

ARTICLE 12: DEFINITIONS

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ARTICLE 12 DEFINITIONS

12-1 INTERPRETATION OF ORDINANCE

12-1.1 Minimum Requirements

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

12-1.2 Greater Restrictions Govern

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

12-1.3 Rounding of Numbers

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

12-1.4 Figures and Tables

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

12-2 RULES OF CONSTRUCTION

12-2.1 Word Interpretation

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

12-2.2 Rules of Construction

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

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

12-3 INTERPRETATION OF DISTRICT BOUNDARIES

12-3.1 Boundary Interpretation

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

- A. **Centerline:** Where a boundary line lies within and follows a road or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such road or alley right-of-way, railroad right-of-way, or utility

easement. If such a road or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.

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

12-3.2 Interpretation by Board of Adjustment

Where existing natural or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 12-3.1, Boundary Interpretation, the Board of Adjustment shall interpret the district boundary.

12-3.3 Annexation

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by the City of Mebane, or taken into Mebane's planning and zoning jurisdiction by act of the General Assembly, or in accordance with NCGS 160D, Article 2, county regulations and powers or enforcement shall remain in effect until:

- A. The City of Mebane has adopted regulations for said annexed or extraterritorial area; or
- B. A period of sixty days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

Amended June 7, 2021

12-3.4 Parcels Divided by Zoning District Boundary Lines

- A. Whenever a single parcel two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the parcel lies shall apply to the entire parcel.
- B. Whenever a single parcel greater than two acres in size is located within two or more different zoning districts, then:
 - 1. If each portion of the parcel located within a separate zoning district is equal or greater than the minimum lot size for that district, then each portion of the parcel shall be subject to all regulations applicable to the district in which it is located.
 - 2. If any portion of the parcel located within a separate zoning district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.
- C. The above provisions apply only to parcels created on or before the effective date of this Ordinance unless the Board of Adjustment, in a proceeding authorized in Section 8-3 to determine district boundaries, concludes that a parcel established after the effective date of this Ordinance was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this subsection.

12-4 DEFINITIONS

10-YEAR, 24-HOUR STORM. A stormwater event which occurs on average once every 10 years or statistically has a 10% chance on average of occurring in a given year. The 10-year, 24 hour storm produces 5.9 inches of rain in the Mebane area.

Amended June 7, 2021

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

ACCESS EASEMENT. An easement which grants the right to cross property.

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

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

ACCESSORY DWELLING UNIT TO AN OFFICE USE. A dwelling that exists as an accessory building that is incidental to the primary use of the property as office space. If the dwelling is in the same structure as the office, this shall be considered a Live Work use instead and be regulated accordingly.

Amended June 6, 2022

ACCESSORY EQUIPMENT. Any equipment installed and owned by a third used that is used to deliver a service (other than a communications service) to a telecommunications facility, such as an electric meter.

(Amended July 9, 2018)

ACCESSORY STRUCTURE. A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith.

ACCESSORY USE. See 'Use, Accessory'.

ADDRESS. The official house, building, or structure number assigned by the City for a specific lot, building or portion thereof.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in 160D of the North Carolina General Statutes or other applicable federal, state or local laws, regulations or rules or set forth in this Ordinance. These are sometimes referred to as "ministerial" decisions or "administrative determinations".

Amended June 7, 2021

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

Amended June 7, 2021

ADULT ESTABLISHMENT. Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.202.10 (or any successor thereto). An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, lingerie studio, sexual encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

Amended June 6, 2022

- A. Adult Arcade** (also know as ‘peep show’). Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.

- B. Adult Bookstore or Adult Video Store.** A commercial establishment which as one of its principal business purposes offers for sale or rental, for any form of consideration, any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

- C. Adult Cabaret.** A nightclub, bar restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:
 - 1. Persons who appear nude or semi-nude; or
 - 2. Live performances which are characterized by the exposure of specified anatomical areas and/or by specified sexual activities; or
 - 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas.

- D. Adult Massage Parlor.** A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, massage therapist, or similar professional person licensed by the State of North Carolina. This definition does not include an athletic club, physical fitness

center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- E. Adult Motel.** A hotel, motel, or similar commercial establishment that:
1. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one of its principal business purposes; or
 2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- F. Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.
- G. Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.
- H. Escort.** A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. Escort Agency.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or any other form of consideration.
- J. Nude Model/Lingerie Studio.** Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. 'Nude model studio' shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

K. Nude or a State of Nudity. The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.

L. Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.

M. Sexual Encounter Center. A business or commercial enterprise that, as of one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Amended June 6, 2022

N Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

O. Specified Sexual Activities. Includes any of the following:

1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
2. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
4. Masturbation, actual or simulated; or
5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

ADVERTISING, OUTDOOR SERVICES. Establishments primarily engaged in the preparation of poster displays and painted and electric displays on billboards, panels, bulletins, and frames, principally outdoors. Such establishments may construct, repair, and maintain display board and may post advertisements.

Amended June 6, 2022

ADVERTISING SIGNS (BILLBOARDS OR OUTDOOR ADVERTISING SIGNS). A sign which publicizes and directs attention to a business, profession, commodity, activity, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located. Billboards located within 660 feet of interstate or federally assisted primary highways are subject to the standards and permitting requirements of the Outdoor Advertising Control Act which is administered by the North Carolina Department of Transportation

AGRITOURISM. Seasonal or temporary activities or events that take place on working farms for the enjoyment and education of the public, such as corn mazes and hay rides.

Amended June 6, 2022

AIRPORT OR AIR TRANSPORTATION FACILITY. A facility or area for the takeoff and landing of fixed or rotary wing aircraft.

Amended June 6, 2022

ALCOVE. A recess in a wall, or partly enclosed extension connected to or forming part of a room, often curved and often used to house sculpture, a seat, or a fountain.

ALLEY. A strip of land, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Amended June 7, 2021

AMBULANCE SERVICE. A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Amended June 6, 2022

ANIMAL SHELTER. A facility that provides animal sheltering, animal veterinary care, animal control, public education, and law enforcement.

Amended June 6, 2022

ANIMATED SIGN. Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

ANTENNA. As defined in NCSG Chapter 160D 931.

Amended July 9, 2018; June 7, 2021

APARTMENT. See 'Multifamily Dwelling' definition.

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

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

APPLICATOR. Person who applies fertilizer to the land or the immediate supervisor of such person.

Amended June 7, 2021

APPROVED ACCOUNTING TOOL. As used in Article 5, the accounting tool for nutrient loading approved by the North Carolina *EMC* for the relevant geography and development type under review.

Amended June 7, 2021

ARCADE. A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing.

Amended June 6, 2022

ARCHITECTURAL FEATURE. A prominent or significant part of element of a building, structure, or site.

Amended June 6, 2022

ARCHITECTURAL STYLE. The characteristic form and detail of buildings of a particular historic period.

Amended June 6, 2022

ARTS AND CRAFTS SHOW. An event to display and sell the work of craftspeople engaged in woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, photography, sculpting, clothing making, beadwork, and other similar crafts,

Amended June 6, 2022

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

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

AUDITORIUM, COLISEUM, OR STADIUM. An open, partially enclosed, or fully enclosed facility used or intended for spectator sports, entertainment events,

expositions, and other public gatherings. Typical uses include convention and exhibition halls and sports arenas.

Amended June 6, 2022

AUTOMATIC TELLER MACHINE (ATM). An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.

Amended June 6, 2022

AUTOMOBILE RENTAL OR LEASING. A business that rents automobiles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease.

Amended June 6, 2022

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, such as collision services, body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating. Includes these kinds of services as well as all activities included in "Automobile Repair, Minor".

Amended June 6, 2022

AUTOMOBILE REPAIR, MINOR. Minor repairs, incidental replacement of parts, and maintenance and servicing of passenger automobiles and trucks with not more than two axles, and of any repairs to motorcycles and all terrain vehicles.

Amended June 6, 2022

AUTOMOBILE TOWING AND STORAGE. An outdoor storage facility for the temporary storage of towed vehicles. May include a business office.

