

## Article 15: Definitions

### Section 15.01: Basic Terms Defined

Unless otherwise specifically provided or clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Ordinance.

- **Abutting:** Having property or district lines in common; For example two lots are abutting if they have 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. The terms "adjacent", "adjoining", and "contiguous" shall be interchangeable with the term "abutting".
- **Access:** A way of approaching or entering a property. The term "access" shall be interchangeable with the terms "ingress", "egress", and "access way".
- **Accessory apartment:** A secondary dwelling unit within an owner-occupied principal residence having a separate entrance, kitchen, and bath facilities.
- **Accessory structure (Appurtenant Structure):** A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
- **Accessory use:** A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.
- **Addition (to an existing building):** An extension or increase in the floor area or height of a building or structure.
- **Agricultural use:** Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food, plants, or fiber products. The term "horticultural" shall be interchangeable with the term "agricultural" use.
- **Alteration:** Any change addition, or modification in construction or occupancy of an existing structure.
- **Amortization period:** The length of time which the Rockingham City Council has determined to be sufficient for the user of a nonconforming situation to have not lost the financial investment in the nonconforming situation; this also being the length of time in which the user of certain nonconforming situations must eliminate the nonconformity.
- **Apartment:** A room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family or household, for housekeeping purposes; and which has separate kitchen and bath facilities.
- **Appeal:** A request for a review of the Planning Director's or his designee's interpretation of any provision of this ordinance.
- **Area of shallow flooding:** A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- **Area of special flood hazard:** See "Special Flood Hazard Area (SFHA)".
- **Assembly hall:** A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes. Also referred to as an "auditorium".
- **Assisted living facility:** Residences for the frail and elderly that provide rooms, meals, personal care, and supervision of self-administered medication. Such facilities may also provide other services, such as recreational activities, financial services, and transportation.
- **Auditorium:** See "Assembly hall".
- **Automobile detailing service:** A carwash facility that is not automated or self-service where the employees of such business wash, vacuum, wax and polished automobiles.
- **Automobile service station:** Buildings and premises where gasoline, oil, grease, batteries and tires and automobile accessories are supplied and dispensed and retailed and where in addition, the following services may be rendered, and sales made, and no other: sale and servicing of spark plugs, batteries and distributors and distributors parts; tire servicing and repairs but not recapping or re-grooving; the replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wipers blades, grease retainers, wheel bearings, mirrors, and the like; radiator cleaning and flushing; washing and polishing and sale of automotive washing and polishing materials; greasing and lubrication; providing and repairing fuel pumps, oil pumps and lines; minor servicing and repair of carburetors; emergency wiring repairs; adjusting and repairing brakes; minor motor adjustments, not involving removal of the head or crankcase or racing the motor; sales of cold drinks, packaged food, tobacco and similar convenience goods for filling station customers, as accessory and incidental to principal operations; and provision of road maps and other information materials to customers, provision of rest room facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other characteristics to an extent greater than normally found in service stations. A service station is neither a repair garage nor a body shop. For the purposes of this Ordinance, an automobile service station shall include a self-service station which is defined as that portion of property where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant, and which may include facilities available, for the sale of other retail parts.
- **Awning:** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.
- **Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- **Base flood elevation (BFE):** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".
- **Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.
- **Bed and breakfast inn:** A private, owner-occupied business with up to twelve (12) guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

- **Best management practices (BMP):** Structural or nonstructural management-based practices used singularly or in combination to reduce non-point source inputs to receiving water in order to achieve water quality protection goals.
- **Block:** A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or open spaces, and not traversed by a through street.
- **Board of Adjustment:** A local body, created by this Ordinance, whose responsibility is to hear appeals from decisions of the local zoning administrative official and to consider requests for variances and conditional use permits permissible under terms of this Ordinance.
- **Boarding house:** A residential use consisting of at least one dwelling unit together with two or more rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. Although not exclusively, the rooms (and meals) are served for compensation. A boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least a week or more) as opposed to overnight or weekly guests. Also known as a rooming house.
- **Buffer:** A strip of land established to protect one type of land use from another with which it is incompatible.
- **Buffer, watershed:** An area of natural or planted vegetation through which stormwater runoff flows in a diffused 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 or rivers.
- **Buildable area:** The space remaining on a zoning lot after the minimum open-space requirements (yard, setback) are met.
- **Building:** Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, and including trailers or mobile homes, and attached carports consisting of a roof and supporting members, and similar structures whether stationary or movable. 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.
- **Building, accessory:** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.
- **Building height:** The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the deck line in the case of a mansard roof, or to the average height of the gables.
- **Building, principal:** The primary building on a lot or a building that houses a principal use.
- **Building setback line:** A line establishing the minimum allowable distance between the nearest portion of any building, excluding uncovered porches, steps, eaves, gutters, and the nearest right-of-way or any street when measured perpendicularly thereto.

