

<b>ARTICLE XV</b>	<b>TABLE OF CONTENTS DEFINITIONS AND WORD INTERPRETATIONS</b>
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**15.01 Interpretation of Ordinance****A. Minimum Requirements**

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

**B. Greater Restrictions Govern**

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

**C. Rounding of Numbers**

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

**D. Figures and Tables**

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

**15.02 Rules of Construction****A. Word Interpretations**

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

**B. Rules of Construction**

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

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

### **15.03 Interpretation of District Boundaries**

#### **A. Boundary Interpretation**

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

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

## **B. Interpretation by Board of Adjustment**

Where existing natural or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by [subsection A](#). (Boundary Interpretation), the Board of Adjustment shall interpret the district boundary.

### **C. Annexation**

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

1. The municipality has adopted regulations for said annexed or extraterritorial area; or
2. A period of sixty days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

### **D. Extraterritorial Jurisdiction**

A municipality that desires to extend its extraterritorial powers into any area for which Chowan County is enforcing zoning provisions, subdivision regulations, and the NC Building Code, may do so only when the municipality and Chowan County have agreed upon the area within which each will exercise the powers conferred by NCGS 160A-360. When a municipality desires to relinquish jurisdiction over an area that it is regulating under the provisions of NCGS 160A-360, the municipal regulations and powers of enforcement shall remain in effect until:

1. Chowan County has adopted regulations for the relinquished jurisdiction; or
2. A period of 60 days has elapsed following the action by which the municipality relinquished jurisdiction, whichever is sooner. During this period, the county may hold hearings and take other measures that may be required in order to adopt regulations for the relinquished area.

When a municipality is granted extraterritorial powers by Chowan County in accordance with NCGS 160A-360, such approval shall be evidenced by a formally adopted resolution of the Board of County Commissioners. Any such approval can be rescinded upon two year's written notice to the municipality by repealing the resolution. The adopted resolution may be modified at any time by mutual agreement of the Board of County Commissioners and the municipality.

### **E. Parcels Divided by Zoning District Boundary Lines**

1. Whenever a single parcel two acres or less in size is located within two or more different zoning districts, the district regulations

applicable to the district within which the larger portion of the parcel lies shall apply to the entire parcel.

2. Whenever a single parcel greater than two acres in size is located within two or more different zoning districts, then:
  - (a) If each portion of the parcel located within a separate zoning district is equal or greater than the minimum lot size for that district, then each portion of the parcel shall be subject to all regulations applicable to the district in which it is located.
  - (b) If any portion of the parcel located within a separate zoning district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.
3. The above provisions apply only to parcels created on or before the effective date of this Ordinance unless the Board of Adjustment, in a proceeding authorized in [Section 13.03](#) to determine district boundaries, concludes that a parcel established after the effective date of this Ordinance was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this subsection.

#### 15.04 Definitions

**Abandoned Motor Vehicle.** A motor vehicle that:

- (1) Is left on public grounds or county-owned property in violation of a law or ordinance prohibiting parking; or
- (2) Is left for longer than 24 hours on property owned or operated by the county; or
- (3) Is left for longer than two hours on private property without the consent of the owner, occupant, or lessee of the property; or
- (4) Is left for longer than seven days on public grounds.

**Abutting.** Having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

**Access Easement.** An easement which grants the right to cross property.

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

**Accessory Dwelling Unit.** A dwelling unit that exists either as part of a principal dwelling or as an accessory building, and is secondary and incidental to the use of the property as single-family residential.

**Accessory Structure.** A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. Structures accessory to an agricultural use may be located on noncontiguous tracts in accordance with [Section 6.02, E](#).

**Accessory Use.** A use that: (1) is clearly incidental to and customarily found in connection with a principal use; (2) is subordinate to and serves a principal use; (3) is subordinate in area, extent, or purpose to the principal use served; (4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served; and (5) is located on the same lot as the principal use served except as may be specifically provided for elsewhere in this Ordinance.

**Adjacent.** Having a common border such as a lot line or street right-of-way.

**Address.** The official house, building, or structure number assigned by the County for a specific lot, building or portion thereof.

**Adult Bookstore.** See ‘Sexually-Oriented Business’ definition.

**Adult Business.** Any business activity, club or other establishment, which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

**Adult Nightclub.** See ‘Sexually-Oriented Business’ definition.

**Adult Theater.** See ‘Sexually-Oriented Business’ definition.

**Agricultural Use.** The use of land or water for bona fide farm purposes (see ‘Farm, Bona Fide’).

**Aircraft.** Any machine supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces, including, but not limited to, powered airplanes, gliders, helicopters, and dirigibles.

**Alley.** A roadway that affords only a secondary means of access to abutting property.

**Alternative Antenna Support Structures (AASS).** Structures which are functionally and legally capable of supporting wireless communication antennae, including, but not limited to buildings, water towers, and utility poles as an ancillary use of the primary structure.