Amended June 6, 2022

AUTO WRECKING. A person or business that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

AWNING. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

Amended June 6, 2022

AWNING SIGN. See Canopy Sign

Amended June 5, 2023

BALANCE OF WATERSHED. The remainder of the Graham-Mebane Lake watershed outside the critical area.

BANK, SAVINGS AND LOAN, CREDIT UNION. A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and other fiduciary activities. A drive-through window must be approved as a separate use (see “Drive-Through Window”).

Amended June 6, 2022

BANNER. A temporary sign of light weight fabric or similar material that is rigidly mounted to a pole or a building by a rigid frame at two or more edges. Banners do not include flags.

Amended June 5, 2023

BAR, NIGHT CLUB, TAVERN, BREWPUB. An establishment primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premise alcoholic beverage consumption only. The establishment may also be engaged in (i) the retail sale of prepared food for on-premise consumption or (ii) the provision of entertainment such as live bands, other music, and dancing.

Amended June 6, 2022

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

Amended June 7, 2021

BASEMENT. Any area of the building having its façade floor subgrade (below ground level).

Amended June 7, 2021

BASE STATION. A structure or equipment at a fixed location that enables Federal Communications Commission licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a wireless support structure or any equipment associated with such structure. The term does include wireless facilities.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennae, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small wireless facilities).

3. The term includes any structure other than a wireless support structure that, at the time the relevant application is filed with the City under Section 4-7.9E supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State of local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any structure that, at the time the relevant application is filed with the City under this ordinance, does not support or house equipment described herein.

(Amended July 9, 2018)

BED AND BREAKFAST. A business within a dwelling offering accommodations to eight or fewer rooms per night for a period of less than two a weeks where the principal resident resides onsite and is present overnight when lodgers are present. Food and drink are served to guests but not to the general public for pay, and the price of breakfast is included in the room rate.

Amended June 6, 2022

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

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

BILLBOARD OR OUTDOOR ADVERTISING SIGN. See Advertising Signs

Amended June 5, 2023

BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the City Council, composed of residents of Mebane and its extraterritorial area, empowered to hear appeals from decisions of the Zoning Administrator, grant special use permits in certain cases and minor variances from the provisions of this Ordinance. In Mebane, the City Council has appointed itself as the Board of Adjustment, plus two additional individuals appointed by the boards of commissioners in Orange and Alamance counties.

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

BOAT REPAIR. A facility where boats are repaired and stored until repairs are completed. The use may include a boat repair garage and/or boat storage yard.

Amended June 6, 2022

BONA FIDE FARM PURPOSES. Agricultural activities as set forth in N.C.G.S. 160D-903.

Amended June 7, 2021

BROADCAST STUDIO. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

Amended June 6, 2022

BROADCASTING STATION. Commercial and public communication uses including radio and television broadcasting and receiving stations and studios, including ancillary outdoor communications equipment such as transmission towers and satellite dishes.

Amended June 6, 2022

BUFFER. An area of land planted or constructed to separate uses.

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

Amended June 7, 2021

BUILDABLE OR ZONE LOT. One or more lots of record in one undivided ownership with sufficient total area, sufficient area exclusive of easement, flood hazards, well and septic tank fields, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and buffer yards.

BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes. Each portion of a building separated from other portions by a fire wall shall be considered a separate building.

BUILDING BASE. The structural elements, design features, and materials associated with the first floor elevation of a building façade.

BUILDING CAP. The structural elements, design features, and materials associated with the top floor elevation of a building façade.

BUILDING ELEVATION. The front, side, or rear of a structure.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

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

BUILDING MARKER. A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

BUILDING MASS. The height, width, and depth of a structure.

Amended June 7, 2021

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

BUILDING SETBACK LINE. The line parallel to the front property line in front of which no structure shall be erected.

BUILDING SUPPLY SALES. An establishment engaged in the wholesaling of building supplies or equipment, and that typically includes lumber yards and tool and equipment sales or rental establishments, but excludes establishments exclusively devoted to retail sales and activities classified under vehicle or equipment sales and services.

Amended June 6, 2022

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

BUILDING WALL OFFSET. Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

BUILT-UPON AREA. That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. Built-upon area requirements for watershed overlay districts are delineated in Article 5, Section 3.

Amended June 7, 2021

BULK. The size and shape of buildings, structures, and non-building uses and the physical relationship of the exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure.

Amended June 7, 2021

BULK MAILING AND PACKAGING. An establishment that processes and transports bulk mail and packages. This includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

Amended June 6, 2022

BUSINESS SERVICE USES. Establishments that engage primarily in rendering services to businesses including, but not limited to printers, equipment rental, protective services, mailing, photo finishing, and similar uses.

BUS TERMINAL. A facility that supports the transfer of people between buses and other modes of transportation.

Amended June 6, 2022

CALIPER. A standard trunk diameter measurement for nursery-grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

CAMPGROUND/RV PARK. An area where tents, trailers, and/or Recreational Vehicles (RVs) are permitted for the purpose of temporary habitation for the travelling or vacationing public or for educational or spiritual groups. This does not include camping on residential properties incidental to the primary residential use.

Amended June 6, 2022

CANAL. See "Ditch".

Amended June 7, 2021

CANOPY. A structure constructed of rigid materials, including but not limited to metal, wood, concrete, canvas, or glass, which attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.

Amended June 7, 2021

CANOPY SIGN. Any sign which is painted, mounted, or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

CARETAKER DWELLING. A dwelling unit that exists either as part of a principal structure or as an accessory building, is secondary and incidental to the use of the principal structure, is occupied by a person (persons) that is (are) employed by the owner of the principal structure to provide domestic, maintenance, or security services.

CARNIVALS AND FAIRS. Travelling or transportable groups or aggregations of rides, shows, concerts, games, agricultural displays, livestock competitions and judging, or concessions of any combination thereof. This use does not include racetrack operations nor publicly-supported events such as parades and street festivals.

Amended June 6, 2022

CAR PORT. A roofed structure not more than 75 percent enclosed by walls and attached to or adjacent to the principal structure that is provided for the purpose of sheltering one or more motor vehicles.

CAR WASH/AUTO DETAILING. An area or structure equipped with automatic or self-service facilities for washing and waxing automobiles.

Amended June 6, 2022

CEMETERY, COLUMBARIUM, OR MAUSOLEUM. Property used for the interring of the dead, including columbaria and mausoleums.

Amended June 6, 2022

CERTIFICATE OF OCCUPANCY. A statement signed by an authorized city official, setting forth that the building, structure or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF ZONING COMPLIANCE. A certificate, signed by the Zoning Administrator, stating that a parcel of land or a building or structure complies with the provisions of this Ordinance, or that the parcel of land, building, or structure may lawfully be employed for specified uses.

CHANGEABLE COPY SIGN. Any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. Poster panels and painted boards are not changeable copy signs.

CHARTER. As defined in N.C.G.S. §160A-1(2).

Amended June 7, 2021

CHURCH OR OTHER PLACE OF WORSHIP. A site and its buildings used primarily for religious worship and related religious services by a tax-exempt religious group. Churches and other places of worship may include may include cemeteries belonging to and operated by the religious organization. Churches and other places of worship shall not include day care facilities, pre-schools, schools, or homeless shelters unless such uses are allowed in the zoning district in which the church is located.

Amended June 7, 2021; June 6, 2022

CITY. The City of Mebane, North Carolina. As further defined in N.C.G.S. §160A-1(2).

Amended June 7, 2021

CITY COUNCIL. The City Council of the City of Mebane, North Carolina.

CITY UTILITY POLE. As defined in NCSG Chapter 160D 931..

(Amended July 9, 2018)

CLUBS AND LODGES. Buildings and premises associations engaged in civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a non-profit basis for the benefit of its members.