- **Built-upon area:** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool is considered pervious.)
- **Canopy, marquee or awning:** Any roof-like structure permanently extended over a sidewalk or walkway, or temporary structure if such structure is used to display signs.
- **Carwash, self-service:** An establishment where the driver or the occupant of the vehicle does washing, drying, polishing, or vacuuming of an automobile.
- **Carwash, automated:** An establishment where the washing, waxing, polishing, and drying of vehicles is performed by mechanical means.
- **Certificate of occupancy:** Official certification that a premises conforms to provisions of this Ordinance (and the North Carolina State Building Codes) and maybe used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures, or when the nature of a land use changes. Unless such a certificate is validated, a structure cannot be occupied.
- **Certify:** Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the City the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the City may accept certification by telephone from some agency when the circumstances warrant it, or the City may require that the certification be in the form of a letter or other document.
- **Change in use:** A change in use of property occurs when the essential character or nature of the activity conducted on a lot changes. A change in the status of the property from unoccupied to occupied or vice versa does not constitute a change in use unless such property remains unoccupied for more than one hundred eighty (180) days or has been abandoned. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.
- **Chemical storage facility:** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
- **Childcare home:** A home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.
- **Childcare institution:** An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.
- **Circulation area:** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- **City:** Unless the context clearly discloses a contrary intent, the word "City" shall mean City of Rockingham.

- **City administration:** Where provisions of this Ordinance require City administration approval, it shall mean the City Manager and/or employees designated by the City Manager to act upon such matter.
- **Clinic, medical and dental:** A building housing facilities for two or more licensed physicians, dentists, or other similar practitioners.
- **Cluster development:** The grouping of buildings in order to conserve land resources and provides for innovation in the design of the project.
- **Code enforcement officer:** The person or persons employed or contracted by the City to enforce this Ordinance and other land development codes. The term "Code Enforcement Officer" shall be interchangeable with "Building Inspector".
- **College:** A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.
- **Community center:** A facility used for and providing religious, fraternal, social, and or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.
- **Common open space:** A parcel or parcels of land or an area of water, or a combination of both land and water within the site designated for development, and designed and intended for the use and enjoyment or residents of the development or for the general public; not including streets or off-street parking area. Common open space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.
- **Composting facility:** A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.
- **Congregate living facility:** A multi-unit rental housing complex with self-contained apartments designed to provide a supportive environment for the elderly and accommodate a relatively independent lifestyle. Such facilities may provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.
- **Convalescent home:** An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor, which distinguishes convalescent homes, is that the residents will require the individualization of medical care.
- **Convenience store:** A one-story, retail store containing less than 2,000 square feet of gross floor area 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.

- **Conversion:** Changing the original purpose of a building or land to a different use.
- **City Council:** The City Council of the City of Rockingham.
- **Covenant:** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, or other requirement.
- **Day:** Unless specifically mentioned in the text, day shall refer to calendar days, including weekends and holidays.
- **Day care center, child:** Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day, more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included; public schools, non-public schools whether or not accredited by the North Carolina Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.
- **Day care facility, adult:** Adult day care is a service for aging, disabled, and handicapped adults who need a structured day program of activities and services. A day care home is a program for between two (2) and six (6) participants, while a day care center is a program for seven (7) or more participants.
- **Day care, in-home child:** A child care arrangement in which the occupant of a dwelling unit provides day care on a regular basis for not more than three (3) children in the residence.
- **Day care, family child:** A child care arrangement in which the occupant of a dwelling unit provides day care on a regular basis for more than three (3) children but not more than six (6) children in the residence.
- **Dedication:** The offer to transfer property from private to public ownership. Such transaction is not completed unless and until the appropriate public agency accepts the offer.
- **Density:** The average number of families, persons or housing units per unit of land.
- **Developer:** A person who is responsible for any undertaking that requires a zoning permit, conditional use permit, sign permit, or building permit.
- **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. (May also be referred to as "land development activity").
- **Discharge:** The addition of any man-induced waste effluent either directly or indirectly to state surface waters.
- **Disposal:** As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

- **Driveway:** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- **Dwelling, condominium:** A dwelling unit which the ownership or the occupancy rights to the dwelling unit is individually owned or for sale to an individual and such ownership is not inclusive of any land.
- **Dwelling, duplex:** A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
- **Dwelling, multi-family:** A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided, with separate bath and kitchen facilities for each unit.
- **Dwelling, primary with accessory apartment:** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than forty (40) percent of the gross floor area of the building nor more than a total of 750 square feet.
- **Dwelling, single family attached:** A single-family dwelling unit attached to two or more single-family dwelling units by common vertical walls.
- **Dwelling, single-family detached:** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.
- **Dwelling, single-family semi-detached:** A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall, with each dwelling located on a separate lot.
- **Dwelling, town house:** A single-family attached dwelling unit erected in a row as part of a single building, on separate adjoining lots, each being separated from adjoining units by an approved fire resistant party wall.
- **Dwelling, two-family:** A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except a common stairwell exterior to both dwelling units.
- **Dwelling unit:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- **Dwelling, upper story residence:** A dwelling unit located in a non-residential building on a floor above the ground level floor.
- **Easement:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities, like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.
- **Effective date of this Ordinance:** Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this

Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

- **Elevated Building:** A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- **Encroachment:** The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- **Exemption of watershed regulations:** An exemption is a relaxation of the terms of this Ordinance where such exemption will not be contrary to the public interest and where, owing to special conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. All proposed exemptions that do not comply with statewide water supply protection rules shall be approved or denied by the North Carolina Environmental Management Commission.
- **Existing development:** Projects already completed or in progress, projects with a recorded plat and for which a zoning vested right has been established, in accordance with this Ordinance, prior to the effective date of this Ordinance.
- **Existing manufactured home park or manufactured home subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.
- **Expenditure:** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- **Extended stay facility:** A building where living and sleeping accommodations are furnished to the public as regular roomers, primarily for periods of one week or more.
- **Facade:** The entire building front including the parapet.
- **Family:** One or more persons living together as a single housekeeping unit. For the purposes of this Ordinance such persons may include gratuitous guests and domestic servants employed on the same premises.
- **Family Care Home:** (may also be referred to as "Group Care Home") A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities. For the purpose of this definition, "person with disabilities" shall be defined as 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.
- **Farm:** Any parcel of land which is used in the raising of agricultural, horticultural, dairy, or forest products, livestock, poultry, or fur-bearing animals for commercial gain.

- **Finding:** A determination or conclusion based on the evidence presented and prepared by a hearing body in support of its decision.
- **Flea market:** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individuals sellers from open or semi-open facilities or temporary structures.
- **Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.
- **Flood Boundary and Floodway map (FBFM):** An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
- **Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- **Flood insurance:** The insurance coverage provided under the National Flood Insurance Program.
- **Flood Insurance Rate Map (FIRM):** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
- **Flood Insurance Study (FIS):** An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (BFBMs), if published.
- **Flood prone area:** See "Floodplain"
- **Floodplain:** Any land area susceptible to being inundated by water from any source.
- **Floodplain administrator:** The individual appointed to administer and enforce the floodplain management regulations.
- **Floodplain development permit:** Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
- **Floodplain management:** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- **Floodplain management regulations:** The provisions of this ordinance and or any Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

- **Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
- **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- **Flood Zone:** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- **Flood insurance study:** An official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Hazard Boundary Floodway Maps and the water surface elevations of the base flood.
- **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.
- **Foster home:** A facility for less than six (6) otherwise normal children or adolescents who for various reasons cannot reside with their natural families and are provided with room, board, ordinary care and supervision in a home setting by adults who are not legally related to the children. Such facilities shall be considered a "foster home" only when licensed by the appropriate State or local agency.
- **Fraternal organization:** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.
- **Freeboard:** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".
- **Frontage:** The frontage, or front, of a lot is defined as the side nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under front yards in this Section.
- **Frontage, building:** The length of an outside building wall on a public right-of-way.
- **Functionally dependent facility:** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
- **Game room:** The commercial use of electronic/mechanical games, billiard games or tables located on premises. Three or less games shall be considered accessory to a permitted commercial use. Also referred to as an "arcade".
- **Garage, private:** A building or space used as an accessory to or a part of the main building permitted in any district that provides storage space for motor vehicles and in which no business, occupation or service for profit is in any way conducted, unless specifically allowed by this Ordinance.

- **Greenhouse, commercial:** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings. Also referred to as a "nursery".
- **Gross floor area:** The total area of a building measured by taking the inside dimensions of the building at each floor level intended for occupancy or storage.
- **Habitable floor:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
- **Halfway house:** A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, eleven (11) of whom live together in a single housekeeping unit.
- **Handicapped or infirm home:** A residence within a single dwelling unit for at least six (6) but not more than nine (9) persons who are physically or mentally handicapped or infirm, together with not more than two (2) persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.
- **Handicapped or infirm institution:** An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.
- **Hazardous materials:** Any substance lists as such in: SARA section 320, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
- **Hazardous waste management facility:** As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
- **Highest adjacent grade (HAG):** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- **Historic structure:** Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior or directly by the Secretary of Interior in states without approval programs.
- **Home for the aged:** A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated. A major factor that distinguishes these homes is that the residents may be given congregate services as distinguishes from the individualization of medical care required in "patient" care. A person may be

accepted for sheltered or custodial because of a disability which does not require continuing planned medical care, but which does make him unable to maintain himself in individual living arrangements.