**American Mobile Telecommunications Association (AMTA).** A Washington, D.C.-based industry trade group which serves to support its specialized mobile radio (SMR) operator members through lobbying and networking efforts.

**American National Standards Institute (ANSI).** A private sector federation for voluntary standardization of measurements.

**Apartment.** See 'Multifamily Dwelling' definition.

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

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

**Areas of Environmental Concern (AECs):** Areas specifically defined in subchapter 7H of Chapter 15 of the North Carolina Administrative Code. These defined areas which are located within the jurisdiction of Chowan County include: Coastal Wetlands; Estuarine Waters; Estuarine Shorelines, and Public Trust Areas. If an AEC is involved in any permitted activity covered by this Ordinance, then additional permits may be required by the State of North Carolina; the four major AECs are further briefly defined as follows (See Section 3.24): (1) Coastal Wetlands: Any salt marsh or other marsh subject to regular or occasional flooding by tides; (2) Estuarine Waters: All waters of the Atlantic Ocean, and associated bays, sounds, rivers and tributaries, within the boundaries of North Carolina; (3) Estuarine Shorelines: Non-ocean shorelines especially vulnerable to erosion, flooding, or other adverse effects of wind or water, and which are connected to the estuary, and (4) Public Trust Areas: All public navigable waters, and lands thereunder subject to measurable lunar tides.

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

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

**Auto Wrecking.** A person or establishment that provides open storage, disassembling, or salvaging for junked motor vehicles.

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

**Bars, Night Clubs, Taverns.** Establishments primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, and liquor, for consumption on the premises.

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.

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

**Bed and Breakfast Inn.** A lodging facility in which the operator resides and which is established for the purpose of providing temporary overnight accommodations for tourists, vacationers and other similar transients. The facility may have a dining room but only for the provision of food for the registered guests of the facility.

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

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

**Billboard or Outdoor Advertising Sign.** See sign definitions in [Section 9.01](#).

**Block.** The land lying within an area bounded on all sides by roads.

**Board of Adjustment.** A quasi-judicial body, appointed by the Board of County Commissioners, that is given certain powers under this Ordinance.

**Board of County Commissioners.** Refers to the Chowan County Board of County Commissioners.

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

**Boathouse.** A structure constructed on a pier for the purpose of storing a boat. Boathouses shall be constructed in accordance with the provisions of 15A NCAC 07H.0208(b)(6).

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

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

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

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

**Building.** Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered a separate building.

**Building Height.** The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

**Building Line.** The line, established by this Ordinance, beyond which the building shall not extend, except as specifically provided by this Ordinance.

**Building Separation.** The minimum required horizontal distance between buildings.

**Caliper Inches.** Quantity in inches of the diameter of trees measured at six inches above the ground for trees four inches or less in trunk diameter and twelve inches above the ground for trees over four inches in trunk diameter.

**CAMA.** The Coastal Area Management Act of 1974, as amended.

**Camouflaged Tower.** A tower which is designed to blend into the surrounding environment, such as a tower designed to resemble a tree or, if erected on an existing structure, an integral part of the building.

**Canopy Tree.** A species of tree which normally grows to a mature height of forty feet or more with a minimum mature crown width of thirty feet.

**Cellular Telecommunications Industry Association (CTIA).** A family of representative companies that support the cellular, PCS, and enhanced SMR carriers industry through lobbying, research and policy efforts.

**Certificate of Zoning Compliance.** A statement, signed by the Zoning Administrator, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

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

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

**Collector Road.** A road whose principal function is to carry traffic between cul-de-sac, local, and subcollector roads, and roads of higher classification, but which may also provide direct access to abutting properties.

**Collocation.** The siting of two or more wireless telecommunication antennae on the same wireless telecommunication support structure.

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

**Common Area(s).** All areas, including private roads, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

**Community Water Supply System.** See 'Public Water Supply System'.

**Conditional Use Permit.** A permit issued by the Board of County Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance and with any additional requirements imposed by the Board of County Commissioners.

**Conditional Zoning District.** A zoning district that permits a particular use or uses established only in accordance with specified standards and conditions tailored to each individual development project. Conditional zoning districts are established in accordance with the requirements of [Section 14.07](#).

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

**Congregate Care Facility.** A facility providing shelter and services for ambulatory individuals whom by reason of the age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

**Convenience Store.** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop and go traffic. Illustrative examples of

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

**Corner Lot.** A lot abutting two or more roads at their intersection.

**County.** Refers to Chowan County, North Carolina.

**County Board (or Board of County Commissioners).** Refers to the Chowan County Board of County Commissioners.

**Critical Root Zone.** The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

**Cul-de-sac Road.** A short local road having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

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

**Day.** Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law. See also [Section 15.02, B. 8.](#)

**Day Care Center.** A child day care facility as defined in NCGS 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 adults.

