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### **Commercial Wireless Telecommunication Services**

See Wireless telecommunication services.

### **Conditional Use Permit (CUP)**

A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board of Adjustment.

### **Condominium**

A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional undivided basis.

### **Convenience Store**

A retail store that is a part of a gas station.

### **Corner lot**

A lot abutting upon two or more streets at their intersection.

### **Correctional Facility**

A facility operated by the local, state, or federal government (or a private contractor thereof) used for the incarceration of persons after arrest or pending hearing or trial or for the incarceration and of persons serving sentences.

### **County**

Currituck County.

### **Country Club**

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

### **Crabshedding**

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

### **Crematorium**

A mortuary where corpses are cremated.

### **Cul-De-Sac**

See Street, Cul-de-sac

**Daycare Center**

A day care facility as defined in GS 110-86(3) as well as a center providing day care on a regular basis for more than two hours per day for more than five senior citizens or children.

**Density**

A ratio expressed as the number of dwelling units per acre (DUA). The ratio is derived by dividing the total number of dwelling units by the total land area (in acres).

**Developer**

A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.

**Development**

That which is to be done pursuant to a zoning permit, special use permit, conditional use permit, or sign permit. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development/Construction Guide**

A framework created to aid developers, builders, Planning Board, Board of Commissioners and county employees in allowing continued and orderly growth while preserving as much of the maritime forests as possible.

**Disabling Glare**

The sensation produced by a luminary within the visual field, which is substantially greater than the level the eyes adapt to that can create annoyance, discomfort, or loss in visual performance and visibility.

**Disposal**

Defined as in NCGS 130A-290(a)(6).

**Distribution**

A use that involves the packaging and/or transport of goods not produced at that site. Distribution may also be accessory use to a manufacturing operation.

**Domestic Horse**

A non-feral ungulate mammal. For the purposes of this definition, domestic horse shall include any horse that is not living and breeding in a wild state in the Fruitville Township – Outer Banks and is or has been dependent on humans for survival, as determined by the Administrator in consultation with the Corolla Wild Horse Fund.

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### **Dripline**

A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

### **Drive-through Use**

An establishment designed to enable a person to transact business while remaining in a motor vehicle. This may include but is not limited to banks, restaurants, and coffee stands.

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**Driveway**

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.

**Duplex**

See Residence, Duplex

**Dwelling Unit**

An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**Easement**

An interest in real property granted by the owner to a person or other entity for certain limited purposes without the transfer of fee title. Such specified purposes may included but not be limited to: the granting or restriction of transportation access and access for utilities or drainage maintenance.

**Elevated Building**

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

**Encroachment**

The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Entertainment Uses**

Any establishment which provides indoor or outdoor amusement activities such as miniature golf, par 3 golf, batting cages, skate parks, BMX parks, arcades, carnival games, carnival rides, petting zoos, go-cart or ATV tracks, waterslides, drive-in movie theaters, and similar uses.

**Expenditure**

A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in positions.

**Family**

One or more persons living together as a single housekeeping unit, who are related to each other by blood, adoption, or marriage, or not more than five unrelated persons.

**Family Care Home for the Aged**

A residential care home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six residents who are elderly and who do not otherwise fit the definition of handicapped as found in GS 168-21.

**Family Care Home for the Handicapped**

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

**Farmers or Craft Market**

An open air market where individual vendors offer for sale to the public agricultural and aquaculture products or hand made goods. The products or goods offered for sale are generally produced by the individual vendors.

**Federal Insurance Rate Map (FIRM)**

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

**Fill**

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

**Flag Lot**

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

**Flea Markets**

An open air market for second hand articles and antiques, where booths or spaces may or may not be rented to individuals to conduct sales from tables, from the back of vehicles, or from covers spread on the ground, which general location is used for such purposes for more than three days during any 90 day period.

**Flood or Flooding**

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

- a. the overflow of inland or tidal waters; and/or

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- b. the unusual and rapid accumulation of runoff of surface waters from any source.

### **Flood Boundary and Floodway Map (FBFM)**

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

### **Flood Hazard Boundary Map (FHBM)**

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

### **Flood Insurance**

The insurance coverage provided under the National Flood Insurance Program.

### **Flood Insurance Rate Map (FIRM)**

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

### **Flood Insurance Study (FIS)**

An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published. The official report provided by the Federal Emergency Management Agency, containing flood profiles and the water surface elevation of the base flood.

### **Flood Prone Area**

see "Floodplain"

### **Flood Zone**

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

### **Floodplain or Flood Prone Area**

Any land area susceptible to being inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (One Hundred Year Flood) on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency and dated November 4, 1992, and also November 2, 1992, as revised, a copy of which is on file in the administrator's office. This area shall comprise the Floodplain Overlay Zoning District established in this ordinance.

**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 Regulations**

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

**Floodproofing**

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

**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.

**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 frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor Area Ratio**

The gross floor area of all buildings and structures on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

**Floor, Lowest**

The lowest floor of the lowest enclosed area (including basement). An unfurnished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor

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provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

### **Florida Room**

A sunroom addition to a house or mobile home.

### **Foot-Candle**

The international unit of illumination produced on a surface and equal to one lumen per square foot.

### **Freeboard**

The height added to the Base Flood Elevation (BFE) to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The freeboard plus the Base Flood Elevation establishes the "Regulatory Flood Protection Elevation".

### **Full Cut-off Fixture**

A flat lens, full cut-off fixture that by its design, directs a minimum of 90 percent of total lamp lumens within 80 degrees of the vertical plan of the light fixture and a maximum of ten percent of the total lamp lumens above 80 degrees from the vertical plane, and no more than 2.5 percent of total lamp lumens above 90 degrees. Full cut-off fixtures must be installed in a horizontal position as designed.

### **Functionally Dependent Facility**

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

### **Garage Sales**

A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage sales may be distinguished from Flea Markets by the number of days of sale during a 90 day period. Garage sales (and Yard sales) may not be conducted at the same location more than three days for any 90 day period.