- **Homeless Shelter:** A facility providing temporary housing to indigent, needy, homeless, or transient persons. Such facility may also provide ancillary services such as counseling, vocational training, etc.
- **Hospice:** A facility in which terminally ill persons live in order to receive appropriate medicare-certified hospice services.
- **Hospital:** An institution where sick or injured persons are given medical care and, in the course of the same, are housed overnight, fed, and provided nursing and related services. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals or similar facilities.
- **Hotel:** A building or group of buildings or other structures used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are available for compensation to transient or permanent guests or tenants, and in which ten (10) or more rooms are furnished for the accommodation of such guests. Such facilities may have one or more dining rooms or restaurants where meals or lunches are served to such transients or permanent guests. Sleeping accommodations and dining rooms or restaurants, if existing, shall be located in the same building or buildings in connection therewith.
- **Improvement, substantial:** Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided that the alteration will not preclude the structure's designation as a historic structure. Substantial improvements are determined by actual costs within any twelve (12) month period.
- **Indirectly illuminated:** A structure illuminated by an external light directed primarily toward such structure and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs. (Also referred to as externally illuminated.)
- **Industrial development:** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.
- **Industrial discharge:** The discharge of industrial process treated wastewater or wastewater other than sewage and includes: wastewater resulting from any process of industry or manufacture, or from the development of any natural resource; wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants; stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

- **Industrial service, light:** Businesses engaged in the construction, repair, or servicing of commercial, industrial, or consumer machinery, equipment, products or by-products. Such use classification includes but is not limited to welding shops; machine shops; building, heating, plumbing and electrical contractors; janitorial and building maintenance services; and electric motor repair.
- **Inoperative vehicle:** Any vehicle, designed to be self-propelled, which, by virtue of broken or missing component parts, is no longer capable of self-propulsion; and remains in such condition for more than three (3) days.
- **Intensity:** The degree to which land is used. While frequently used synonymously with density, intensity has a somewhat broader meaning, referring to levels of concentration or activity in uses such as residential, commercial, industrial, recreation, or parking.
- **Intermediate care home:** A facility maintained for the purpose of providing accommodations for not more than seven (7) occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- **Intermediate care institution:** An institutional facility maintained for the purpose of providing accommodations for more than seven (7) persons needing medical care and supervision at a lower level than that provided in a nursing care institution for the handicapped or infirm.
- **kennel:** A commercial operation that provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian) or engages in the breeding of animals for sale.
- **Land development activity:** See "development".
- **Landfill:** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the North Carolina General Statutes. For the purpose of this ordinance this term does not include composting facilities.
- **Landscaping:** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.
- **Laundromat:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.
- **Levee:** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- **Levee system:** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- **Livestock operation:** Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle; riding and draft horses; hogs; sheep; and goats.

- **Loading and unloading area:** An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- **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 and which is either occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belongings to the same. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this Ordinance. (Also referred to as "tract" or "parcel".)
- **Lot area:** The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel thirty (30) feet from the center of the traveled portion of the street, and in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
- **Lot, corner:** A lot located at the intersection of two (2) or more streets.
- **Lot coverage:** A ratio, expressed in percent, of the area of a lot occupied by principal and accessory structures/uses in relation to the total lot area.
- **Lot depth:** The distance between the front lot line and the rear lot line, measured from the midpoint of the front lot line to the midpoint of the rear lot line.
- **Lot frontage:** The distance along which the front boundary of the lot and the street lines or right-of-way lines are coincident. On a corner lot the principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such streets. Where two (2) such frontages are equal in length, the owner shall designate which is the front for building purposes.
- **Lot, interior:** A lot with only one frontage on a street.
- **Lot line, rear:** The rear lot line is that opposite to the front lot line. Where lot lines are irregular, the rear lot line shall be assumed to be a line not less than twenty (20) feet long, lying within the lot and parallel to the front lot line at its midpoint.
- **Lot, nonconforming:** A lot of record existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area or lot width requirements of the district in which the lot is located.
- **Lot, through:** A lot other than a corner lot with a frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

- **Lot width:** The distance between the side lot lines of a lot measured at right angles to the depth and at the required front yard setback lines.
- **Lowest adjacent grade (LAG):** The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- **Mansard:** A sloped roof or roof-like facade architecturally comparable to a building wall.
- **Manufactured home:** (As used in Article 8, Part 1) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- **Manufactured home, class A:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department Housing and Urban Development that were in effect at the time of construction.
- **Manufactured home, class B:** Any manufactured home that does not meet the definition and criteria of a Class A manufactured home.
- **Manufactured home park:** A parcel or tract of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for dwelling purposes.
- **Manufactured home space:** A plot of ground, within a manufactured home park, designed to accommodate one manufactured home.
- **Manufactured home stand:** The part of an individual manufactured home space that has been reserved for the placement of the manufactured home and additions or attachments thereto.
- **Manufactured subdivision:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale, subject to all the provisions of the Ordinance regarding the subdivision of lots.
- **Market Value:** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
- **Marquee:** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
- **Mean sea level:** for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