**Declaration of Unit Ownership.** A duly recorded instrument by which property is submitted to the provisions of NCGS 47A or NCGS 47C for the purpose of creating a condominium.

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

**Developer.** A person engaging in development.

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

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

**District.** See Zoning District.

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

**Drainage Easement.** An easement that grants the right of water drainage to pass in open channels or enclosed structures.

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

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

**Driveway.** A private travel way which provides access from a public or private road, road or easement.

**Duplex.** See 'Two-Family Dwelling'.

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

**Dwelling Unit, Attached.** Any dwelling unit that shares one or more common walls with other similar units.

**Dwelling Unit, Detached.** Any dwelling unit that is freestanding and shares no common walls with any other dwelling unit.

**Dwelling, Multi-family.** See 'Multi-family Dwelling'.

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

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

**Energy Generating Facility:** A facility that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of energy facilities may include, but are not limited to: petroleum; methane; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

**Engineer.** Any engineer licensed by the State of North Carolina.

**Environmental Assessment (EA).** An assessment of a project's environmental impact as defined in the National Environmental Policy Act of 1969.

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

**Existing Development.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) Having an outstanding valid building permit as authorized by NCGS 153A-344.1, or
- (3) Having an approved site specific or phased development plan as authorized by NCGS 153A-344.1.

**Existing Lot (Lot of Record).** See Lot of Record.

**Extraterritorial Jurisdiction (ETJ).** That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.

**Fall Radius.** A physical radius prescribed by the total effective height of any tower, including an area which theoretically could be penetrated by the collapse of that tower.

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

**Family Care Home.** A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or less resident handicapped persons, pursuant to NCGS 168-21.

**Farm, Bona Fide.** An agricultural land use that includes the production and activities relating or incidental to the production of crops, fruits, vegetables,

ornamental and flowering plants, dairy, livestock, poultry, fish, and all other forms of agricultural products having a domestic or foreign market.

**Federal Aviation Administration (FAA).** The Federal Agency responsible for regulating aviation in the United States.

**Federal Communications Commission (FCC).** The Federal Agency responsible for regulating telecommunications in the United States.

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

**Financial Guarantee.** Any form of security, including a cash deposit, collateral, property, or instrument of credit, in an amount and form approved by Chowan County for use in place of actual construction of required improvements. Also referred to as 'surety.'

**Firearm.** A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

**Flag Lot.** A lot that has less than the required amount of frontage on a road and relies on a panhandle-shaped corridor for access to the bulk of the lot.

**Flood Hazard Area.** See [Section 7.02, C.](#) for flood hazard-related definitions.

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

**Floor Area Ratio.** The numerical value obtained by dividing the gross floor area of the building(s) by the net lot area on which the building(s) is/are located.

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

**Frontage.** The side(s) of a lot abutting a legally accessible public or private road right-of-way.

**Front Yard Setback.** A setback from a road, road, or lane right-of-way. In cases where no right-of-way exists, setbacks are determined in accordance with the requirements of [Section 6.03, F.](#)

**General Use Zoning District.** A zoning district that permits all of the general uses allowed in that district as well as special uses allowed in that district, provided that all of the specified conditions are met.

**Grade, Finished.** The final elevation of the ground surface after development.

**Grade, Natural.** The elevation of the ground surface in its natural state before man-made alterations.

**Grid-Tied Solar System:** A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

**Gross Floor Area.** The sum of the gross horizontal areas of one or several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

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

**Group Development.** A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises.

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

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

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

**Hazardous Material.** Any substance listed as such in SARA section 302, Extremely Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

**Hazardous Waste Treatment Facility.** A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection

with the facility, of hazardous waste; and which facility includes several of the following equipment and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilities reuse or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

**High Definition Television (HDTV).** Digital television signals transmitted in the very high frequency band by national and local television stations.

**Home Occupation.** A commercial activity that is conducted by a person within a residence or accessory structure on the same zone lot where such person resides, and is not so insubstantial or incidental or is not so commonly associated with the residential use as to be considered an accessory use, but that can be conducted without any significant adverse impact on the surrounding neighborhood. A permissible home occupation activity is defined as an activity that does not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district or the surrounding area in which it is located. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located. A home occupation use must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence. The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building.

**Homeless Shelter.** A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: (1) the facility shall be contained within the building and operated by a government agency or nonprofit organization; (2) a minimum floor space of fifty square feet shall be provided for each individual sheltered; and (3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

**Homeowners' (or Property Owners') Association.** A private, nonprofit corporation of homeowners formally constituted for the purpose of owning, operating, and maintaining common properties. Also known as a Declaration of Unit Ownership in a condominium development.