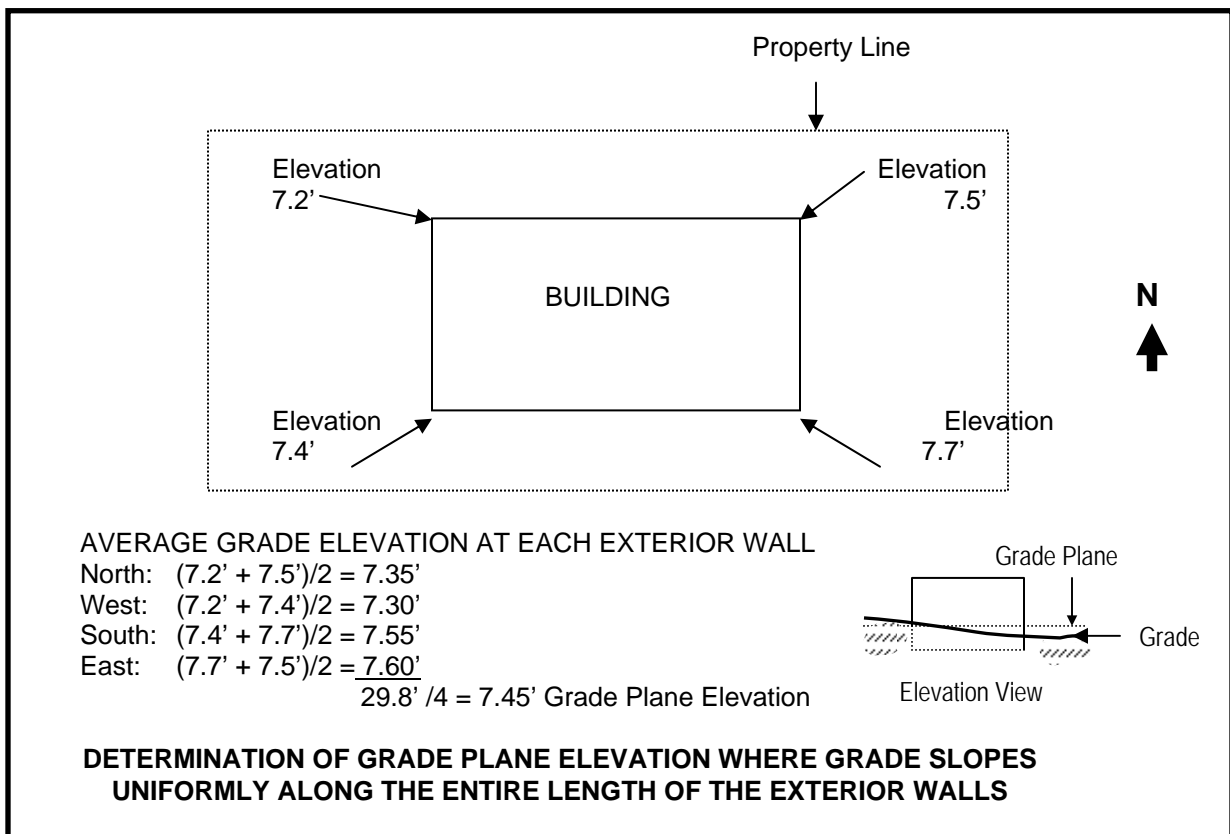
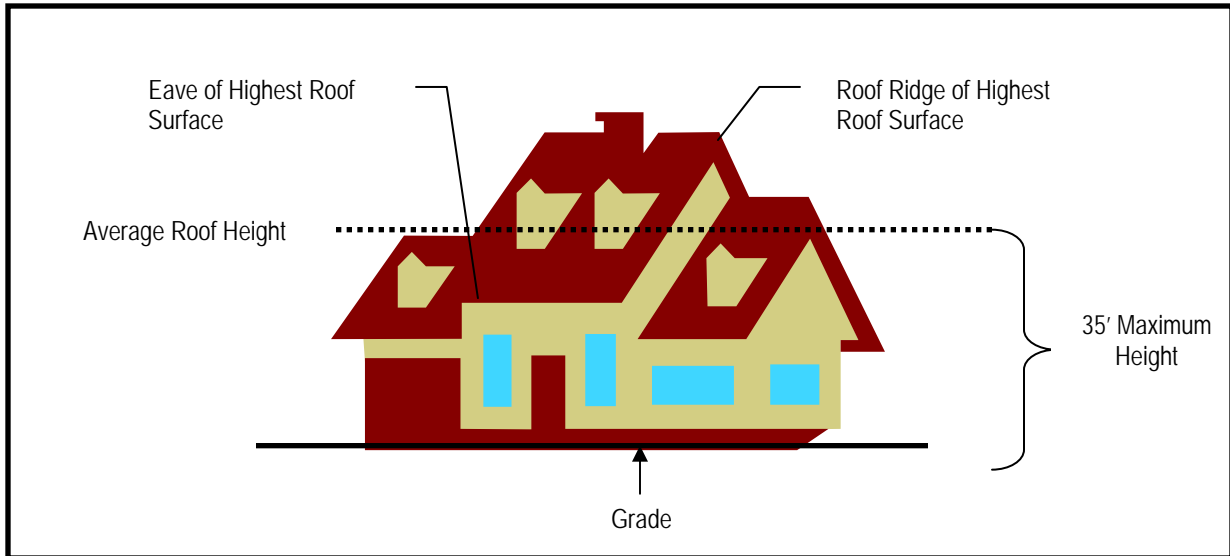
### **Government Offices**

Buildings for the purpose of carrying out local, state, or federal government business.

## CHAPTER 17: DEFINITIONS

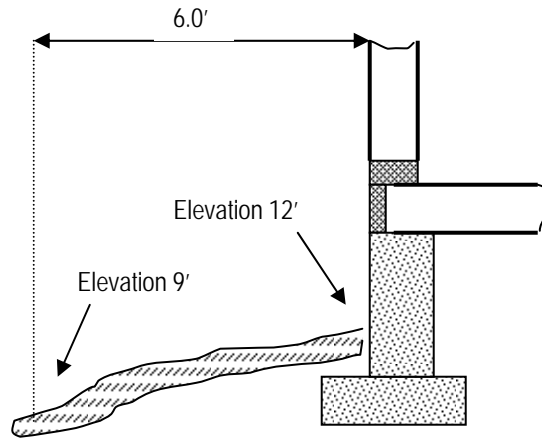
### Grade Plane

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six feet from the building. See diagrams below.

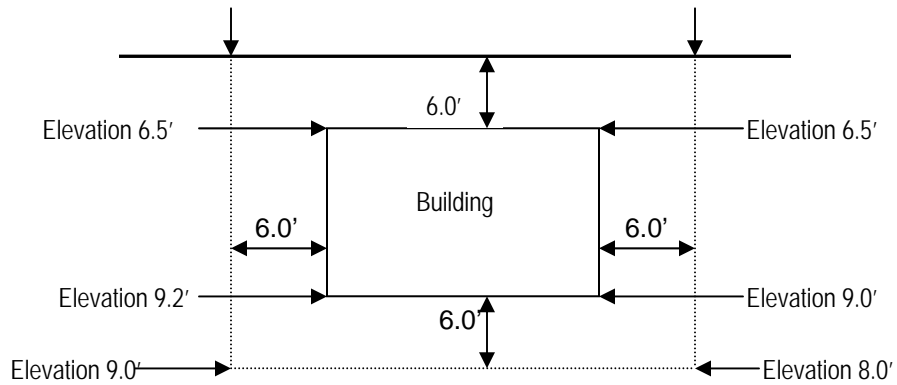


# CHAPTER 17: DEFINITIONS

The grade elevation that is used in determining the grade plane elevation is 9'.