Amended June 6, 2022

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

COLLEGE, UNIVERSITY, OR TECHNICAL INSTITUTE. A post-secondary institution for higher learning that grants certificates or associate, bachelor, or higher degrees. This use includes community colleges and technical institutes that grant associate or bachelor degrees or may offer certificate courses in business and technical fields.

Amended June 6, 2022

COLLOCATION/SITE SHARING. The use of a common wireless communication facility (WCF) or common site with more than one wireless license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

COLOR, ACCENT. A material or color used on a building's trim.

COLOR, MAIN. A material or color used on a building's walls and constituting more than 50 percent of the color on such walls.

COMBINATION USE. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permitted Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 4-1, E. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

COMMERCIAL. Any nonresidential use of land engaged in commerce or commercial activity such as wholesale or retail trade or the provision of services.

COMMERCIAL FEEDER/BREEDER OPERATION. Commercial and/or industrial operations primarily engaged in the production, feeding, or fattening of cattle, hogs, chickens, or turkeys in a confined area for a period of at least 45 days on a contract or fee basis. Examples of this use include feedlots, feeding farms, cattle ranches, hog farms, chicken farms or ranches, and turkey farms or ranches. This definition does not include the keeping of domesticated animals for pets.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.

COMMISSION. As used in Article 5, the North Carolina Environmental Management Commission.

Amended June 7, 2021

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

COMMUNICATIONS TOWER (TOWER). Any structure that is designed and built for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, and cellular telephone towers.

COMMUNICATIONS TOWER, PUBLIC SAFETY. Any structure that is designed and built for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers that is used specifically for public safety purposes such as police, fire, emergency medical services, and emergency management. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, and cellular telephone towers.

Amended June 6, 2022

COMMUNITY CENTER. A place, building, area, or other facility used for providing social and recreational programs.

Amended June 6, 2022

COMPOSTING FACILITY. A facility where organic matter derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Amended June 6, 2022

COMPREHENSIVE PLAN. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the City.

Amended June 7, 2021

CONCEALED (STEALTH) WIRELESS FACILITY. Any telecommunications facility, wireless support structure, or antenna that is integrated as an architectural feature of a structure or that is designed in whole or in part to camouflage or conceal the presence of the telecommunications facility, wireless support structure, or antenna so that the purpose of the telecommunications facility, wireless support structure, or antenna is not readily apparent to the casual observer.

(Amended July 9, 2018)

CONCEALMENT ELEMENT. Any design feature, including, but not limited to, painting, shielding requirements, shrouds, and restrictions on location or height in relation to the

surrounding area that are intended to make a telecommunications facility less visible to the casual observer. The design elements of a concealed (stealth) telecommunications facility are concealment elements.

(Amended July 9, 2018)

CONCERTS, STAGE SHOW. Live musical performances or shows in front of an audience.

Amended June 6, 2022

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Amended June 7, 2021

CONDITIONAL ZONING DISTRICT. A zoning district that permits a particular use or uses established only in accordance with specified standards and conditions tailored to each individual development project. Conditional zoning districts are established in accordance with the requirements of Section 9-7.

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

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

CONSULTANT. Person who is hired to provide professional advice to another person.

Amended June 7, 2021

CONTRACTOR OFFICE WITH OUTSIDE STORAGE YARD. Offices and storage yard for a general contractor or builder engaged in the construction of buildings and/or activities such as paving, road construction, and utility construction. The storage yard is used to store and maintain construction equipment and other materials customarily used in the trade carried out by the contractor.

Amended June 6, 2022

CONVENIENCE STORE. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a 'supermarket'). It is designed to attract and depends upon a large volume of 'stop and go' traffic. A convenience store operation may also

include self-service gasoline sales. Illustrative examples of convenience stores are those operated by the 'Fast Fare', '7-11', and 'Pantry' chains.

CONVENTION, TRADE SHOW. Meetings of the members or representatives of groups, including meeting space, exhibition space, entertainment functions, food and beverage consumption. This term does not include "Clubs and Lodges" for regular meetings of private or nonprofit groups that are primarily used by group members.

Amended June 6, 2022

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

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

COURIER SERVICE. Establishments primarily engaged in the delivery of individually addressed letters, parcels, and packages.

Amended June 6, 2022

COUNTRY CLUB. A membership club catering primarily to its members, providing but not limited to one or more of the following recreational and social activities: golf, swimming, tennis, pickle ball, riding, basketball, outdoor recreation, club house, locker room, and pro shop. This use does not include "Shooting Range, Indoor" or "Shooting Range, Outdoor".

Amended June 6, 2022

COURTYARD. A space, open and unobstructed to the sky, located at or above grade level on a lot bounded on three or more sides by walls or a building.

Amended June 6, 2022

CRAFT STUDIO. A studio or workshop for artists, artisans, and craftspeople. Higher impact activities such as metal work, stone sculpture, glass work, fired ceramics, or woodworking must occur within a fully enclosed building or with adequate setbacks from the property line and/or adequate buffers to prevent potential impacts such as noise, vibrations, heat, or other impacts from extending off site.

Amended June 6, 2022

CREMATORIUM. A facility designed for the cremation of human bodies.

Amended June 6, 2022

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

CRITICAL ROOT ZONE. A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of tree diameter-at-breast-height, with a minimum of eight feet.

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

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

DBH (Diameter-at-breast height). The tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

DATA CENTER. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

Amended June 6, 2022

DAY. Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law. See also Section 12-2, B, 8.

DAY CARE CENTER, ADULT AND CHILD, 5 OR FEWER CLIENTS (ACCESSORY USE). A commercial child care facility where, at any one time, there are three to five preschool-age children or school-age children receiving child care as defined in NCGS 110-86. Day care center also includes a facility providing adult day care on a regular basis to three to five adults for more than two hours per day.

Amended June 6, 2022

DAY CARE CENTER, ADULT AND CHILD, 6-12 CLIENTS (PRINCIPAL USE). A commercial child care facility where, at any one time, there are six to twelve preschool-age children or school-age children receiving day care as defined in NCGS 110-86. Day care center also includes a facility providing adult day care on a regular basis to six to twelve adults for more than two hours per day.

Amended June 6, 2022

DAY CARE CENTER, ADULT AND CHILD, 13 OR MORE CLIENTS (PRINCIPAL USE). A commercial child care facility where, at any one time, there are thirteen or more preschool-age children or school-age children receiving day care as defined in NCGS

110-86. Day care center also includes a facility providing adult day care providing adult day care on a regular basis to thirteen or more adults for more than two hours per day.

Amended June 6, 2022

DECISION MAKING BOARD. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Ordinance.

Amended June 7, 2021

DECLARATION OF UNIT OWNERSHIP. A duly recorded instrument by which property is submitted to the provisions of NCGS 47A or NCGS 47C for the purpose of creating a condominium.

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

DEPARTMENT. As used in Article 5, the North Carolina Department of Environment and Natural Resources.

Amended June 7, 2021

DESIGN COMPATIBILITY. A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

DESIGN MANUAL. As used in Article 5, the stormwater design manual approved for use in this part of the Falls Watershed by the NC Department of Environmental Quality for the proper implementation of the requirements of the Falls Watershed stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

Amended June 7, 2021

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

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowners to undertake development on that property.

Amended June 7, 2021

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the

infiltration of precipitation into the soil, other than rebuilding activity that does not qualify as redevelopment.

Amended June 7, 2021

DEVELOPMENT. Unless the context clearly indicates otherwise, the term means: (a) the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (b) excavation, grading, filling, clearing, or alteration of land; (c) the subdivision of land as defined in the N.C.G.S. 160D-8-2; or (d) the initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by the provisions of Chapter 160D of the North Carolina General Statutes or of this Ordinance.

Amended June 7, 2021

DEVELOPMENT (IN WATERSHEDS). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration or precipitation into the soil.

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

Amended June 7, 2021

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into and building permits issued.

Amended June 7, 2021

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

DEVELOPMENT DIRECTOR. The Director of the Planning and Zoning Department of the City of Mebane, North Carolina.