- **Mental health facility:** A facility or institution for diagnosing, treating, caring for, or counseling people requiring mental health services in confinement.
- **Metes and bounds:** A system of describing and identifying land by measures (metes) and direction (bonds) from an identifiable point of reference such as a monument or other marker.
- **Modular home:** A dwelling unit constructed in accordance with the standards set forth in the North Carolina Uniform Residential Building Code, as amended, and 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 (2) sections transported to the site in a manner similar to a manufactured home except that the modular home meets the North Carolina Uniform Residential Building Code, as amended, and applicable to site-built homes, or a series of panels or room sections transported on a truck and erected or joined together on the site.
- **Motel:** See "Hotel".
- **National geodetic vertical datum (NGVD):** as corrected in 1929 is a vertical control used as a reference of establishing varying elevations within the flood plain.
- **New construction:** Structures for which the "start of construction" commences on or after the effective date of this Ordinance and includes any subsequent improvements to such structures.
- **Non-encroachment area:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
- **Non-process discharge.** Industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.
- **Non-residential development.** All development other than residential development, agriculture and silvi-culture.
- **Non-residential mobile structure:** Factory assembled, movable units designed and inspected under regulations of the North Carolina Building Codes Council for the use proposed, constructed to be towed on their own chassis, comprised of frame and wheels, to be used without permanent foundation and distinguishable from other types of offices in that the standards to which they are built include provisions for mobility on that chassis as a vehicle.
- **Nonconforming building or structure:** Any legally existing building or structure which is being used for conforming use, but which does not meet the requirements of this Ordinance.
- **Nonconforming project:** Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any applicable regulation of 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 or any amendment to it, 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 do not satisfy maximum height or minimum floor space limitation, because the relationship between existing buildings and the land (in such matters as density and setback

requirements) is not in conformity with the Ordinance, or because land or buildings are used for purposes made unlawful by the Ordinance.

- **Nonconforming use:** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use).
- **Nonconformity, dimensional:** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- **Nuisance:** Anything that interferes with the use or enjoyment of property or endangers personal health safety, or is offensive to the senses.
- **Nursing care home:** A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine (9) persons.
- **Nursing care institution:** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than available in a hospital to more than nine (9) persons.
- **Nursing home:** An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients who, on admission, are not as a rule, acutely ill and who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which continuing medical and skilled nursing care is indicated; and who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes nursing homes is that the residents will require the individualization of medical care.
- **Off-street, loading space:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
- **Off-street parking space:** For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
- **Off-street parking:** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- **Ordinance:** This Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.
- **Orphanage:** A facility for six (6) or more otherwise normal children or adolescents who for various reasons cannot reside with their families and are provided with room, board, ordinary care and supervision by adults who are not legally related to the children.

- **Outdoor (outside) storage:** The placement of any item outside of an enclosed building for a period of more than forty eight (48) hours shall be considered outdoor storage. In the instance of vehicles, outdoor storage shall in addition mean the routine and reoccurring parking of such vehicle for more than six (6) hours at a time.
- **Owner:** Any person, firm or corporation, lessee, receiver, trustee, guardian, or personal representative, holding legal title or right to occupy or carry on business in a structure or any facility. Where there is more than one owner, as defined, their duties and obligations under this Ordinance are joint, and several.
- **Parapet:** The extension of a false front or wall above a roof line.
- **Parcel:** A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. (Also referred to as a "tract" or "lot").
- **Permit-issuing authority:** The entity responsible for the approval of a specific type of permit as set forth in this Ordinance. Also referred to a "permitting authority".
- **Permitted use:** A use by right that is specifically authorized in a particular zoning district.
- **Person:** An individual, trustee, executor, other fiduciary corporation, firm, partnership, association, organization, or other entity acting as a unit.
- **Planned unit development (PUD):** A form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases, and mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.
- **Planning and Zoning Board:** The public agency in a community empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan. The Planning Board hears, deliberates, and makes recommendations to City Council on all Ordinance and map amendments.
- **Plat:** A map showing the location, boundaries, and ownership of individual properties.
- **Plat, final:** A drawing and related materials showing the layout of lots, streets, and other natural or man made features in a proposed subdivision which must be approved pursuant to this Ordinance prior to recordation and prior to the transfer of any lots.
- **Plat, preliminary:** A drawing and related materials showing the layout of a proposed subdivision, including improvements details, which must be approved pursuant to this Ordinance prior to the preparation of a final plat.
- **Post-FIRM:** Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
- **Pre-FIRM:** Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
- **Premises:** A single piece of property as conveyed in a deed or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit on which a building or a group of buildings are to be constructed.

- **Principal structure or building:** A structure or building containing the principal use of the lot.
- **Principal use:** The primary purpose or function that a lot serves or is intended to serve.
- **Principally above ground:** That at least 51% of the actual cash value of the structure is above ground.
- **Private Drive, road, or street:** An easement or right-of-way not dedicated to the public which provides access to not less than two (2) abutting properties or dwelling units; and is permitted only where specifically authorized by this Ordinance. Included also are roads or streets, within a mobile home park, travel trailer campground, multi-family housing project, commercial center, industrial park or other planned unit development which is not publicly maintained and is used for access by occupants of the development, their guests and the general public.
- **Protest:** In general, this refers to the right of residents or property owners to appear at a hearing on a zoning change and state their objections.
- **Public safety and/or nuisance:** (As used in Article 8, Part 1) Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- **Public sewer:** A sewage system which is owned by the City of Rockingham, by any other unit of government or authority, or by a private corporation, person or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.
- **Public water supply system:** Any approved water supply system furnishing potable water to ten (10) or more dwelling units or businesses or any combination thereof.
- **Recreational vehicle (RV):** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- **Recycling collection:** A facility for the drop-off and temporary holding of materials such a paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off-stations for single materials, such a newsprint, are also not included.
- **Reference level:** The bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.
- **Regulatory flood protection elevation:** The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
- **Religious institution:** A building used for public worship by a congregation, excluding buildings used exclusively for residential, education, recreational or other uses not normally associated with worship.