DETERMINATION OF GRADE PLANE WHERE GRADE SLOPES AWAY FROM THE EXTERIOR WALL



AVERAGE GRADE ELEVATION AT EACH EXTERIOR WALL:

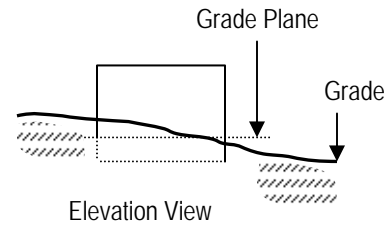
North:  $(6.5' + 6.5')/2 = 6.50'$

West:  $(6.5' + 9.0')/2 = 7.75'$

South:  $(9.0' + 8.0')/2 = 8.50'$

East:  $(6.5' + 8.0')/2 = 7.25'$

$30.00/4 = 7.50'$  is  
Elevation of Grade Plane



DETERMINATION OF GRADE PLANE ELEVATION WHERE GRADE DOES NOT SLOPE UNIFORMLY ALONG THE LENGTH OF THE EXTERIOR WALLS

### **Greenhouse**

A structure in which temperature and humidity is controlled for the commercial cultivation of plants.

### **Gross Floor Area**

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

### **Halfway House**

A residential care home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

### **Handicapped, Aged, or Infirm Home**

A residence within a single dwelling unit for at least seven but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

### **Handicapped, Aged or Infirm Institution**

An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

### **Hazardous Waste Management Facility**

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

### **Heavy Equipment Sales and Repair**

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used heavy equipment, such as backhoes, bulldozers, and cherry pickers, including any heavy equipment leasing, rental, preparation or repair work. This definition includes but is not limited to heavy equipment dealerships and heavy equipment repair facilities.

### **Height**

The vertical distance measured from grade plane to the average height of the highest roof surface. The average height of the roof is the mid-height between the roof eave and the roof ridge of the highest roof surface, regardless of the shape of the roof. The average height of multiple roof levels is not to be used to determine the building height. See diagram under grade plane.

**High Volume Traffic Generation**

All uses other than low volume traffic generation uses.

**Highest Adjacent Grade (HAG)**

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic Structure**

Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or,
- d. certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**Home Occupation**

A commercial activity conducted by a person on the same lot (in a residential district) where such person resides, and that can be conducted without any significantly adverse impact on the surrounding neighborhood. The following is a non-exhaustive list of examples of enterprises that may be home occupations:

- a. the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional
- b. the office of an electrician, plumber, carpenter, contractor or other person employed in a similar trade

- c. workshops, greenhouses, or kilns
- d. tailoring or hairdressing studios

**Horseback riding, school, boarding**

A facility intended for the boarding and/or riding of horses and any associated instructional riding school.

**Horticultural Land**

Agricultural land.

**Hospitals and Clinics**

A facility intended for the medical or surgical treatment of patients on an inpatient or outpatient basis. This does not include standard medical or dental offices.

**Hotels and Motels**

A building or group of buildings wherein temporary lodging is provided on a regular basis to persons who seek to rent rooms or dwelling units on a day-to-day basis, except that the following are excluded from this definition:

- a. Tourist homes
- b. Bed and breakfast establishments
- c. Single-family and two-family residences, regardless of the basis on which they are rented
- d. Multi-family residences, unless at least ten percent of the dwelling units within a multi-family development are regularly rented or offered for rent on a day-to-day basis

**Hunting and Fishing Lodges**

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

**Impervious Surface**

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, sidewalks and parking lots.

**Incinerator**

A furnace or container for the purpose of burning waste or non-waste materials.

**Individual Lot Design and Building Construction**

The second stage of development requiring a building site plan indicating maritime forests and intended clearing thereof before building permits are granted.

**Institutional Use**

A use of a semi-public nature that typically serve community needs including but not limited to daycares, places of worship, colleges, schools, hospitals, research facilities, museums, assisted living facilities, residential care facilities, and other long-term medical care facilities.

**Institutions for the Mentally III**

A residential care facility for the treatment of patients with diagnosed mental illnesses.

**Intermediate Care Home**

A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

**Intermediate Care Institution**

An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

**Junkyard or Salvageyard**

A lot, land or structure or part thereof, used primarily for the collecting, processing, storage and/or sale of salvage paper, animal hides, rags, rubber, glass, scrap metal, lumber or other building materials, or for the dismantling of parts thereof. Any lot with vehicles stored without current registration plates or having an amount of trash, either burnable or non-burnable, considered as excessive in the judgment of the administrator, shall be classified as a junkyard and will require the appropriate zoning and permits.

**K-9 Training Facility for Explosives**

A site designed to handle the training of dogs in the areas of, security, drug and explosive detection only. This definition explicitly excludes the training of dogs for the detection of cadavers and attack dog training.

**K-9 Training Facility for Obedience**

A site designed to handle the training of dogs in the area of obedience only. This use will be for pet and domesticated dog training.

**Kennel**

A commercial operation that:

- a. provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or
- b. engages in the breeding of animals for sale. Incidental breeding and offering the resultant litter for sale shall not constitute the operation of a kennel.

**Land Application of Commercial Sludge and Septage**

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

**Landfill, Demolition**

A tract of land used as a permanent dumping place for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or similar materials that are generated by the construction or demolition process. A demolition landfill is differentiated from a reclamation landfill in that the primary purpose of the latter is to raise the elevation of the land and no stumps, limbs, or other biodegradable materials are allowed in a reclamation landfill.

**Landfill, Reclamation**

An operation consisting of the dumping of dirt, sand, gravel, rocks, concrete or similar materials that are not biodegradable on a tract of land for the purpose of raising the elevation of such land.

**Landfill, Sanitary**

A tract of land used as a permanent dumping place for garbage, trash, and other miscellaneous types of solid waste, whether or not such wastes are biodegradable.

**Law Enforcement & Emergency Services**

Police, fire, EMT, ambulatory, and similar public services.

**Light Loss Factor**

The light output of a luminary after losses due to decrease in lamp efficiency, dirt accumulation, and other factors that lower the effective output with time.

**Light Trespass**

Unwanted light that falls beyond the property line or area intended to be illuminated which is often called spill light. For nonresidential uses in the Outer Banks Overlay District in Poplar Branch Township, the maximum illumination measured in foot-candles at the property line shall not exceed 1.5 foot-candles measured at ground level by a measuring device.

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### **Livestock**

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

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

### **Loading and Unloading Area**

That portion of the vehicle accommodation area used to satisfy the requirements of this ordinance.

### **Lot**

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title:

- a. if a public body or any authority with the power of Eminent Domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot; and,
- b. the permit issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

### **Lot Area**

The total area circumscribed by the boundaries of a lot, except that:

- a. when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, then an approximation of the right-of-way shall be established by finding the centerline of the street and adding to it one half the width of the right-of-way, plus 15 feet.

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- b. dedicated rights-of-way/easements, whether public or private, intended for vehicular and/or pedestrian access shall not be included in lot area; and,
- c. land under water or regularly under water or intended to be under water shall not be counted towards the lot area.

### **Lot Boundary Line**

Lot boundaries other than those that abut a street.