**Horse Show.** A temporary equestrian activity that is not conducted in conjunction with a riding academy.

**Incompatible Use.** A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

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

**Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- (1) Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- (2) Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
- (3) Stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (4) Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

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

**Interior Setback.** A setback from any property line not alongside a road.

**Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material or other refuse.

**Junk/Salvage Yard.** Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of 'junk' as defined above.

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

**Kenel.** A commercial operation that provides food, shelter, and care of dogs for purposes not primarily related to medical care or engages in the breeding of dogs for sale.

**Lake.** Any natural or impounded body of water, including, but not limited to, a reservoir or pond.

**Land Clearing Debris.** Solid waste that is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

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

**Landfill, Demolition and Construction Debris.** A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. Disposal of any other types of waste must be approved by the NC Division of Health Services.

**Landfill, Construction and Demolition Debris (CDLF).** A disposal site for waste or debris resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

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

**Landfill, Land Clearing and Inert Debris (LCID).** A lot, parcel, area, or facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood and yard trash by burying and covering with soil. This definition does not include the placing of any land clearing or inert debris on a lot, plot, or parcel that was generated on, or came from the property on which it was placed, by the owner of the property. See also the definition of 'Land Clearing Debris' and 'Yard Trash'.

**Landfill, Sanitary/Solid Waste.** A site for solid waste disposal from residential, industrial or commercial activities.

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

**Lattice-type Structure.** A self-supporting, three- or four-sided open steel frame structure used to support telecommunications equipment.

**Live/Work Unit.** A type of structure which includes living space and space for nonresidential activities. Typically, newly constructed live/work units are part of mixed use townhouse developments and planned unit developments. Live/work units may also be located in existing commercial buildings that are converted to include living spaces.

**Local and State Government Advisory Committee (LSGAC).** An FCC-established group which works with both carriers and communities on antenna siting solutions.

**Local Road.** A road whose primary function is to provide access to abutting properties.

**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. The word 'lot' includes plot, parcel, or tract.

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

**Lot Boundary Line.** A line that divides one lot from another or from a right-of-way.

**Lot Coverage.** The portion of a lot covered by building(s) and/or structure(s).

**Lot, Corner.** A lot abutting on and at the intersection of two or more roads.

**Lot Depth.** The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

**Lot, Double Frontage.** See 'Lot, Through'.

**Lot, Flag.** A lot that has less than the required amount of frontage on a road and relies on a panhandle-shaped corridor for access to the bulk of the lot.

**Lot, Through.** A lot that has a pair of opposite lot lines along two substantially parallel roads, and which is not a corner lot. Also known as a 'double frontage lot.'

**Lot, Zone.** See 'Zone Lot'.

**Lot Line, Front.** The boundary line of a lot running along a road right-of-way. If a lot has two property lines which are also road right-of-way lines abutting different roads, then the shorter of those two lines shall constitute the front lot line; if both lines are equal, the front lot line shall be determined by the property owner if the front property line has not been designated on a final plat (minimum building lines are construed to designate the front lot line).

**Lot of Record (Existing Lot of Record).** A lot that was recorded prior to the adoption of this Ordinance.

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

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

**Manufactured Home.** Any single-family dwelling fabricated in an off-site and manufacturing facility or installing or assembling on the building site bearing a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

**Manufactured Home Park.** Any site, tract or adjoining real property in single ownership on which more than one mobile home is located and/or occupied, unless one additional mobile home, if approved by the Health Department, is residence for immediate family member, or on which facilities are provided for whether or not a charge is made for the use of the mobile home or the use of the site.

**Manufactured Home Space.** Any area of ground within a manufactured home park that has been planned, designed, and approved for the exclusive use of one manufactured home.

**Manufactured Home Space, Flag.** A space that has less than the required amount of frontage on a road and relies on a panhandle-shaped corridor for access to the bulk of the space.

**Marina.** Any publicly or privately owned dock, basin, or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haulout facilities and repair services.

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

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

**Minor Thoroughfare Road.** Minor thoroughfares collect traffic from collector, subcollector, and local roads and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by

facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

**Mobile Home (See Manufactured Home).**

**Modular Home.** A dwelling unit constructed in accordance with the standards set forth in the NC State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

**Monopole Towers.** A slender, open telescoping, self-supporting tower used to support telecommunications equipment.

**Motor Vehicle.** Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

**Multi-family Dwelling.** Three or more single living units under the same roof structure and connected by one or more common walls. This includes but is not limited to apartments, duplexes, condominiums, triplexes, quadruplexes, or other similar buildings, which are for sale or rent and intended for human habitation.

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

**NEPA.** The National Environmental Policy Act of 1969.

**Non-process Discharge.** Industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.

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

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

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

**Nonconforming Situation.** A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in

which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, because signs do not meet the requirements of [Article IX](#), or because land or buildings are used for purposes made unlawful by this Ordinance.