- **Remedy a violation:** (As used in Article 8, Part 1) To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
- **Reservation:** An obligation by a property owner to keep certain land free from development for a stated period of time. A reservation does not involve transfer of property rights but allows the public to acquire such land within the stated time period. Building setback lines shall observe the reserved line of a street during the stated time period.
- **Residential development:** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages and their associated outbuildings such as garages, storage buildings, gazebos, and customary home occupations.
- **Resource extraction:** A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of a bona fide agricultural use.
- **Rest home:** See "home for the aged".
- **Restaurant:** Any establishment whose principal business is to the sale of foods, and/or beverages to the customer in a ready-to-serve state, and whose design or principal method of operation includes one or both of the following characteristics: Customers, normally provided with an individual menu, are served their food and/or beverages by a restaurant employee at the same table or counter at which said items are consumed; and or a cafeteria-type operation where food and/or beverages generally are consumed within the restaurant building.
- **Restaurant, drive-in:** For the purposes of this Ordinance, a "drive-in establishment" is an eating establishment whose business is the sale of foods and/or beverages and where a customer is permitted or encouraged, whether by the design of the facilities or by service and/or packaging procedures, to consume such products either off the premises or in the off-street parking or service area accessory to the establishment. A drive-in establishment shall also include any establishment furnishing vehicular attendant service within the meaning of this definition regardless of any accommodation provided in the enclosed interior of the business.
- **Retail:** The business of selling personal property directly to the ultimate consumer for any purpose other than resale.
- **Rezoning:** An amendment to the City of Rockingham Official Zoning Map in which the designation of one or more parcels is changed.
- **Riverine:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- **Roof line:** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.
- **Salvage yard:** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material or equipment included, but is not limited to metal, paper rags, tires, bottles, motor vehicle parts, machinery,

structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production.

- **Sanitary landfill:** Property used for the disposal of non-hazardous waste material.
- **Satellite dish:** A parabolic or spherical dish designed to receive an audio or audio-visual signal which includes a combination of: antenna apparatus or component whose purpose is to receive communication or other signals from orbiting satellites and other extraterritorial sources; a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose to magnify and transfer signals; and a coaxial cable whose purpose is to carry the signal into the interior of a building.
- **School, primary or secondary:** A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the State of North Carolina.
- **Security or caretakers quarters:** A dwelling unit that serves as an accessory use to a nonresidential use for an employee with the responsibility of securing and maintaining the nonresidential use.
- **Self-service storage facility:** A building or group of buildings consisting of individual, self contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
- **Senior Cottage Residential Development:** A residential development generally designed to accommodate the elderly and retirees consisting of multiple single-family detached dwellings not exceeding 1,000 square feet in total heated floor area where a single entity retains ownership of the entire development and is responsible for the management and maintenance of all buildings and grounds. The development may provide support services such as meals, laundry, housekeeping, transportation, and social and recreational activities.
- **Setback:** The required distance between a structure and the lot lines of the lot on which it is located.
- **Shopping center:** A group of commercial establishments, planned, developed, and managed as a unit and related in location, size, and type of shops to the needs of the trade area that the unit services.
- **Sign:** Any structure or device, or part thereof, painted on, or represented on a building or other structure, upon which is displayed or included any letter, figure, design, symbol, trademark, decoration, devices, or representation used as, or which is in the nature of, any announcement, direction advertisement, or any other attention directing device. Such structure or device is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.
- **Sign, aggregate gross surface area:** The sum of the sign area for all sides of the sign that contain sign copy.
- **Sign, animated:** Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.
- **Sign area:** The area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together

with the background on which such items are displayed. Sign area does not include supporting structure, bracing, or architectural trim. The term "sign area" and "gross surface area" shall be interchangeable.