### **Lot Boundary Setback**

The distance between the nearest portion of any structure or vehicular and the boundary line of the adjoining lot parcel or tract.

### **Lot, Corner**

A lot which has frontage on two or more intersecting streets.

### **Lot Coverage**

Lot coverage shall be defined as that area covered by principle and accessory structures, decks not over green area, walkways, pools, stairs, sidewalks, vehicular accommodation areas, and other impervious areas.

### **Lot Depth**

The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front lot line to midpoint of the rear lot line.

### **Lot of Record**

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

### **Lot Width**

The distance between side lot lines measured at the front building set-back line.

### **Low Volume Traffic Generation**

Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

### **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. For Zones A and AO, use the natural grade elevation prior to construction.

### **Lowest Floor**

The subfloor, top of slab or grade 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.

### **Luminary**

A complete lighting unit or fixture (including the lamp, housing, reflectors, lenses and shields) excluding the support pole or mounting bracket.

### **Main Traveled Roadway**

The principle traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled roadway. Not included are such facilities as frontage roads, turning roads, or parking areas.

### **Manufactured and Modular Home Sales and Repair**

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used manufactured or modular homes, including any leasing, rental, preparation or repair work. This definition includes but is not limited to manufactured or modular home dealerships and repair facilities.

### **Manufactured Home**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

### **Manufactured Home Park or Subdivision**

See mobile home park or subdivision

### **Manufacturing, Heavy**

The assembly, fabrication, production or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, health or safety hazards, or uses that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor

## CHAPTER 17: DEFINITIONS

storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. This shall include, but not be limited to, the following: enameling, lacquering, or the plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; tire recapping and retreading; tobacco products manufacture; tobacco stemming, and rendering plants. This shall not include resource extraction and recycling and salvage operations.

### **Manufacturing, Light**

The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute "heavy manufacturing", resource extraction, or recycling and salvage operations.

### **Marinas**

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

### **Maritime Forest**

Woodlands that have developed under the influence of salt spray on barrier islands adjacent to estuarine waters. They differ from inland forests in that they have adapted to high winds, salt spray and sandy soils characteristic of the coastal environment. They are comprised of three basic types of plant growth which primarily consists of trees but may include understory shrubs and grasses. Primary trees consist of, but are not limited to live oak, loblolly pine, red cedar, red maple and sweetgum. Shrubs and grasses found in conjunction with these species of trees are included in the maritime forest description because of the support and protection they provide larger vegetation.

### **Market Value**

The building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (actual cash value), or adjusted tax assessed values.

### **Mass Gathering**

A performance or special event which is expected to draw 100 or more participants and spectators.

### **Mean Sea Level**

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

### **Mining and Quarrying**

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

### **Mini-warehouse**

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis that does not include outdoor storage.

### **Mitigation Guide**

Measures relating to overall project sites or individual lots which may be necessary to repair or restore forest intentionally or unintentionally damaged or destroyed.

### **Mixed Uses**

When two or more uses occupy the same building, the more restrictive requirements applicable to any such uses in the district which the lot is located shall apply to such buildings.

### **Mobile Home**

A dwelling unit that:

- a. is not constructed in accordance with the standards set forth in the North Carolina State Building Code;
- b. is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and,
- c. exceeds 40 feet in length including the tongue and eight feet in width (40' x 8').

**Mobile Home, Class A**

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

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

**Mobile Home, Class B**

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

**Mobile Home, Class C**

Any mobile home that does not meet the definitional criteria of a class A or class B mobile home. Class C mobile homes are mobile homes constructed prior to July 1, 1976, and may not be relocated within any zoning district, but may be relocated to an established mobile home park or mobile home subdivision within Currituck County. Class C mobile homes are further defined as including only those mobile homes located within the boundaries of Currituck County as of June 5, 1989. No Class C mobile home from an area outside Currituck County shall be permitted in Currituck County after this date.

**Mobile Home Park**

A residential use in which more than one mobile home is located on a single lot, tract or parcel of land.

**Mobile Home Subdivision, Existing**

A subdivision that:

- a. was in existence prior to October 25, 1985, and contained 60 percent class "B" mobile homes or,
- b. received either preliminary or final plat approval prior to October 25, 1985, and was platted or intended to be platted as a mobile home park subdivision. Mobile home park subdivisions shall include, but not be limited to : Knotts Island Estates; James Starboard, Private Access Subdivision, (3 lots); Buckskin Creek; Wedgewood Lakes; Suburban Acres; Suburban Point; Shangrala (lots 1-7 and 14-16 only); Bentwood (lots 2 and 3 only); Claywood; Waterview Shores; Walnut Island; Coinjock Development, and Linda A. Gray minor subdivision dated July 23, 1985.

**Modular Home**

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

**Motor Vehicle**

Every self propelled vehicle designed to run upon the highway and every vehicle designed to run upon the highway that is pulled by a self propelled vehicle.

**Movie Theater, indoor**

A structure in which patrons view films inside of a fully enclosed building. This use may include the sales of concessions and refreshments as an accessory use.

**Movie Theaters, outdoor or drive-in**

An entertainment use at which patrons view films outside of a fully enclosed building. This use may include the sales of concessions and refreshments as an accessory use.

**New Construction**

Structures for which the "start of construction" commenced on or after the effective date of the original version of this ordinance and includes any subsequent improvements to such structures.

**Nonconforming Building or Development**

Any legally existing building or development which fails to comply with the current provisions of this ordinance.

**Nonconforming Lot**

A lot existing as of April 2, 1989 (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located, except that such a lot created pursuant to a provision of this or any prior ordinance allowing the creation of lots smaller than normal minimums shall not constitute a nonconforming lot.

**Nonconforming Project**

Any structure, development, or undertaking that is incomplete as of April 2, 1989 and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**Nonconforming Sign**

A sign that as of April 2, 1989 does not conform to one or more of the regulations set forth in this ordinance.

**Nonconforming Situation**

A situation that occurs when, as of April 2, 1989, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance, because signs do not meet the requirements of this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance.

**Nonconforming Structure**

Any structure which does not conform to the regulation of structures for this ordinance for the district in which it is located either as of April 2, 1989 or as a result of subsequent amendments which may be incorporated into this ordinance, but was either conforming or not subject to regulation previously.

**Nonconforming Use**

A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

**Nonconformity, Dimensional**

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

**Non-Encroachment 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 foot as designated in the Flood Insurance Study report.

**Nursery**

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

**Nursing Care Home**

A residential care home maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

**Nursing Care Institution**

A residential care institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

**Office, Professional**

A structure that houses professional occupations which do not generally involve the on-site sale of goods to customers. This includes but is not limited to attorneys, accountants, architects, doctors, and dentists.