Amended June 7, 2021

DEVELOPMENT REGULATION. This unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic

preservation or landmark regulations, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D of the North Carolina General Statutes, or a local act or charter or ordinance that regulates land use or development.

Amended June 7, 2021

DIRECTOR. As used in Article 5, the director of the Division of Water Quality or the North Carolina Department of Environment and Natural Resources.

Amended June 7, 2021

DISCHARGE POINT. That point at which runoff leaves a tract of land.

DISPOSAL. As defined in N.C.G.S. 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.

Amended June 7, 2021

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

DITCH (OR CANAL). A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

Amended June 7, 2021

DIVISION. As used in Article 5, the Division of Water Quality in the Department of Environmental Quality.

Amended June 7, 2021

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

DOMICILIARY HOME. A facility, by whatever name it is called, which provides residential care for aged or disabled persons whose principal need is a home which provides the supervision and personal care appropriate to their age or disability. The three types of domiciliary homes are: (i) homes for the aged and disabled, (ii) family care homes and (iii) group homes for developmentally disabled adults.

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

DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

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

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

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

DRIVE-THROUGH FACILITY. A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities feature onsite ordering stations, such as remote menu boards. Use types that commonly have drive-through service include banks, restaurants, specialty eating or drinking establishments, and drug stores.

Amended June 6, 2022

DRIVEWAY. A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use.

DUPLEX. (See 'Two-Family Dwelling').

DWELLING. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 of Chapter 160D of the North Carolina General Statutes it does not include any manufacture home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Amended June 7, 2021

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

DWELLING UNIT, ATTACHED. Any dwelling unit that shares one or more common walls with other similar units. Examples of attached dwellings includes duplexes, triplexes, quadruplexes, and townhouses.

DWELLING UNIT, DETACHED. Any dwelling unit that is freestanding and shares no common walls with any other dwelling unit.

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

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

DWELLING, SINGLE-FAMILY. A separate building designed for and occupied exclusively by one family. For purposes of this Ordinance, a single-family dwelling includes a site built structure, a modular structure to N.C. Building Code requirements, or a manufactured home built to HUD requirements located on individual lots or within manufactured home parks are considered to be single family dwellings.

DWELLING, TOWNHOUSE. A single-family dwelling on its own lot owned in fee simple by the owner of the dwelling, with a private entrance that is part of structure where the dwelling units are all joined side-by-side and separated by party walls, with no unit being located above or below another unit, and having totally exposed front and rear walls for access, light, and ventilation. Townhouse dwellings are generally within a development containing drives, walks, and open space all of which are owned in common.

DWELLING, TWO-FAMILY DWELLING. A building on one lot arranged and designed to be occupied by two families living independently of each other. Also referred to as a 'duplex'.

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

EAVE. The projecting lower edges of a roof overhanging the wall of a building.

Amended June 6, 2022

ELECTRONICALLY CONTROLLED MESSAGE SIGN. The portion of a sign message made up of internally illuminated components capable of changing the message periodically, with any message or display remaining stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.

Amended June 5, 2023

ELIGIBLE FACILITIES REQUEST. Any request for modification of an existing wireless support structure or base station that does not substantially change the physical dimensions of such telecommunications tower or base station, as defined in either 47 C.F.R. 1.40001(b) or NCGS Chapter 160D, Part 3, or successive regulations, statutes, or rules.

Amended July 9, 2018; June 7, 2021

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

Amended June 6, 2022

ENGINEERED STORMWATER CONTROL. A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the *pre-development* hydrology on a developed site; or to achieve any combination of these goals. *Engineered stormwater control* includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.

Amended June 7, 2021

ENTERTAINMENT FACILITY, INDOOR. A facility open to the general public within a completely enclosed building or buildings. Indoor entertainment facilities may include, but are not limited to, theatrical productions, music venues, arcades, coin-operated amusements (not including adult arcades and video gaming arcades), pool halls, bingo parlors, fortune tellers/astrologers, bowling centers, miniature golf courses (indoor course), movie theaters, or similar indoor uses. This use does not include facilities that are part of public parks or recreation facilities or public cultural facilities.

Amended June 6, 2022

ENTERTAINMENT FACILITY, OUTDOOR

A facility open to the general public, but not solely within a completely enclosed building or buildings. Outdoor entertainment facilities may include, but are not limited to, amusement parks, water parks, outdoor theaters, go-cart raceways, miniature golf courses (outdoor course), arcades, movie theaters, or similar outdoor uses. This use does not include facilities that are part of public parks or recreation facilities or public cultural facilities.

Amended June 6, 2022

EPHEMERAL (STORMWATER) STREAM. A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

Amended June 7, 2021

EQUIPMENT RENTAL AND LEASING (NO OUTSIDE STORAGE). The temporary rental or leasing of tools, materials, lawn and garden equipment, party supplies and equipment, or construction equipment, including storage and incidental maintenance, with all materials and operations housed within fully enclosed building(s). This use does not include automobile rental or leasing, or equipment repair.

Amended June 6, 2022

EQUIPMENT RENTAL AND LEASING (WITH OUTSIDE STORAGE). The temporary rental or leasing of tools, materials, lawn and garden equipment, party supplies and equipment, or construction equipment, including storage and incidental maintenance, with all materials and operations housed within building(s) and/or in a storage yard. This use does not include “automobile rental or leasing”, “personal services”, or “equipment and large appliance repair”.

Amended June 6, 2022

EQUIPMENT AND LARGE APPLIANCE REPAIR. An establishment that repairs lawn and garden equipment, farm equipment, construction equipment, and/or large appliances such as refrigerators, with all materials and operations housed within fully enclosed building(s).

Amended June 6, 2022

EVERGREEN. Those plants that retain foliage throughout the year.

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

Amended June 7, 2021

EXISTING BUILDING AND EXISTING STRUCTURE. Any building and/or structure for which the “start of construction” commenced before the initial effective date of the floodplain management regulations adopted by the community.

Amended June 7, 2021

EXISTING DEVELOPMENT. Development not otherwise exempted by this ordinance that meets one of the following criteria:

- A. It either is built or has established a statutory or common-law vested right as of the effective date of this ordinance; or
- B. It occurs after the effective date of this ordinance, but does not result in a net increase in built-upon area and does not decrease the infiltration of precipitation into the soil

Amended June 7, 2021

EXISTING LOT (LOT OF RECORD). See Lot of Record.

EXISTING DEVELOPMENT (IN WATERSHEDS). Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

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

Amended June 7, 2021

EXTRATERRITORIAL JURISDICTION (ETJ) OR PLANNING AND ZONING AREA. That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.

FACADE. The exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade shall include the entire building wall, including wall face, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.

Amended June 6, 2022

FACE BRICK. Nonstructural brick or similar masonry material that is applied as a veneer to a wall or foundation as a decorative element.

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

FAMILY CARE HOME. A domiciliary home that provides room and board, support and supervisory personnel and personal care and habilitation services for 2 to 6 resident

handicapped persons in a family environment. "Handicapped person" means a person with a temporary or permanent physical, emotional, or 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. For zoning purposes a family care home shall be deemed a residential use of property and shall be permissible in all residential districts. No political subdivision of the state may require that a family care home obtain, because of the use, a conditional use permit or special use permit from any zoning ordinance; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home. (G.S.131D-2 and G.S. 168-21)

Amended June 7, 2021

FARM PRODUCT RAW MATERIALS. Establishments engaged in buying and/or marketing wholesale farm products, for example such as vegetable fibers, animal hair, animal hides, livestock, nuts, or tobacco.

Amended June 6, 2022

FARM PRODUCT WAREHOUSING AND STORAGE. Establishments engaged in the warehousing and storage of farm products. This includes, for example, cotton warehousing, grain elevators, potato cellars, and tobacco warehousing.

Amended June 6, 2022

FARM SUPPLIES AND EQUIPMENT. A business selling products, materials, and/or equipment used in agriculture.

Amended June 6, 2022

FARMERS' MARKET. A public market held in a structure or open area, where farmers sell produce and other farm products they have grown, gathered, or raised directly to consumers.