**Nonconforming Structure(s).** A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

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

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

**Nonresidential Development.** All development other than residential development, agriculture, and silviculture.

**Nonresidential Zoning District.** The following general use and conditional zoning districts as delineated in Sections 4.02 and 4.03.

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

**Off-Grid Solar System:** A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**Official Maps or Plans.** Any maps, plans, charts, or text officially adopted by the Board of County Commissioners for the development of Chowan County. The Land Use Plan is an example of an official map or plan.

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

**Open Space.** An area of land and/or water that is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.

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

**Overlay Zoning District.** A special zoning district that covers a specified area and has unique requirements that supplement or supersede any requirements of the underlying, general purpose zoning districts.

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

**Parcel.** A continuous area of land in the possession of or owned by, or recorded as the property of, the same person or persons, and which is uniquely identified by the Chowan County Tax Office.

**Parking Lot.** Part of a development that is designed and designated as a place to park motor vehicles.

**Parking Space.** A specific site within a parking area designed to accommodate a single motor vehicle.

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

**Pedestrian Way.** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent roads and properties.

**Perennial Waters.** Waters as identified on recent USGS topographic maps that are free flowing for the entire year.

**Permit-issuing Board/Authority.** The person or board authorized by this Ordinance to issue a permit in accordance with the requirements of this Ordinance. The term applies to the Zoning Administrator when issuing a zoning or sign permit, to the Planning Board when issuing a special use permit, and the Board of County Commissioners when issuing a conditional use permit.

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

**Personal Communications Industry Association (PCIA).** A trade group which represents PCS, SMR, private radio and other wireless users and carriers.

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

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

**Plan, Construction.** The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this Ordinance, which details required improvements such as roads, fire hydrants, and street lighting.

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

**Plan, Erosion and Sedimentation Control.** A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

**Plan, Phased Development.** A plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan(s) determined by the county to be a site specific development plan. (NCGS 153A-344.1)

**Plan, Plot.** The map and accompanying text required for the review of a single-family or two-family dwelling. The information required to be included on a plot plan is delineated in [Appendix A](#).

**Plan, Site.** Submittal required for the review of proposed installation of improvements and construction as well as changes of use. The information required to be included on a site plan is delineated in [Appendix A](#)

**Plan, Site Specific Development.** An approved or conditionally approved preliminary subdivision plat or preliminary site plan.

**Plan, Spill Containment.** A method that provides detailed instructions of the measures to be employed to contain and remove a hazardous spill.

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

**Planning Board.** The Chowan County Planning Board.

**Planning Director.** The administrative head of the Edenton-Chowan County Planning and Inspections Department.

**Planning and Inspections Department.** The Edenton-Chowan County Planning and Inspections Department.

**Plat.** A surveyed map or plan of a parcel of land that is to be or has been subdivided.

**Principal Building.** A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on

which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with [Section 8.03, Accessory Dwelling Units \(on Single-Family Lots\)](#); farm tenant dwelling; or a residence for a pastor; or caretaker dwelling accessory to a nonresidential use (limited to one such residence per lot).

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

**Principal Structure.** A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

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

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

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

**Private Road.** A vehicular travelway not dedicated or offered for dedication as a public road, but resembling a cul-de-sac or a local road by carrying traffic from a series of driveways to the public road system

**Private Water System.** A system that provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

**Property Line Setback.** A setback from a property line that is not coterminous with a road or street right-of-way line.

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

**Public Meeting.** An informal gathering for the purpose of presenting planning proposals for discussion, review, and comment.

**Public or Community Sewage System.** A single system of wastewater collection, treatment and disposal owned and operated and/or maintained by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, a public utility, or a home owners association.

**Public Road.** A road right-of-way dedicated for public use and maintained or intended to be maintained by the North Carolina Department of Transportation.

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

**Public Sewer System.** A system that provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

**Public Water Supply System.** A water supply system intended for the provision of potable water to the public as approved by the NC State Board of Health and/or the Chowan County Health Director.

**Rear Yard Setback.** A setback from an interior property line lying on the opposite side of the lot from the front road setback. For a through lot, there are front and side setbacks but no rear setback.

**Recreational Vehicle.** A vehicle which is built on a single chassis with a body width not exceeding eight feet, designed to be self-propelled or permanently towable by a light-duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

**Recreational Vehicle Park.** Any site or tract of land, of contiguous ownership, upon which two or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

**Recreational Vehicle Space.** A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

**Recycling Centers.** A facility whose operations focus on the collection, separation, and shipment of materials for reconstitution as new products. This shall include the collection of: metals, paper, junked vehicles, appliances, and the like. Recycling does not include burning, incinerating, melting, or thermally destroying solid waste. This shall not be interpreted to include junkyards or wrecking yards.