- **Sign, awning:** A sign painted on, printed on, or attached flat against the surface of an awning.
- **Sign, banner:** A sign made of fabric or any nonrigid material with no enclosing framework.
- **Sign, changeable copy (Automatic):** A sign on which the copy changes automatically on a lampbank or through mechanical means such electronic times and temperature units.
- **Sign, changeable copy (Manual):** A sign on which copy is changed manually in the fields such as reader boards with changeable letters.
- **Sign, clearance:** The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishment, extending over the grade.
- **Sign, construction:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- **Sign, directional/information:** An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
- **Sign, electronic message center:** See "Sign, changeable copy (Automatic)"
- **Sign, externally illuminated:** A sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.
- **Sign face:** The area of a sign on which the copy is placed.
- **Sign, flashing:** A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light.
- **Sign, freestanding:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign.
- **Sign, government:** Any temporary or permanent sign erected and maintained by the City, county, state, or federal government of traffic direction or for designation or direction to any school, hospital, historic site, or public service, property, or facility.
- **Sign, gross surface area:** See "Sign area".
- **Sign height:** The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

- **Sign, identification:** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
- **Sign, illegal:** A sign that does not meet the requirements of this Ordinance and which has not received legal nonconforming status.
- **Sign, illuminated:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- **Sign, marquee:** Any sign attached to or supported by a marquee structure.
- **Sign, nameplate:** A non-electric sign identifying only the name, occupation and/or profession of the occupant of the premises on which the sign is located. For residential structures, a nameplate shall identify the name of the owner or occupant and/or property numbers.
- **Sign, nonconforming:** A sign that, on the effective date of this Ordinance, does not conform to one or more of the regulations set forth in this Ordinance.
- **Sign copy:** The portion of a sign that contains the name, logo, advertising message, or business identification and consists of all symbols, letters, figures, insignia, illustrations, messages, or forms. Sign copy does not include the border, molding, or decorative framing.
- **Sign, off-premises:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. Also referred to as "billboards" and "outdoor advertising".
- **Sign, official public:** Any sign, symbol, or device erected and maintained by a public agency for the purpose of informing or guiding the public.
- **Sign permit:** A permit issued by the Code Enforcement Officer that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.
- **Sign, political:** A temporary sign displayed in connection with a local, state or nation election or referendum.
- **Sign, portable:** A sign constructed of cloth, canvas, plastic sheet, cardboard, wallboard, metal or other material and intended to be displayed, but is not a freestanding sign as defined and can be moved from one location to another with reasonable ease. Such signs are general secondary sign to the permanent freestanding signs.
- **Sign, projecting:** A sign other than a wall sign which is attached to and projecting more than twelve (12) inches from a building face or wall, where the sign face is generally perpendicular to the wall to which such sign is attached.
- **Sign, roof:** A sign erected upon, against, or directly above a roof, or on top of or above the parapet of a building.
- **Sign, rotating:** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- **Sign, snipe:** A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, stakes, fences, or other objects.

- **Sign, temporary:** A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign.
- **Sign, under-canopy:** A sign suspended beneath a canopy, ceiling, roof, or marquee.
- **Sign, wall:** Any sign attached to, or erected against the wall or parapet of a building or structure, or which is an integral part of the building or structure.
- **Sign, window:** A sign installed inside a window and intended to be view from the outside.
- **Site-specific development plan:** A site plan submitted for the purpose of obtaining zoning approval and establishing a zoning vested right for a specific land development activity or subdivision.
- **Site plan:** A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made) and, depending on requirements, the locations of proposed utility lines.
- **Sketch plan:** A crude conceptual map indicating a subdivider's intent to subdivide a tract.
- **Solid waste disposal facility:** Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
- **Solid waste disposal site:** As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- **Soup Kitchen:** A food service use that provides free meals for consumption on site. Soup kitchens shall not be considered to be restaurants.
- **Special flood hazard area (SFHA):** The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as set forth in Section 8.04 (B) of this ordinance.
- **Special use:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, and/or general welfare.
- **Special use permit:** A permit issued by the Board of Adjustments that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board.
- **Start of construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations of the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual

start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

- **Storage:** A space or place where goods, materials, or personal property is placed and kept for more than twenty-four (24) consecutive hours.
- **Street, alley:** A strip of land providing secondary access to properties otherwise abutting a street.
- **Street, cul-de-sac:** A street that terminates in a vehicular turnaround.
- **Street, half:** A street or public way whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way being contained within the subdivision plat.
- **Street, marginal access:** A street that is parallel to and adjacent to an arterial street or thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- **Street, public:** A dedicated and formally accepted public right-of-way for vehicular traffic.
- **Street, thoroughfare:** A traffic artery designed primarily to carry heavy volumes of through vehicular traffic as shown on the major street plan.
- **Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. As used in Article 8, Part 1, a structure is defined as a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- **Subdivider:** Any person, firm, or corporation who creates or proposes to create a subdivision as defined herein.
- **Subdivision:** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within the definition:
  - (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
  - (2) The division of and into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
  - (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
  - (4) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street extension or right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.
- **Subdivision, major:** Any subdivision other than a minor subdivision.