Amended June 6, 2022

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

FINANCIAL GUARANTEE. Any form of security, including a cash deposit, collateral, property, or instrument of credit, in an amount and form approved by the City of Mebane for use in place of actual construction of required improvements. Also referred to as 'surety'.

FINISHED FLOOR ELEVATION. The height of the lowest floor serving habitable space within a structure or building.

FIRE STATION/EMERGENCY MEDICAL SERVICES. A building used to house equipment and personnel for firefighting and emergency medical services.

Amended June 6, 2022

FIREWORKS STAND. A temporary outdoor stand for selling fireworks and other articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

Amended June 6, 2022

FLASHING SIGN. A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.

FLEA MARKET. Sales area (indoors or outdoors) in which space is set aside or rented, and is intended for use to sell a variety of articles such as those which are either homemade, hand-crafted, new, used, old or obsolete.

FLOOD HAZARD AREA. See Section 5-6, A for flood hazard-related definitions.

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

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

FLOOR AREA RATIO. The numerical value obtained by dividing the gross floor area of the building(s) by the net lot area on which the building(s) is/are located.

FOOD STORES. A retail trade use category that includes grocery stores; meat and fish markets; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; and miscellaneous food stores. See "retail store".

Amended June 6, 2022

FOOT-CANDLE. A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

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

FREESTANDING SIGN. Any sign with a sign face mounted on one or more poles in a manner where air or open space exists between the bottom of the sign face area and the surface of the ground or where the sign support structure is less than 75% as wide as the sign face area.

Amended June 5, 2023

FRONT FAÇADE. See Primary Façade.

FRONTAGE, PRIMARY. The side of a lot abutting a legally accessible public or private street right-of-way. Each property has one primary frontage, determined using the following analysis:

- A) location along a “primary street”;
- B) the street on which it is addressed; or
- C) the street with the greatest length, measured in linear feet.

Amended June 6, 2022

FRONTAGE, SECONDARY. The side(s) of a lot that abut(s) a legally accessible public or private street right of way that are not the primary frontage. This frontage shall be subject to the side setback and landscaping requirements listed for the applicable use in the applicable zoning district.

Amended June 6, 2022

FUEL OIL SALES. The sale and delivery of fuel oil for heating and other uses. Includes on-site storage of fuel oil, trucks, and associated equipment.

Amended June 6, 2022

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

Amended June 7, 2021

FUNERAL HOME. An establishment engaged in preparing the dead for burial and/or conducting funerals.

Amended June 6, 2022

FURNITURE DISPLAY AND SHOWROOMS. The sale of furniture, including storage space and display areas.

Amended June 6, 2022

FURNITURE UPHOLSTERY AND REPAIR. An establishment engaged in the reupholstery and repair of furniture.

Amended June 6, 2022

GARAGE. An outbuilding or accessory structure used for the parking or storage of vehicles.

GARAGE, REAR-LOADED. An outbuilding or accessory structure that faces the rear of the lot for the purpose of parking vehicles.

GARAGE, SIDE-LOADED. An outbuilding or accessory structure that faces the side of the lot for the purpose of parking vehicles.

GARAGE, STREET-FACING. An outbuilding or accessory structure that faces the street from which the structure derives its street address for the purpose of parking vehicles.

GARDEN CENTER OR RETAIL NURSERY. The retail handling, sales, and outdoor storage of any article, substance, or commodity related to, but not limited to the planting, maintenance, or harvesting of garden plants, shrubs, or small trees that can be carried by customers without the assistance of equipment or retail personnel.

Amended June 6, 2022

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

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

GOLF COURSE. A tract of land laid out for playing the game of golf and improved with features such as tees, greens, fairways, and hazards. Accessory uses of a golf course may include a clubhouse (with or without bar and/or eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Amended June 6, 2022

GOVERNMENTAL SIGN. Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

GOVERNMENT OFFICE. A building containing offices of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, local or state government agency administration, public assistance, postal services, employment services, or motor vehicle licensing and registration services.

Amended June 6, 2022

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

GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or

man-made, is relocated on any site, thereby creating an unprotected area. The term 'grading' is interchangeable with 'land-disturbing activity'.

GENERAL USE ZONING DISTRICT. A zoning district that permits all of the general uses allowed in that district as well as special uses allowed in that district, provided that all of the specified conditions are met.

GREENWAY. Public open space owned and maintained by a local government which has been designated for bicycle and pedestrian use on an officially adopted plan.

Amended June 7, 2021

GROUND COVER. A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

GROUND SIGN. See MONUMENT SIGN

Amended June 5, 2023

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

GROUP DEVELOPMENT. A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises. Examples include multifamily developments, shopping centers, and office and business parks. The requirements for special use permits for group developments vary by the specific type of group development.

GYM. See "Health Club".

Amended June 6, 2022

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

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

Amended June 7, 2021

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

HARDWARE. An establishment primarily engaged in the wholesale sale of various hardware lines such as tools, builders' hardware, heating, ventilation, air conditioning, plumbing and electrical supplies, paint and glass, outdoor yard equipment (e.g. lawnmowers) and maintenance, and household appliances primarily contractors, builders, and other professionals working in the building trades. Does not include retail sales of such supplies as would occur in a home improvement superstore.

Amended June 6, 2022

HARDWARE STORE. A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, durable goods (e.g., lawnmowers, appliances, etc., or other materials identified as a wholesale hardware materials.

Amended June 6, 2022

HAZARDOUS MATERIAL. Any substance listed as such in or as included through amendment: Superfund Amendments and Reauthorization Act (SARA) section 302, Extremely Hazardous Substances, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances, or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances),.

Amended June 7, 2021; June 6, 2022

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A-290(a)(35), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may:

- (i) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or;
- (ii) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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

Amended June 7, 2021

HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules or whose act first causes a hazardous waste or toxic substance to become subject to regulation provided that, 'generator' does not

include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

HAZARDOUS WASTE LONG-TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

HEALTH CARE STRUCTURE, TEMPORARY. A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

Amended June 6, 2022

HEALTH CLUB OR GYM. An establishment that provides exercise facilities such as weight lifting, aerobics, running, stationary bicycling, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas, and related accessory uses.

Amended June 6, 2022

HIGH-DENSITY PROJECT. Any project in a water supply watershed that exceeds the low density threshold for dwelling units per acre or built-upon area.

Amended June 7, 2021

HISTORIC STRUCTURE. Any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a local inventory of historic places with a 'Certified Local Government (CLG) Program'; and (iv) Certified as contributing to the historical significance of a historic district designated by a community with a CLG program, as approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Amended June 7, 2021

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof nor adversely impact the surrounding neighborhood. See Section 4-8, E for specific regulations concerning home occupations.

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

HOMEOWNERS (OR PROPERTY OWNERS) ASSOCIATION. A private, nonprofit corporation of homeowners or property owners formally constituted for the purpose of owning, operating, and maintaining common properties. Also known as a Declaration of Unit Ownership in a condominium development.

HORSE SHOW, RODEO. A temporary equestrian activity that is not conducted in conjunction with a riding academy, or an exhibition or contest in which cowboys show their skill at riding broncos, roping calves, wrestling steers, racing wagons, and other similar activities.

Amended June 6, 2022

HOSPITAL. An institution licensed by the state that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. This use type does not include urgent care facilities, nursing homes, or medical/dental offices.

Amended June 6, 2022

HOTEL OR MOTEL. An establishment providing guest rooms for lodging, typically on less than a weekly basis, with no or minimal kitchen facilities in the guest rooms. A hotel or motel may include accessory uses such a restaurant, recreational facilities, and fitness centers.

IMPERVIOUS SURFACE COVERAGE. That portion of a lot covered by buildings, structures, paving or other impervious surface materials (see also definition of Built-upon Area).

INCIDENTAL SIGN. A sign that provides only information for the convenience and necessity of the public. Company logos may be displayed on such signs but must not occupy more than 25% of the sign area. Incidental signs include directories, entrance, exit and other necessary directional signs.