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

**Residential Boat Dock.** A permanently fixed structure providing for the docking or mooring of no greater than ten boats that is intended for the private use of the owner(s) or occupant(s) of the residential structure(s) located on the parcel. Residential boat docks shall be constructed in accordance with the provisions of 15A NCAC 07H.0208(b)(6).

**Residential Development.** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**Residential District or Residential Zoning District.** The following general use and conditional zoning districts as delineated in [Sections 4.02 and 4.03](#): R-5, R-15, R-25, RMH-25, and R-40.

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

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

**Retreat/Conference Center.** A use primarily intended for transient guests where the primary attractions are generally conference and meeting facilities and recreational activities and features. A retreat/conference center may include a mixture of such uses as (1) conference centers; (2) assembly halls; (3) indoor and outdoor recreational facilities, including but not limited to golf courses, swim and tennis clubs, and physical fitness centers; (4) hotel and motels; (5) restaurants; and (6) incidental support retail businesses.

**Reverse Frontage Lot.** A through lot that is not accessible from one of the parallel or non-intersecting roads upon which it fronts.

**Rezoning.** The procedure whereby the zoning designation of a certain parcel or portion thereof is changed following the provisions set forth in this Ordinance.

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

**Right-of-way.** A strip of land occupied, or intended to be occupied, by a road; crosswalk; railroad; road; utility transmission line or pipeline; water main; storm or public or community sewage system main; or other similar improvement.

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

**Road Setback.** Any setback from a street, road, or lane.

**Roof Line.** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Rooming Unit.** A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

**Rural Family Business.** A nonresidential use allowed by special use permit as an accessory use to a residential use in certain designated residential and agricultural zoning districts.

**Salvage Yard, Auto Parts.** Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any zone lot which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; or any zone lot upon which three or more, unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

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

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

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

**Setback.** The required minimum horizontal distance that must be reserved between the nearest vertical surface of a building and the applicable road right-of-way line, boundary line, or other structure in which no other structure may be erected. Also referred to as the 'minimum building line.'

**Sexually Oriented Business.** Any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by a preponderance of 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 motion picture theaters, adult theaters, massage parlors, and/or adult video rental/sale stores as defined by this Ordinance. Sexually oriented businesses shall include an adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, lingerie studio, sexual

encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

- (1) **Adult Arcade** (also know as 'peep show'). Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.
- (2) **Adult Bookstore or Adult Video Store.** A commercial establishment which as one of its principal business purposes offers for sale or rental, for any form of consideration, any one or more of the following:
  - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
  - (b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- (3) **Adult Cabaret.** A nightclub, bar restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:
  - (a) Persons who appear nude or semi-nude; or
  - (b) Live performances which are characterized by the exposure of specified anatomical areas and/or by specified sexual activities; or
  - (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas.
- (4) **Adult Massage Parlor.** A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of North Carolina. This definition does not include an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (5) **Adult Motel.** A hotel, motel, or similar commercial establishment that:
  - (a) Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television

transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one of its principal business purposes; or

- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- (6) **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.
- (7) **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.
- (8) **Escort.** A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (9) **Escort Agency.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or any other form of consideration.
- (10) **Nude Model/Lingerie Studio.** Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. 'Nude model studio' shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
- (a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - (b) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

- (c) Where no more than one nude or semi-nude model is on the premises at any one time.
- (11) **Nude or a State of Nudity.** The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
- (12) **Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (13) **Sexual Encounter Center.** A business or commercial enterprise that, as of one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (14) **Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (15) **Specified Sexual Activities.** Includes any of the following:
- (a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
  - (b) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
  - (c) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
  - (d) Masturbation, actual or simulated; or
  - (e) Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
  - (f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
  - (g) Human excretion, urination, menstruation, vaginal or anal irrigation.

**Shadow Flicker:** The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

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

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

**Shopping Center.** A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas. Shopping centers are further classified into the following subcategories:

- (1) **Neighborhood Shopping Center.** A group of three or more commercial establishments containing a total floor area of 10,000 square feet or less, designed to provide convenient shopping for the day-to-day needs of consumers in the immediate neighborhood.
- (2) **Community Shopping Center.** A group of two or more commercial establishments containing a total floor area of 10,000 to 80,000 square feet, designed as a large-scale commercial center offering a wider range of retail and service establishments providing a shopping environment for the community and general public.
- (3) **Regional Shopping Center.** A retail shopping area with a minimum lot size of 5 acres, containing at least two major commercial establishments and over 80,000 square feet of gross floor area designed as a large-scale commercial center with a clientele draw from the regional population.