**Open Space**

An area that:

- a. is used to provide for either environmental, buffer, scenic or recreational purposes;
- b. is not encumbered with any structure unless such structure is for recreational purposes available and accessible to all residents of the subdivision or general public, including indoor tennis courts, swimming pool and other facilities;
- c. is not contained within a street right-of-way or otherwise devoted to use as a roadway, parking area not associated with the use of open space or above ground waste disposal facilities;

## CHAPTER 17: DEFINITIONS

- d. is legally and practicably accessible to the residents of the development out of which the open space is taken;
- e. is not encumbered by underground septic lines, any part of a sewage disposal system, or any above ground or below ground structure;
- f. may include farmland and tree farms;
- g. is capable of being used and enjoyed for passive recreation, such as walking, jogging, or being improved for more active recreational use;
- h. does not include any CAMA wetlands; and,
- i. includes any part of any man-made or natural lakes or ponds provided they are completely surrounded by the development and under the ownership of the developer or homeowners association.

### **Outdoor Display**

An area of designated size used for the display of merchandise or tangible property normally vended within the contiguous business or organization. Multiple items may be displayed on a rack designed for display purposes, or in an approved container, but shall not be stacked upon each other for the purpose of storage.

### **Outdoor Kennel**

See Kennel, Outdoor

### **Outdoor Storage**

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

### **Outdoor Tour Operators**

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

### **Overall Site Preparation and Development**

Land clearing or excavation prior to construction requiring plats showing maritime forest and intended conservation and clearing before necessary approvals are granted.

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### **Owner**

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

### **Package Treatment Plant**

A privately or publicly owned facility, other than a conventional residential septic tank system, that is constructed for the purpose of treating sewage and discharging treated effluent.

### **Parking Area**

The portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

### **Parking Area Aisles (aka Drive Aisle)**

That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

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**Parking Space**

A portion of the vehicle accommodation area set for the parking of one vehicle.

**Person**

An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

**Pet Grooming Facility**

A facility providing such services as grooming for dogs, cats, or other household pets where these domestic animals are dropped off and picked up daily between the hours of 7 a.m. and 7 p.m. for temporary care on site and where they may be groomed, provided that overnight boarding is not permitted. Retail sales of pet supplies and toys shall be considered an accessory use. All activities shall be conducted within a fully enclosed structure.

**Plan, Construction**

The engineered drawings of a subdivision submitted for pre-construction review showing infrastructure and grading information.

**Plan, Site Analysis**

A drawing showing existing conditions and analyzing the natural features of a site proposed for development.

**Plan, Site Specific**

A scaled drawing depicting the location and size of proposed buildings, parking areas, landscaping, and other information necessary to meet the requirements of this ordinance.

**Plan, Sketch**

An initial drawing depicting a proposed development that follows the subdivision approval process.

**Plan, Yield**

A plan submitted for a conservation subdivision that is used to determine the maximum permissible density for a development if it was developed in a conventional fashion.

**Planned Unit Development (PUD)**

A development constructed on a tract of at least ten acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD Overlay.

**Plat, Final**

A map of all or a portion of a subdivision that is the legal instrument for recordation. Final plats shall be consistent with the approved preliminary plat and construction plans.

**Plat, Preliminary**

A map indicating the layout of a subdivision submitted after sketch plan approval and before the final plat.

**Post-FIRM**

Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

**Pre-FIRM**

Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

**Primary Frontal Dune**

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

**Principle Use**

See "Use, Principle".

**Principley Above Ground**

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

**Private Road**

See Road, Private

**Privately Owned Airport**

An area of land or water, located on private property that is designed or used on a recurring basis for the landing and take-off of aircraft and where no additional commercial activities occur.

**Produce Sales**

The sale of agricultural products at a temporary or seasonal retail stand.

**Property Owners**

Those listed as owners of property on the records of the Currituck County Tax Office.

**Public Institution**

An organization that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control and that is supported primarily by public funds.

**Public Safety and/or Nuisance**

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

**Public Water Supply System**

Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

**Quasi-judicial**

The process by which the Board of Adjustment reviews requests for variances, appeals, and conditional use permits and the Board of Commissioners reviews requests for special use permits. Sworn testimony is given during the public hearing and an evidentiary record is kept and voted upon based on specified findings of fact.

**Receive-Only Earth Station**

An antenna and attendant processing equipment for reception of electronic signals from satellites.

**Recreation Equipment Rentals and Instruction**

A business that leases recreational equipment and/or provides instruction on recreational equipment including but not limited to bicycles, kayaks, windsurfing, and kites.

**Recreational Facility, Outdoor Private**

A privately owned area of land that is developed for active and/or passive recreational pursuits with various manmade features and is designed to serve the immediate neighborhood in which it is located, or can be regional in scope, serving several neighborhoods. This includes but is not limited to private golf courses, country clubs. This does not include campgrounds.

**Recreational Facility, Outdoor Public**

A publicly owned or commonly owned area of land that is developed for active and/or passive recreational pursuits with various manmade features and is designed to serve the immediate neighborhood in which it is located, or can be regional in scope, serving several neighborhoods. This includes but is not limited to athletic fields, community swimming pools, parks, and water access.

**Recreational Vehicle**

A motor vehicle that is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home, and which is:

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

### **Reference Level**

The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower. For structures within Special Flood Hazard Areas designated as zones VE or V1-V30, the reference level is the bottom of the lowest horizontal structural member of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

### **Regulatory Flood Protection Elevation**

The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within Special Flood Hazard Areas must be protected. This elevation shall be the Base Flood Elevation (BFE) indicated on the FIRM. Where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

### **Religious Institution**

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services. Day care centers (which have enrollment capacities in excess of 25 enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principle uses.

### **Remedy a Flood Ordinance Violation**

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

### **Repetitive Loss**

Flood-related damages sustained by a structure on two separate occasions during any ten 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.

**Research Facility**

A building or campus for an institution or group of institutions to conduct research for a particular industry.

**Residence, Duplex**

A single residential building on one lot in designed to be occupied by two families living independently of each other in which the dwelling units share a common wall and have living space on the ground floor and separate ground floor entrances.

**Residence, Multi-Family**

A building containing three or more attached dwelling units on a single lot. Individual units may be mixed vertically or horizontally within that building or attached to it by a common floor or wall.

**Residence, Multi-Family and Two-Family Conversion**

A multi-family residence that contains not more than nine bedrooms, not more than six dwelling units and results from the conversion of a single building containing at least 2000 square feet of gross floor area that was in existence prior to April 1, 1985.

**Residence, Townhome**

Two or more attached or detached dwelling units located on separate lots in which each dwelling unit has living space on the ground floor and separate ground floor entrances. Townhouses are generally located within a development containing internal streets, walks, and open space or common elements.

**Residence, Primary with Accessory Apartment**

A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building, nor more than a total of 750 square feet.

**Residence, Single-Family Detached, More Than One Dwelling Per Lot**

A residential use consisting of two single-family detached dwelling units on a single lot.

**Residence, Single-Family Detached, One Dwelling Unit Per Lot**

A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**Residence, Two-Family**

A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

**Residence, Two-Family Apartment**

A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

**Resident Manager/Caretaker Dwelling**

A single-family dwelling occupied by someone who owns or is a manager/caretaker of a nonresidential use for the purpose protecting such use.