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

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

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

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

Amended June 7, 2021

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

INDUSTRY, HEAVY. An establishment engaged in manufacturing or other industrial processing of products primarily from extracted or raw materials or bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond the property line. Heavy industry is distinguished from light industry by its potential for off-site impacts, not necessarily being entirely within an enclosed building, not being limited in the extent of outdoor storage it involves, and/or producing products that are combustible or explosive. Examples include but are not limited to the manufacture of asphalt, batteries, chemicals, concrete, dairy products, paints and allied products, glass, rubber and plastics, and tobacco products.

Amended June 6, 2022

INDUSTRY, LIGHT. The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Examples of light industry include, but are not limited to production or repair of small machines or small electronic parts and equipment, apparel and finished fabrics, bakery products, beverage products, cabinet and woodworking shops, computers and office equipment, drugs and pharmaceuticals, food preparation, ice making, jewelry and silverware (no plating), machine shops, manufactured housing and wood buildings, printing and publishing, roofing shops, sign making, electronic or optical instruments, sporting goods and toys, welding shops, artificial limbs, dentures, hearing aids, and surgical instruments, and similar processes. This use includes light industrial assembly.

Amended June 6, 2022

INFILL DEVELOPMENT. New development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

INTERIOR DECORATING. A commercial establishment that provides professional home interior decorating services including floor covering, drapery, upholstery, and furnishings.

INTERMITTENT STREAM. A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

Amended June 7, 2021

JUNKED MOTOR VEHICLE. A motor vehicle that does not display a current license plate and is one or more of the following: (i) is partially dismantled or wrecked; or (ii) cannot be self-propelled or moved in the manner in which it originally was intended to move; or (iii) more than five years old and appears to be worth less than one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed.

JUNKYARD OR RECYCLING FACILITY. The use of more than 600 square feet for the collection, storage, and sale of material, including scrap metals, glass, plastics, waste paper, rags, tires, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and for the sorting and processing of such materials in preparation for reuse or the shipment to others for use in manufacturing new products.

Amended June 6, 2022

KENNEL, INDOOR. A commercial operation that: (i) 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 (ii) engages in the breeding of animals for sale. All operations occur within fully enclosed buildings.

Amended June 6, 2022

KENNEL, WITH OUTSIDE RUNS. A commercial operation that: (i) 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 (ii) engages in the breeding of animals for sale. Animals spend some time outdoors in fenced runs.

Amended June 6, 2022

LABORATORY, MEDICAL/DENTAL. A facility for laboratory analysis for use in medical and dental applications, including analysis of blood, tissue, teeth, or other human medical or dental products.

Amended June 6, 2022

LABORATORY, RESEARCH. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. Such facilities must meet all applicable state and federal regulations.

Amended June 6, 2022

LAKE or NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND CLEARING DEBRIS. Solid waste that is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

LAND-DISTURBING ACTIVITY. Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

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

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS . A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth generated solely from the construction, remodeling, repair, or demolition of pavement, buildings, and structures. Disposal of any other types of wastes must be approved by the State Division of Health Services.

Amended June 6, 2022

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

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A lot, parcel, area, or facility for the land disposal of land clearing waste such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetation, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood and yard trash by burying and covering with soil. This definition does not include the placing of any land clearing or inert debris on a lot, plot, or parcel that was generated on, or came from the property on which it was placed, by the owner of the property.

Amended June 6, 2022

LANDFILL, MUNICIPAL SOLID WASTE. A site for solid waste disposal from residential, industrial, commercial, or institutional activities that would normally be collected, processed, and disposed of through a public or private solid waste management service.

Amended June 6, 2022

LANDOWNER OR OWNER. The holder of the title in fee simple. Absent evidence to the contrary, the City may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Amended June 7, 2021

LANDSCAPE AND HORTICULTURE SERVICES. A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

Amended June 6, 2022

LANDSCAPING. The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Landscaping includes any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Amended June 7, 2021

LAUNDRY OR DRY CLEANING PLANT. A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation in volatile solvents or other cleaning agents.

Amended June 6, 2022

LEGISLATIVE ACTION. The adoption, amendment, or repeal of a regulation under Chapter 160D of the North Carolina General Statutes, this Ordinance or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of Chapter 160D of the North Carolina General Statutes and this Ordinance.

Amended June 7, 2021

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

Amended June 7, 2021

LIBRARY. A building containing printed information, electronic information, pictorial material, musical recordings, and equipment such as computers for the public use, and not normally for sale.

Amended June 6, 2022

LINER BUILDINGS. A series of smaller buildings located along the primary façade of a larger structure or as stand-alone perimeter structures positioned to break up the structure's mass.

LIVE/WORK UNIT. A type of structure which includes living space and space for nonresidential activities. Typically, live/work units are part of mixed use townhouse developments and planned unit developments.

LOCAL ACT. As defined in North Carolina General Statutes 160A-1(5).

Amended June 7, 2021

LOCAL GOVERNMENT. The City of Mebane.

Amended June 7, 2021

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

LOT, CORNER. A lot abutting two or more streets at their intersection, featuring a primary frontage and secondary frontage.

Amended June 6, 2022

LOT, DOUBLE FRONTAGE. See definition of 'Through Lot.'

LOT, FLAG. A lot, created by a subdivision, with less street frontage than is required for the district by this ordinance and composed of a narrow 'flagpole' strip extending from the street and a much wider 'flag' section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

Amended June 7, 2021

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

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

Amended June 7, 2021

LOT, TOWNHOUSE. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse dwelling unit.

LOT, THROUGH. A lot abutting two streets that do not intersect at the corner of the lot. One frontage shall be established as a primary frontage and the other shall serve as a side frontage.

Amended June 6, 2022

LOT, TRADITIONAL NEIGHBORHOOD DEVELOPMENT. Lots within a mixed use, pedestrian-oriented development designed in accordance with the standards delineated in Section 4-7 R.

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

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

LOT COVERAGE. The portion of a lot covered by building(s) and/or structure(s).

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

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

LOT LINE, FRONT. The boundary line of a lot running along a road right-of-way. If a lot has two or more property lines which are also road right-of-way lines abutting different roads, the front lot line shall be determined by the established primary frontage.

Amended June 6, 2022

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

LOW-DENSITY PROJECT. A project in a water supply watershed that has no more than two dwelling units per acre or twenty-four percent built-upon area (BUA) for all residential and non-residential development. A project with an overall density at or below the relevant low-density threshold, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

Amended June 7, 2021

LUMEN. A unit of luminous flux. One foot-candle is one lumen per square foot and is roughly equivalent to the light emitted by a 60 watt light bulb. Lumen output values shall be the initial lumen output ratings of a lamp.

MAKERSPACE. A workshop or other place in which people with shared interests can gather to work on projects while sharing ideas, equipment, and knowledge.

Amended June 6, 2022

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems therein. 'Manufactured home' includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the US Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 [See NCGS 143-145(7)].

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured house unit designed for transportation on its own chassis and placement on a temporary or permanent foundation having a length of over 32 feet in length and over 8 feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a length of over 32 feet in length and over 8 feet in width.

Amended June 7, 2021

MANUFACTURED HOME PARK. A group development site with required improvements and utilities for the long-term location of two or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

MANUFACTURED HOME SALES. A business primarily engaged in the display and sale of manufactured housing. This use may include sales offices for manufactured homes and display of inventory on site.

Amended June 6, 2022

MANUFACTURED HOME SPACE. A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

MANUFACTURED HOME SUBDIVISION. A subdivision containing two or more building lots that are specifically designed to be sold for residential occupancy by manufactured home owners.

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

MARQUEE SIGN. Any sign attached to a marquee for the purpose of identifying a use of property. Sign can be a changeable copy sign but shall not be an electronically controlled message sign.

Amended June 5, 2023

MENU SIGN. A permanent on-premises sign located at businesses that provide drive-up or drive-through services such as fast food restaurants, banks, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.