- **Subdivision, minor:** A division of land that creates not more than three (3) lots (excluding the parent tract where no new street right-of-way dedication is required, and all resultant lots conform to the requirements set forth in this Ordinance.
- **Substantial Damage:** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- **Substantial Improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- **Tattoo parlor/body-piercing studio:** An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substance that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- **Temporary emergency, construction, or repair residence:** A residence (which may be a manufactured home) that is: (i) 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 (ii) 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 (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.
- **Temporary structure:** A structure, not inhabited by persons, not in place for more than one hundred eighty (180) days, and properly permitted through the procedures found in this Ordinance.
- **Truck stop:** A site in excess of two acres providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to restaurants and overnight parking.
- **Truck terminal:** An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.
- **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, as the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions

(including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

- **Tract:** The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".
- **Trade school:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be considered a trade school.
- **Trailer space:** A plot of land within a travel trailer campground for the placement of a single trailer and the exclusive use of its occupants.
- **Travel trailer campground:** Any site or tract of land, of contiguous ownership, upon which two (2) or more trailer spaces are occupied or intended for occupancy by trailers for transient dwelling purposes
- **Travel trailer:** Any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, such vehicle containing limited or no kitchen and bathroom facilities. Travel trailers shall include the following:
  - (1) House trailer: A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use as a temporary dwelling for travel, recreation and vacation uses, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet when equipped for road travel.
  - (2) Pick-up: A portable structure for use as temporary dwelling for travel, recreation and vacation, designed to be mounted on a truck chassis for a temporary dwelling while either mounted or dismounted.
  - (3) Motor home: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  - (4) Camping trailer: A folding structure manufactured of metal, wood, canvas and/or other materials, mounted on wheels and designed for travel, recreation and vacation use.
- **Truck, large vehicle:** Where this Ordinance allows the outdoor parking of large vehicles as an accessory use in certain yards, the term truck refers to vehicles and trailers larger than a 3/4 ton pickup truck or van.
- **Unattended Donation Containers:** Any box, bin, dumpster, trailer, or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.
- **Unified development:** A unified commercial and/or service development of two (2) or more principal buildings, or three (3) or more distinct, individual commercial/service operations in a single building, which share common off-street parking and loading areas, vehicular access points, and/or utility services.
- **University:** See "College".

- **Use:** The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained. The activity or function that actually takes place or is intended to take place on a lot.
- **Use, principal:** The primary use of a lot.
- **Utility facilities:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the [the appropriate provision of state law] and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.
- **Utility facility, community or regional:** All utility facilities other than neighborhood facilities.
- **Utility facility, neighborhood:** Utility facility that is designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.
- **Variance:** A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- **Variance, major watershed:** A variance that results in any one or more of the following:
  - (1) The complete waiver of a management requirement;
  - (2) The relaxation, of a factor of more than ten (10%) percent, of any management requirement that takes the form of a numerical standard; or
  - (3) The relaxation of any management requirement that applies to a development proposal intended to qualify under the high-density option (non-applicable).
- **Variance, minor watershed:** A variance that does not qualify as a major watershed variance.
- **Vocational school:** See "trade school".
- **Warehousing, warehouse:** The storage of goods of any type without retailing operations on a lot or within a structure, the structure and facilities for such use.
- **Water surface elevation (WSE):** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- **Watercourse:** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- **Watershed:** The area of drainage where surface water eventually ends up in a public reservoir used for a public water system as defined in the North Carolina Administrative Code, Title 10, Sub-ordinance 10D, Water Supplies.

- **Watershed, critical area:** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one mile.
- **Wholesale sales:** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- **Yard:** A required open space, which shall not be occupied or obstructed by a structure or portion thereof with the exception of minor uses or structures permitted under the provisions of this Ordinance.
- **Yard, front and depth:** A yard extending across the front of a lot which is bounded by the front property line, the two (2) side property lines, and a line extending along the front of the foremost structure permitted on the lot. Depth of the required front yards shall be measured along a line or lines drawn perpendicular to the front property line.
- **Yard, rear and depth:** A yard extending across the rear of the lot between inner side yard lines and the rear property line. Depth of required rear yards shall be measured along a line or lines drawn perpendicular to the rear property line.
- **Yard, side and width:** A yard extending from the rear line of the required front yard to the rear property line and being parallel to the side lot lines. Width of required side yard shall be measured along a line drawn perpendicular to the side lot line on the side of the lot in question, at the front yard set back line.
- **Zoning:** A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established; as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.
- **Zoning district:** A section of a City or county designated in the text of this Ordinance and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed. Within each district, all requirements must be uniform.
- **Zoning map:** The map delineating the boundaries of districts which, along with the text, comprises the zoning aspects of this Ordinance.
- **Zoning permit:** A permit issued by the Code Enforcement Officer that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.
- **Zoning vested right:** A right pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

### Section 15.02: Interpretation of Certain Words and Phrases

- (A) Words in the present tense include the future tense.

- (B) Words or phrases not specifically defined herein shall have their customary meanings as defined in a standard dictionary.
- (C) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- (D) The word "lot" shall include the words, "plot," "parcel," or "tract."
- (E) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- (F) The word "structure" shall include the word "building."
- (G) The words "shall" and "will" are always mandatory, and the word "may" is discretionary.
- (H) The phrase "set forth herein" refers to all Articles of the City of Rockingham Unified Development Ordinance.