**Residential Airpark Development**

A development constructed on one or more tracts of at least 40 acres under single or multiple ownership, planned and developed as an integral unit that accommodates residential development with airplanes and is located within a RAD Overlay.

**Residential Care Home**

A residential home in which the homeowner provides residential supervision, care, or therapeutic services for nine or less adults, adolescents, or children not including persons who require lock down or are dangerous or violent toward others. Medical care is provided on an incidental and occasional basis. This shall not include “Family Care Homes for the Handicapped” as defined by this ordinance or by NCGS 168-21. Homes not meeting the definition of “Residential Care Home” fall into the category of “Residential Care Institution”.

**Residential Care Institution**

An institutional facility in which supervision, care, therapeutic, or medical services are provided for more than nine persons in a residential capacity or which do not otherwise meet the requirements of a “Residential Care Home”.

**Restaurant**

A commercial establishment where food and drink are prepared, served, and consumed primarily within the principle building. This also includes carry-out established where food is consumed off-premises.

**Restaurant, Drive-through**

Restaurant where food is purchased by motorist from inside their vehicle to be consumed off the premises or on the premises.

**Retail Uses**

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Retirement Community**

Any age restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences offering private and semi-private rooms.

**Rezoning**

See “Amendment, Zoning Map”.

**Right of Way**

An area of land not on a lot (or part of a minimum lot area) that is dedicated for public or private use to accommodate a transportation system and necessary public or private utility infrastructure (including but not limited to roads, water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an easement. For a subdivision subject to county review, the area of land shall be owned fee-simple and of a sufficient width to meet the requirements of this ordinance.

**Riverine**

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

**Road**

A highway. An open way or public passage. A strip of land appropriated and used for purposes of travel and transportation between different places.

**Road, Private**

A road or way for the use of private individuals.

**Road, Public**

A road or way established and adopted (or accepted as a dedication), by the proper authorities for the use of the general public, and over which every person has a right to pass and to use it for all purposes of travel and transportation to which it is adapted and devoted.

**Roadside Market**

A building or open air market used for the seasonal retail sale of agricultural and aquaculture products. A minimum 75 percent of floor space shall be devoted to selling produce, seafood, or related agricultural products.

**Rooming House**

A residential use:

- a. that consists of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, and
- b. where the rooms are occupied by short term residents (less than month-to-month tenants) as opposed to overnight or weekly guests.

**Sand-Lined Trench Waste Water Treatment Systems**

A method of disposing of waste water where unsuitable soils are removed and replaced with sandy soils to allow for proper infiltration. These systems are installed under the authority of the Albemarle Regional Health Services (ARHS).

**School, Elementary and Secondary**

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

**School, Instructional**

A public or private institution or service that provides instruction in a particular skill, including but not limited to dance, gymnastics, martial arts, visual arts, and performing arts.

**School, Trade or Vocational**

A post-secondary school offering instruction in one or more skilled or semiskilled trades or occupations.

**Security Training Operations and Services**

A facility located on at least 3,500 contiguous acres which provides the following services; explosives training, driver training (including vehicle maintenance facility to support driver training activities), training operations utilizing fixed and rotary wing aircraft (including parachute operations and training, airstrip and supporting aviation structures, and parachute landing zones), towers that are 100' tall or less that are used in connection with security training, dining facilities, commercial retail and lodging areas, and office, clerical, research and services related to security training operations and services.

**Service Uses**

Uses that include the provision of work that does not typically result in the transfer of physical goods and that create benefits by facilitating a change in customers, a change in their physical possessions, or a change in their intangible assets. (i.e. beauty shops, dry cleaning, appliance repair, etc.) This does not include automotive/boat/heavy equipment/manufactured home services.

**Sexually Oriented Business (aka Adult Establishment)**

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

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- a. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines are used to show films, motion pictures, video cassettes, digital reproductions, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- b. **Adult Bookstore:** An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following:
  - i. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital reproductions, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
  - ii. instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- c. **Adult Business:** A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:
  - i. persons who appear nude or semi-nude; or
  - ii. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  - iii. films, motion pictures, videocassettes, digital reproductions, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.
- d. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, digital reproductions, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.
- e. **Adult Theater:** A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.
- f. **Escort Agencies:** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

- g. **Massage Business:** Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically excluded from this definition are massages under the direct supervision of (i) a licensed physician (ii) a masseuse licensed in the State of North Carolina, or (iii) where massage is an accessory to the principle use (except as an accessory to an adult establishment or sexually oriented business) such as at health clubs and beauty salons
- h. **Specified Anatomical Areas:** Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. **Specified Sexual Activities:** Specified sexual activities shall include, but are not limited to, the following:
  - i. human genitals in a state of sexual stimulation, arousal, or tumescence; or
  - ii. sex acts, normal or perverted, actual or simulated, including human masturbation, sexual intercourse, sodomy, or oral copulation; or
  - iii. fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts.

**Sheer Zone**

The natural edge of a maritime forest or the new edge which has been exposed after forest clearing has occurred.

**Shopping Center**

A development consisting of four or more establishments that share pedestrian circulation, vehicle access, parking facilities, landscaping, and a master sign plan on a tract of land at least four acres in area.

**Shopping Center, Outparcel**

A lot located on the perimeter of a shopping center development, with frontage on the arterial street serving the shopping center, that is subordinate to the shopping center development for access, parking, and drainage.

**Sight Distance Triangle**

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. A sight distance triangle of 10 feet by 35 feet is required where vehicular areas intersect with street rights-of-way and 10 feet by 70 feet at street intersections. Nothing over 24 inches or less than 7 inches in height shall be located within this area.

**Sign**

Any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.

**Sign, Animated**

Any sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene. (PB 08-10, 3/17/08)

**Sign, Awning/Canopy**

Any message printed on an awning or canopy.

**Sign, Community Identification**

A sign located at the entrance of a subdivision or multi-family development.

**Sign, Contractor**

A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. This shall not include signage required by the county.

**Sign, Cottage For Rent**

A sign placed on a residentially zoned dwelling that is in a rental program offered by a rental company or private owner.

**Sign, Cottage Name**

A sign placed on a dwelling displaying the name of the house or cottage.

**Sign, Digital Billboard**

Billboards that can electronically change their images or text.

**Sign, Directional**

An off-premise sign that displays the name and direction to an institutional use, religious use, or historic property.

**Sign, Electronically Controlled Message**

A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of five seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum five seconds shall be considered an animated sign. (PB 08-10, 3/17/08)

**Sign, Externally Illuminated**

A sign where the source of illumination is outside the sign and light is reflected off the surface of the sign from an external source.

**Sign, Freestanding**

A sign that is attached to, erected on, or supported by some structure (such as pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principle function is something other than the support of a sign.

**Sign, Governmental**

A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

**Sign, Internally Illuminated**

Sign where the source of the light is inside the sign and light emanates through the message of the sign, rather than being reflected off of the face of the sign.