MICROBREWERY. A facility that produces less than 15,000 barrels of beer per year.

Amended June 6, 2022

MICRODISTILLERY. A facility that produces less than 50,000 gallons of alcoholic spirits per year.

Amended June 6, 2022

MINING, QUARRYING, SAND PITS, CLAY, AND MINERAL EXTRACTION. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment

of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Amended June 6, 2022

MIXED-USE BUILDING. A structure containing a residential use and a commercial, institutional, or industrial use.

MIXED-USE DEVELOPMENT. A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the NC State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the NC State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. For purposes of this Ordinance, a modular home is treated as a site-built dwelling.

MONOPOLE. A single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennae, which is not a Utility Pole.

(Amended July 9, 2018)

MONUMENT SIGN. Any sign, other than a pole sign, that is attached directly to the ground by means of a supporting system comprised of a solid pedestal or side decorative bracing system. Ground signs are configured so that the base of the sign support structure is at least 75% as wide as the sign face area.

Amended June 5, 2023

MOTORCYCLE REPAIR. Repair of motor vehicles designed to travel on not more than three wheels in contact with the ground.

Amended June 6, 2022

MOTOR VEHICLE SALES, NEW AND USED. Storage and display for sale, rental, or lease of more than two cars, trucks, vans, and other similar motor vehicles, whether new or used.

Amended June 6, 2022

MOVING AND STORAGE SERVICE. An establishment engaged in trucking and storage of household goods.

Amended June 6, 2022

MULTIFAMILY DWELLING. See 'Dwelling, Multifamily'.

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

MURAL. Any hand-produced picture, scene, diagram, work, or visual art painted on any exterior wall of a building, fence, or wall, which does not primarily serve as advertising, and is primarily intended to serve as a work of public art. The name of a business, logo, or other identifying information included with a mural or work of art is considered a sign, must meet the requirements for wall signs, and requires a permit.

Amended June 5, 2023

MUSEUM OR ART GALLERY. An establishment for preserving and exhibiting artistic, historical, scientific, natural, and/or human-made objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of craft work and artwork, boutiques, and the holding of meetings and social events.

Amended June 6, 2022

NAME PLATE. See **PROFESSIONAL SIGN.**

NATIONAL GUARD/MILITARY RESERVE CENTER. A facility for the recruitment and training of military personnel, and storage of military equipment. Does not include facilities for the live fire or detonation of weapons or explosives, unless permitted separately.

Amended June 6, 2022

NEW CONSTRUCTION. Structures for which the 'start of construction' commenced on or after the effective date of this Ordinance, including any subsequent improvements to such structures.

NON-COMMERCIAL SIGN. A sign which has no commercial content, but instead involves only the expression of ideals, opinions, or beliefs.

Amended June 6, 2022

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

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

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

NONCONFORMING SIGN. Any sign that does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

NONCONFORMING STRUCTURE(S) OR USE(S). A structure or use that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Amended June 7, 2021

NON-PROCESS DISCHARGE. Industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture, and silviculture.

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

Amended June 6, 2022

OCCUPATIONAL SIGN. See PROFESSIONAL SIGN.

Amended June 5, 2023

OFFICE PARK, MEDICAL/ DENTAL. A development containing a number of separate buildings used for medical/dental offices that is designed, constructed, and operated on an integrated and coordinated basis. A medical/dental office park may include an urgent care facility, hospital, and/or medical/dental laboratory.

Amended June 6, 2022

OFFICE, MEDICAL/DENTAL. A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Amended June 6, 2022

OFFICE USE. An establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

Amended June 7, 2021

OFFICIAL MAPS OR PLANS. Any maps, plans, charts, or text officially adopted by the Mebane City Council as a guide for the development of the city and surrounding area. The Land Use Plan and Thoroughfare Plan are two examples of an official map or plan.

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

ON-PREMISES SIGN. A sign that publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold or offered upon the nonresidential premises where such sign is located. On-premises signs include freestanding pole and ground mounted signs.

OPACITY. The surface area of a fence, wall or buffer that is impenetrable to light when viewed perpendicularly to the plane of the fence, wall or buffer.

Amended June 7, 2021

OPAQUE SCREEN. A device or materials, unable to be seen through, that is used to conceal one element of a development from other elements or from adjacent or contiguous development or rights-of-way.

OPEN SPACE. An area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes. Public open space is open space owned by a governmental jurisdiction.

Amended June 7, 2021

OUTDOOR DISPLAY AND SALES. The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

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

OUTDOOR SALES, SEASONAL. A temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that only produced at a particular time of year or related to a cultural event—including the sale of Christmas trees, pumpkins, fireworks, but not including “Farmers Markets”.

Amended June 6, 2022

OUTDOOR STORAGE. The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles or equipment for sale in a sales lot, or a junkyard or recycling facility.

Amended June 6, 2022

OUTPARCEL. Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

Amended June 7, 2021

OVERLAY ZONING DISTRICT. A zoning district which overlaps one or more general and/or conditional zoning districts. Overlay zoning districts impose additional regulations on property located within general and/or conditional use districts. Overlay zoning districts are established in Section 3-1, C.

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

OWNER. The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

Amended June 7, 2021

PARALLEL ACCESS DRIVE. A minor local street which parallels a main street, and is intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

PARAPET WALL. That portion of a building wall that extends above the roofline and is often used to shield mechanical equipment and vents.

Amended June 6, 2022

PARKING LOT. An area of land where vehicles are kept on a daily, overnight, or temporary basis; not to include the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles.

Amended June 7, 2021

PARKING LOT PLANTINGS. Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

PARKING SPACE. A specific site within a parking area designed to accommodate a single motor vehicle.

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

PEDESTRIAN WAY. A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

PERENNIAL WATERS. Waters as identified on recent USGS topographic maps which are free flowing during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

Amended June 7, 2021

PERMIT-ISSUING AUTHORITY/BOARD. The person or board authorized by this Ordinance to issue a permit in accordance with the requirements of this Ordinance. The term applies to the Zoning Administrator when issuing a zoning or sign permit, to the City Council when issuing a special use permit, and to the Board of Adjustment when issuing a special use permit or special exception.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, the State of North Carolina and its agencies and political subdivisions, interstate body or other legal entity.

Amended June 7, 2021

PERSONAL SERVICES. Establishments that primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

PERVIOUS SURFACE. A surface that absorbs water or allows the passage of water through it to the ground below.

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

PETROLEUM AND PETROLEUM PRODUCTS, BULK STORAGE. The storage of petroleum and petroleum products in a bulk form in storage tanks to support stockpiling and distribution rather than processing.

Amended June 6, 2022

PIER. Posts, columns, or similar devices designed to elevate a building or structure above the grade level.

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

PLACE OF WORSHIP. A building primarily used by a non-profit organization for organized religious services and supporting uses.

Amended June 7, 2021

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

PLAN, CONSTRUCTION. The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this Ordinance, which details required improvements such as streets, utilities, fire hydrants, and street lighting.

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

PLAN, EROSION AND SEDIMENTATION CONTROL. A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

PLAN, PHASED DEVELOPMENT. A plan which has been submitted to the city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan(s) determined by the city to be a site specific development plan.

PLAN, PLOT. The map and accompanying text required for the review of a single-family or two-family dwelling. The information required to be included on a plot plan is delineated in Appendix A.

PLAN, SITE. The map and accompanying text required for the review of the proposed installation of improvements for all uses, other than a single-family or two-family dwelling, as well as for the review of a change of use. The information required to be included on a site plan are delineated in Appendix A.

PLANNING AND DEVELOPMENT JURISDICTION. All of the provisions of this Ordinance are applicable to all areas within the City limits of Mebane and to the extra-territorial areas adopted by the City.

Amended June 7, 2021

PLANNING BOARD. The Planning Board of the City of Mebane, North Carolina.

PLANNING DIRECTOR. The Director of the Planning and Zoning Department of the City of Mebane, North Carolina.