**Side Yard Setback.** Any interior property line setback other than a rear setback.

**Sight Distance Area, Horizontal.** The area formed by extending lines from the point of intersection of intersecting roads along the centerline of such roads for a distance of forty feet and connecting the ends of such lines by a straight line to form the base for a triangle. Each of the two sides of the triangle will be forty feet in length.

**Sight Distance Area, Vertical.** The area between three feet and ten feet above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting roads.

**Sight Distance Easement.** An easement that grants to the entity responsible for road maintenance the right to maintain unobstructed view across property located at a road intersection.

**Sign.** See [Section 9.01](#) for sign-related definitions.

**Sign Permit.** A zoning permit issued by the Zoning Administrator that authorizes the placement of a sign.

**Single-Family Detached Dwelling.** A separate, detached building designed for and occupied exclusively by one family.

**Single-family Residential.** Any development where: (1) no building contains more than one dwelling unit, (2) every dwelling unit is on a separate lot, and (3) where no lot contains more than one dwelling unit.

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

**Solar Collector (Accessory):** Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

**Solar Farm:** An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.

**Special Exception.** A specific authorization granted, in accordance with the provisions of [Section 12.03, C. 6. and 7.](#), by the Board of Adjustment for the extension, enlargement, or replacement of a nonconforming use.

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

**Special Temporary and Seasonal Event.** A temporary land use activity whose duration is generally longer than one day but no longer than two weeks, is intended to or likely to attract substantial crowds and to generate significant vehicular traffic, is unlike the customary or usual activity generally associated with the property where the special event is to be located. See [Section 8.87](#) for specific standards applicable to special temporary and seasonal events.

**Special Use Permit.** A permit issued by the Planning Board that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance and with any additional requirements imposed by the Planning Board.

**Stabilizing Vegetation.** Any vegetation that protects the soil against erosion.

**Stealth.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

**Storm Drainage Facilities.** The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

**Stormwater Runoff.** The direct runoff of water resulting from precipitation in any form.

**Structure.** Anything constructed or erected, including a building; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, man-made facilities, including swimming pools, walls, and signs. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**Subcollector Road.** A road whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local roads with collector or higher classification roads.

**Subdivider.** Any person who subdivides land.

**Subdivision.** A subdivision shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all division of land involving the dedication of a new road or change in existing roads; however, the following is not included within this definition and is not subject to the regulations prescribed by the Chowan County Subdivision Ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as required in this chapter;
- (2) The division of land into parcels greater than ten acres if no road right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or opening roads;

- (4) The division of a tract in single ownership, the entire area of which is no greater than two acres into not more than three lots, if no road right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards contained in this chapter; or
- (5) The division of a tract among the heirs of a deceased person, where no person other than an heir receives any of the property at the time of the division.
- (6) The gift of a parent of a single lot to his or her child or each of his or her children where no new road is involved, provided: (1) that each and every such lot shall have dedicated right-of-way access to the State maintained road serving the principal parcel or direct access to an approved private road as defined by this ordinance and (2) there are no more than three such conveyances.
- (7) The division of land by will. (Note: Although the division of land by will is exempt from the requirements of this Ordinance, the resultant lots may not be eligible for a compliance permit/building permit if the lots do not meet the minimum lot size requirements of the Zoning Ordinance, septic tank regulations, or the building setback ordinance.)

Exemption of a partition of land from the definition of 'subdivision' shall not exempt any resulting lots, tracts or parcels from meeting the requirements of this Ordinance for the granting of zoning, building, or health department permits.

**Superstore.** A freestanding department, variety, or general merchandise store that contains 25,000 or more square feet of gross floor space.

**Surety.** See Financial Guarantee.

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

**Swine Farm.** Any tract or contiguous tracts of land which is devoted to raising animals of the porcine species and which is served by an animal waste management system having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater, regardless of the actual number of swine on the farm.

**Telecommunications Act of 1996.** A broad-scoped federal act which regulates the placement of wireless communications antennae and their facilities, and which provides certain mandates on local authorities while preserving considerable local zoning authority.

**Telecommunications Facilities.** Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed

upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

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

**Temporary Building.** Any building of an impermanent nature, or one that is designed for use for a limited time, including any tent or canopy.

**Temporary Emergency, Construction, or Repair Residence.** A residence (which may be a manufactured home) that is: (1) 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, or (2) 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 (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

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

**Temporary Retail Mobile Vendor.** A temporary use engaged in the retail sale of merchandise or food and beverage products from a portable, mobile structure for a period of time not to exceed six months.

**Temporary Shelter.** A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: (1) the facility shall be contained within the building of and operated by a government agency or nonprofit organization; (2) a minimum floor space of fifty square feet shall be provided for each individual sheltered; and (3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

**Temporary Structure.** Any structure of an impermanent nature or one that is designed for use for a limited time, including any tent or canopy.