**Sign, Inflatable**

Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**Sign, Informational**

Any on-premise sign containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Such signs include but are not limited to the following: handicapped parking, loading area, restrooms, property address, building identification, and other noncommercial courtesy messages.

**Sign, Internally Illuminated**

A sign, including neon signs, where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

**Sign, Local Event**

A sign that identifies a local event such as a library book sale, art exhibit, or other noncommercial event expected to attract less than 100 participants and spectators.

**Sign, Message Board/Reader Board**

That portion of a sign where the message changes by way of lights or some other mechanical means.

**Sign, Monument**

A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. The entire bottom of the sign is affixed to the ground.

**Sign, Nonconforming**

Any sign that does not meet one or more of the requirements of this ordinance as of the effective date of this ordinance.

**Sign, Off Premise**

Any sign that directs one's attention to a service, commodity, entertainment, or business that is offered elsewhere than on the premise where the sign is displayed.

**Sign, On Premise**

Any sign that directs one's attention to a service, commodity, entertainment, or business offered on the premise where the sign is located

**Sign Permit**

A permit issued by the administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

**Sign, Political**

A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**Sign, Portable (Mobile Marquee)**

A temporary freestanding, on-premise sign which is not designed to be permanently affixed to a base or ground.

**Sign, Railing**

Any sign attached to a railing.

**Sign, Real Estate**

A sign indicating that a property is available for sale, lease, or rent.

**Sign, Roadside Market**

A temporary sign advertising: 1) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser; 2) an approved roadside market selling fruits or vegetables; or 3) produce, seafood, or related agricultural products offered for sale at an approved roadside market.

**Sign, Roof**

A sign that is mounted on the roof of a building between the roof eave and roof peak.

**Sign, Suspended**

A sign suspended or hanging down from a marquee, awning, or porch.

**Sign, Temporary**

A sign that:

- a. is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or
- b. is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**Sign, Vehicle**

Any sign attached to or painted on a vehicle, motorized or drawn, parked and visible from a public right-of-way intended to advertise a product or service.

**Sign, Vendor**

An incidental sign advertising the sale of goods or rendering of services available at a commercial establishment on the same lot as the establishment.

**Sign, Wall**

A sign fastened to or painted on the wall, canopy, or awning of a building or structure in such a manner that the wall, canopy, or awning becomes the supporting structure for or forms the background surface of the sign. A sign fastened to a wall shall not project more than 12 inches from such building or structure. A canopy or awning sign may project more than 12 inches from such building or structure.

**Sign, Window**

Any sign attached to the window glass of a commercial building.

**Significant Dune**

Any of the following sand dunes so situated that its destruction or disturbance would cause a significant negative ecological or aesthetic impact, or constitute a potential hazard to streets or buildings constructed in its path and whose height is 25 feet above mean sea level. Significant dunes in Currituck County include Lewark Hill and Three Sister's Hill.

**Silvicultural Operations**

The cultivation and care of forests.

**Site-triangle**

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business.

**Social, fraternal, civic organization**

Uses intended to serve public needs or to serve as public gathering places including non-profit clubs or charitable service organizations.

**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 as in NCGS 130A-290(a)(36).

**Special Events**

Circuses, fairs, carnivals, festivals, or other types of special events that:

- a. run for longer than one day but not longer than two weeks,
- b. are intended to or likely to attract substantial crowds; and,
- c. are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Special Flood Hazard Area (SFHA)**

The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in this ordinance.

### **Special Use Permit (SUP)**

A permit issued by the Board of Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board of Commissioners.

### **Start of Construction**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

### **Stockyard, Slaughterhouse, & Rendering**

A site where livestock is stored and butchered for food.

### **Street**

A public street or a street with respect to which an offer of dedication has been made.

### **Street, Arterial**

A street whose principle function is to carry large volumes of traffic at higher speeds through the county or from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, US 168, NC 34, NC 136, NC 615, and NC 12 (Ocean Trail).

### **Street, Arterial Access**

A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic

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on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

### **Street, Collector**

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

### **Street, Cul-de-sac**

A street that terminates in a vehicular turnaround.

### **Street, Local**

A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.

### **Street, Loop**

A street that originates and terminates at intersections with the same street.

### **Street, Major Arterial**

The following arterials that are part of the State's primary road system: US 158, US 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

### **Street, Minor Arterial**

All arterials other than major arterials

### **Street, Private**

A street other than a public street.

### **Street, Public**

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

### **Street Setback**

The distance between the nearest position of any structure or vehicular area and a street or highway right-of-way line when measured perpendicularly thereto.

### **Structure**

A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground (at least 51% of the actual cash value of the structure is above ground). Any form or arrangement of a building or construction materials involving the necessity or precaution of providing proper support, bracing, tying,

anchoring, or other protection against the pressure of the elements. It also means any substantial structure which, by reason of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque shall be deemed to fall within this description and are therefore prohibited within the setback area.

**Structure Highlighting**

- a. Exposed or channel neon, argon, krypton or similar gas tube lighting, not utilized as part of a permitted signage, that directs attention to a building, or structure,
- b. Any unshielded light source, or light source that illuminates a translucent or opaque two or three dimensional surface, or object, that is not part of a permitted sign, that directs attention to a building or structure.

**Subdivider**

Any person who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.

**Subdivision**

The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this ordinance applicable strictly to subdivisions:

- a. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this ordinance;
- b. the division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- c. the public acquisition by purchase of strips of land for widening or opening streets; or,
- d. the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this ordinance.

**Subdivision, Conservation**

A residential subdivision where lot sizes may be reduced to a minimum of 20,000 square feet and at least 45% open space shall be provided. Subdivisions of five lots or less that are developed under these standards will not be eligible for a density bonus. Subdivisions with more than 40 lots are required to meet the conservation subdivision standards, unless lot sizes are five acres or more.

**Subdivision, Conventional Major**

Major subdivisions of less than 40 lots or all lots are greater than 5 acres and all lots front on a public or private street. No open space is required and all lots front on an existing public street or a street dedicated to a homeowners association.

**Subdivision, Conventional Minor**

Consisting of five lots or less fronting on an existing public street.

**Subdivision, Existing Mobile Home**

See: Mobile Home Subdivision, Existing

**Subdivision, Family**

A subdivision where single-family lots may be permitted to front on a private accessway and the division of lots may occur at a rate not greater than one lot per year up to a maximum of five lots.

**Subdivision, Major**

A subdivision that creates six or more lots and is subject to the improvement standards in this ordinance.

**Subdivision, Minor**

A subdivision that does not involve any of the following:

- a. the creation of more than a total of five lots;
- b. the creation of any new public streets.

**Subdivision, Open Space**

A residential subdivision that fronts on a dedicated public street or a street dedicated to a homeowners association where open space is provided in this ordinance.

**Subdivision, Private Access (PAS)**

A minor subdivision with a maximum of five lots developed exclusively for individual lots fronting on a private street constructed to NCDOT standards.

**Subdivision, Planned Unit Development (PUD)**

Where mixed residential and commercial developments are planned as a unit.

**Subdivision, Residential Airpark Development (RAD)**

Where residential development adjoining the Currituck County Airpark may be planned to provide for right-of-ways to be used for both motor vehicles and taxiing aircraft.

**Substantial Damage**

Damage of any origin sustained by a structure since November 1, 1984 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 ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Improvement**

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place since November 1, 1984 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 include:

- a. any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Tattoo Parlors**

Any establishment or business engaged in the business or practice of dyeing, staining, or producing scars in, on, or under the living human skin.

**Taxi Service**

Transport by vehicle (ex. taxi, limousine) for a single passenger or small group of passengers between locations of their choice.

**Technical Review Committee (TRC)**

The group of representatives from various departments or agencies responsible for reviewing and making recommendations on development plans.

**Temporary Building**

Structures built in accordance with the North Carolina State Building Code and built in accordance with the standards promulgated by the U.S. Department of Housing and Urban Development.

**Temporary Construction or Sales Office**

A temporary mobile unit located at a development site for to be used for construction or sales purposes.

**Temporary Emergency, Construction, or Repair Residence**

A residence that is:

- a. located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster;
- b. located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or,
- c. located on a nonresidential construction site and occupied by persons having construction or security responsibilities over construction site.

**Tent**

Any temporary shelter, canopy or enclosure of canvas, fabric, plastic film or other stretch material supported and sustained by a pole(s) and/or guy line(s).

**Tourist Home**

A dwelling unit:

- a. that consists of at least one dwelling unit together with one or more rooms that are rented out on a daily or weekly basis (with or without board) to tourists, vacationers, or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units.
- b. where the dwelling unit is occupied by the owners or operators of the tourist home business.

**Tower**

Any structure whose principle function is to support an antenna.

**Tower, Other**

Any structure that exceeds the maximum building height for a structure in a given zoning district. This includes water towers, but does not include telecommunications towers.

**Tower, Telecommunications**

Any structure that exceeds the maximum building height for a structure in a given zoning district whose principle function is to support an antenna.

**Tract**

A lot, the term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

**Travel Trailer**

A structure that is:

- a. intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and
- b. is for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile home.

**Unsubdivided Development**

All construction of structures upon land under common singular ownership where such construction does not involve the sale of individual lots or parcels of land and the streets and ways are intended for use by the public or occupants of the development.

**Use**

The activity or function that actually takes place or is intended to take place on a lot.

**Use, Accessory**

A use customarily incidental and subordinate to the principle use of a building and located on the same lot or building.

- a. a use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principle use; and,
- b. to be commonly associated with a principle use it is not necessary for an accessory use to be connected with such principle use more times than not, but only that the association of such accessory use with such principle use takes place with sufficient frequency that there is common acceptance of their relatedness.

**Utility Facilities**

Any above or below ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3(23) of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting as defined in this ordinance?

**Uses, Mixed**

When two or more uses occupy the same building, the more restrictive requirements applicable to any such uses in the district which the lot is located shall apply to such buildings.

**Use, Principle**

A use listed in the Table of Permissible Uses.

**Utility Facilities, Community or Regional**

All utility facilities other than neighborhood facilities

**Utility Facilities, Neighborhood**

Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

**Variance**

A grant of relief from the requirements of this ordinance.

**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 certifications, or other evidence of compliance required in ordinance is presumed to be in violation until such time as that documentation is provided.

**Vehicle Accommodation Area**

The portion of a lot that is used by vehicles for access, circulation parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles). Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

**Warehousing**

The operation of a facility for the principle use of storing of goods or materials not currently for sale. This shall include structures or buildings associated with the operation of such principle use but does not include manufacturing or industrial incidental storage of raw materials used by the business on-site or finished product of the business made on-site.

**Water Surface Elevation (WSE)**

The height, in relation to mean sea level (existing grade in case of Zone AO), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse**

Means 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.

**Wetlands, CAMA**

Those areas of land, marsh, or swamp which are frequently saturated or covered with water designated by various state agencies as CAMA Wetlands. There are three types of wetlands;

- a. CAMA Wetlands - Those areas of land, marsh, or swamp which are frequently saturated or covered with water, subject to tidal action, and designated by various state agencies as CAMA Wetlands. These wetlands shall not be filled nor counted in the Yield Plan.
- b. Isolated 404 Wetlands - Wetland pockets that have no connection, subsurface or surface, to any adjacent water body. These wetlands may be filled with Army Corps of Engineers approval and may be used in calculating the yield.
- c. Adjacent/Contiguous 404 Wetlands – These wetlands have a subsurface or surface connection to a water body and shall not count towards the yield.

**Wholesale Sales**

On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Wind Energy Facility**

An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**Wind Energy Facility, Large System**

A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

**Wind Energy Facility, Small System**

A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW.

**Wind Energy Facility, Utility Scale**

A wind energy conversion system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than one MW or greater.

**Wind Farm**

See “Wind Energy Facility, Utility Scale”.

**Wind Power**

Power is generated in the form of electricity by converting the rotation of turbine blades into electrical current by means of an electrical generator.

**Wind Pump**

A type of windmill used for pumping water from a well or draining land.

**Wind Turbine**

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

**Wind Turbine Height**

The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

**Windmill**

A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

**Wireless Communications**

Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

**Wireless Communication Facility**

A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

**Wireless Communication Facility, Antenna Array**

An antenna array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional

antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

**Wireless Communication Facility, Attached**

An attached wireless communication facility is an antenna array that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

**Wireless Communication Facility, Collocation/Site Sharing**

Collocation/site sharing shall mean use of a common wireless communication facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

**Wireless Communication Facility, Equipment Facility**

An equipment facility is any structure used to contain ancillary equipment for a wireless communication facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**Wireless Communication Facility, Height**

When referring to a wireless communication facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

**Wireless Communication Facility, Setback**

Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

**Wireless Communication Facility, Support Structure**

A support structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (attachment device) which is used to attach an attached wireless communication facility to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

**Wireless Communication Facility, Temporary**

Temporary wireless communication facility shall mean a wireless communication facility to be placed in use for 90 or fewer days.

## CHAPTER 17: DEFINITIONS

### **Wireless Communication Facility, Tower and Antenna Use Application (TAA)**

A form provided to the applicant by the county for the applicant to specify the location, construction, use and compliance with the development standards of a proposed wireless communications facility

### **Wireless Telecommunication Services**

Licensed commercial wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized radio, paging, and similar services marketed to the general public.

### **Wooded Area**

An area of contiguous wooded vegetation where trees are at a density of at least one six inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

### **Yard**

An open space on the same lot with a principle building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

### **Yard Sale**

Same as Garage Sale

### **Yield Plan**

The maximum number of lots that may be created from single or recombined parcels based on the underlying zoning district(s) and after all CAMA Wetlands, Adjacent 404 Wetlands and all streets (ten percent or more of the total tract) have been removed.

### **Zoning Permit**

A permit issued by the administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.