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

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

**Thoroughfare Plan.** A plan adopted by the County Board of Commissioners for the development of existing and proposed major roads that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

**Through Lot.** A lot abutting two roads that do not intersect at the corner of the lot.

**Tourist Home.** A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

**TOW AIR.** Landing facility slope calculations designed to avoid obstruction by towers to aircraft.

**Tower.** A self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

**Townhouse Dwelling.** A building consisting of single-family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

**Townhouse Lot.** A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in a nonresidential group development.

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

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

**Travel Trailer.** See 'Recreational Vehicle'.

**Two-Family Dwelling.** A building on one lot arranged and designed to be occupied by two families living independently of each other. Also referred to as a 'duplex'.

**Understory Tree.** A species of tree that normally grows to a mature height of fifteen to thirty-five feet.

**Usable Open Space.** An area that: (1) is not encumbered with any substantial structure; (2) is not devoted to use as a roadway, parking area (paved or peripheral), or sidewalk; (3) is left in its natural or undisturbed state, if such a state is compatible with use of the area or property planted and landscaped (facilities for the pursuit of passive types of recreation, such as picnic tables, are permissible.); (4) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and (5) is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

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

**Use(s), Accessory.** A structure or use that: (1) is clearly incidental to and customarily found in connection with a principal building or principal use; (2) is subordinate to and serves a principal building or principal use; (3) is subordinate in area, extent, or purpose to the principal building or principal use served; (4) contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and (5) is located on the same lot as the principal building or principal use served.

**Use, Mixed.** Occupancy of a building or land by more than one use.

**Use, Permitted.** Any use, as designated in this Ordinance, that is by right allowed to occur within a specific zoning district.

**Use(s), Principal.** The primary purpose or function that a lot or structure serves or is proposed to serve.

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

**Variance.** A grant of relief by the Board of Adjustment to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest objectives of this Ordinance.

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

**Vested Rights.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina law as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Having an outstanding valid building permit as authorized by the General Statutes (NCGS 153A-344.1 and NCGS 160A-385.1), or
- (2) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (NCGS 153A-344.1 and NCGS. 160A-385.1).

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

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

1. A video poker game or any other kind of video playing card game.
2. A video bingo game.
3. A video craps game.
4. A video keno game.
5. A video lotto game.
6. Eight liner.
7. Pot-of-gold.
8. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

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

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

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

**Watercourse.** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary or lake.

**Watershed.** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

**Water Supply Intake.** The recognized point whereby surface water is removed in order to supply water for drinking and culinary purposes.

**Wet Detention Pond.** A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

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

**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:** 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 total rated capacity of more than 100 kW.

**Wind Energy Facility, Medium:** 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 total rated capacity of more than 20 kW but not greater than 100 kW.

**Wind Energy Facility Operator:** The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

**Wind Energy Facility Owner:** The entity or entities having controlling or majority equity interest in a Wind Energy Facility, including their respective successors and assigns.

**Wind Energy Facility, Small:** 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 consists of a single Wind Turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

**Wind Energy Generator (Accessory):** A single system consisting of a single wind turbine, a tower, and associated control or conversion electronics designed to supplement other electricity sources as an accessory use to existing buildings or facilities, which has a rated capacity of not more than 100 kW.

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

**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.

**Wireless Telecommunications Support Structure (WTSS).** All freestanding monopole, self-supported, guyed, or similar structures whose primary design is to provide for support and placement of wireless telecommunications antennae.

**Wireless Telecommunications Attachments (WTA).** Devices mounted onto a support structure, principally intended to radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and accessory equipment related to broadcast services, including but not limited to private radio services, cellular or digital telephone services, pagers, beepers, wireless data repeaters and common carriers (as regulated by the FCC), including AM, FM, two-way radio, fixed point microwave dishes, commercial satellite, HDTV, cellular and PCS communication systems. The term WTA does not include electrical or telephone transmission lines or supporting distribution structures, antennae of amateur radio (ham) operators, and amateur club services licensed by the FCC.

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

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

**Yard, Front.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the road right-of-way line and the front line of the building, projecting to the side lines of the lot. Corner lots are required to have only one front yard; the front yard shall be located adjoining the road to which the property address is assigned.

**Yard, Rear.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building, projected to the side lines of the lot.

**Yard, Side.** An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

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

**Zero Side Setback.** An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero distance from a side property line. This definition does not apply to townhouses.

**Zone Lot.** A parcel of land, or portion thereof, that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such setbacks and other open spaces as required by this Ordinance.

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

**Zoning Administrator.** The person(s) authorized by [Section 2.04, A. 2.](#) who is responsible for administering and enforcing this Ordinance.

**Zoning District.** An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land and in which building and development standards are prescribed. Also referred to as 'zone'.

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

**Zoning Vested Right.** A right established pursuant to NCGS 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan (see [Section 3.22](#)).