PLANTING AREA. The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

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

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of Section 7-6 and Appendix A, which is presented for City approval and subsequent recordation in the applicable County Register of Deeds Office.

PLAT, MINOR. The final map of all of a minor subdivision, showing the boundaries and location of lots, streets, easements and any other requirements of Section 7-6 and Appendix A, which is presented for City approval and subsequent recordation in the applicable County Register of Deeds Office.

(Amended September 11, 2017)

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, roads, water, sewer, storm drainage, and any other requirements of Section 7-5 and Appendix A, which is presented for preliminary approval.

PLAZA. An open space that may be improved and landscaped; usually surrounded by streets and buildings.

Amended June 6, 2022

POLE SIGN. See FREESTANDING SIGN.

POLICE STATION. A facility for police or other public safety personnel operated by a governmental agency, including a public reception area, administrative offices, training rooms, equipment storage, records and evidence storage, temporary detention facilities, and the parking of patrol vehicles. This use does not include correctional institutions.

Amended June 6, 2022

PORCH. A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

PORTABLE SIGN. A sign not permanently attached to any surface.

PORTABLE STORAGE CONTAINER. (See 'Temporary Portable Storage Container').

PORTICO. A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

POST OFFICE. A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Amended June 6, 2022

PRECONSTRUCTION LOT CLEARING. The removal of plant material including trees, shrubs, ground cover, stumps, roots and the like.

PRIMARY ENTRANCE. The place of ingress and egress to a building, parcel, or development used most frequently by the public or facing the street from which the structure obtains its street address.

PRIMARY FAÇADE. The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

PRIMARY FAÇADE MATERIALS. The predominant or most extensive exterior building materials used to clad a building façade.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 4-8, A-C.

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

PRINCIPAL STRUCTURE. A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

PRIVATE DRIVE. A vehicular travel way not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two or more principal buildings in a group housing or group nonresidential development.

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

PRIVATE WATER SYSTEM. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

PROFESSIONAL SIGN. A sign that publicizes and directs attention to a home occupation or to a profession.

PROJECTING SIGN. Any sign that is end mounted or otherwise attached to an exterior wall of a building that forms an angle of 30 degrees or more with said wall.

PROPERTY. All real property subject to land use-use regulation by the City and includes any improvements or structures customarily regarded as a part of real property.

Amended June 7, 2021

PUBLIC BUILDING OR USE. Any facility, including but not limited to buildings, property, and streets, that are leased or otherwise operated or funded by a governmental body or public entity.

PUBLIC FACILITIES. A use conducted by, or a facility owned by a governmental agency that provides a governmental function, activity, service, or public benefit.

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

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

Amended June 7, 2021

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

PUBLIC SEWER SYSTEM. A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

PUBLIC UTILITY. A person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for:

1. Producing, generating, transmitting, delivering or furnishing electricity, piped gas, steam or any other like agency for the production of light, heat or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is for such person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation;
2. Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation, or operating a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water to less than 15 residential customers, except that any person or company which constructs a water system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area containing more than 15 residential building lots shall be a public utility at the time of such planning or holding out to serve such 15 or more building lots, without regard to the number of actual customers connected;
3. Transporting or conveying gas, crude oil or other fluid substance by pipeline for the public for compensation;

Conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.

(Amended September 11, 2017)

PUBLIC WATER SYSTEM. A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

PUBLIC WORKS AND UTILITIES DIRECTOR. The Director of the Public Works and Utilities of the City of Mebane, North Carolina.

QUALIFYING CITY UTILITY POLE. A modified or replacement city utility pole that does not exceed 50 feet in height above ground level and that is associated with a new small wireless facility that does not extend more than 10 feet above such city utility pole.

(Amended July 9, 2018)

QUALIFYING SMALL WIRELESS FACILITY. A small wireless facility that does not extend more than 10 feet in height above the utility pole, city utility pole, or wireless support structure on which it is co-located and is located either a) in the municipal right-of-way or b) outside the municipal right-of-way on property other than single-family residential property.

(Amended July 9, 2018)

QUALIFYING UTILITY POLE. A new utility pole or a modified or replacement utility pole that does not exceed 50 feet in height above ground level and that is associated with a new small wireless facility that does not exceed more than 10 feet above such utility pole.

(Amended July 9, 2018)

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

Amended June 7, 2021

RACE TRACK OPERATION. A measured course where animals or machines are entered in competition against one another or against time. A racetrack may include seating, concession and souvenir areas, suites, accessory offices, and parking facilities, but does not include residences or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions such as test tracks, “shakedown” tracks, or other similar facilities.

Amended June 6, 2022

RAILROAD STATION. A boarding station or platform for passengers, and related

ticket sales windows, offices, and luggage transfer facilities.

Amended June 6, 2022

RAILYARDS. An area for storing and switching freight and passenger trains and other rolling stock. Necessary functions of railyards include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

Amended June 6, 2022

RECESSED ENTRANCE. A point of access into or out of a structure located behind the primary front façade plane.

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
1. 400 square feet or less when measured at the largest horizontal projection;
2. Designed to be self-propelled or permanently towable by a light duty vehicle;
3. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and
4. Is fully licensed and ready for highway use.

For the purpose of this section, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

Amended June 7, 2021

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

RECREATIONAL VEHICLE RENTAL, SALES, AND SERVICE. An establishment engaged in the rental or sale of recreational vehicles such as motor homes, travel trailers, and campers, as defined in this section. May include vehicle service.

Amended June 6, 2022

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

RECYCLING COLLECTION STATION OR POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources and does not include on-site materials processing.

RECYCLING MATERIALS CENTER/PROCESSING FACILITY. An establishment primarily engaged in (i) operating facilities for separating and sorting recyclable materials from nonhazardous garbage and/ or (ii) operating facilities where commingled recyclable materials such as paper, plastics, used beverage cans, and metals are sorted into distinct categories.

REDEVELOPMENT. Any development on previously-developed land other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Amended June 7, 2021

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

Amended June 7, 2021

RESEARCH, DEVELOPMENT, AND TESTING SERVICES. Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. All activities must occur within fully enclosed buildings and comply with all applicable state and federal regulations.

Amended June 6, 2022

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

RESTAURANT. An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carryout. An establishment that sells alcoholic beverages and food is classified as a “bar, night club, tavern, or brewpub” if it derives most of its gross revenue from the sale of alcoholic beverages and entertainment, such as musical acts and dancing.

Amended June 6, 2022

RESTAURANT, DRIVE-THROUGH OR TAKE-OUT WINDOW. An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food restaurant offering quick food service, where food and beverage orders may be served directly to the customer in a motor vehicle at a drive-through window, or to drive-in and walk-up customers at a take-out window.

Amended June 6, 2022

RESIDENTIAL CHARACTER. A building form, neighborhood, or area that is intended primarily for habitation, and includes human-scaled detailing, pedestrian orientation, and attributes intended to encourage human activity and interaction.

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, etc.

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

RETAIL AND COMMERCIAL USES. Establishments primarily engaged in the sale of goods and materials to the general public.

RETAIL STORE. A business whose principal purpose is the sale of goods, products, or materials directly to the consumer. This use includes, but is not limited to, ABC stores, antique stores, appliance stores, arts and craft stores, auto supply sales, bakeries, bicycle and motorcycle sales, book stores, clothing stores, department stores, drugstores, electronics, florists, food stores, furniture stores, grocers, hardware stores, home furnishings, jewelry stores, novelty stores, office supplies, paint stores, pawnshops, pet stores, sporting goods, and toys. This use does **not** include automobile service stations, bars, boat sales, building supply sales, convenience stores, farm supplies and equipment, fuel oil sales, garden center or retail nursery, manufactured home sales, motor vehicle sales, personal service establishments, service establishments, recreational vehicle sales, restaurants, shopping centers, superstores, tire sales, truck stops, or adult establishments.

Amended June 6, 2022

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

RETREAT/CONFERENCE CENTER. A use primarily intended for transient guests where the primary attractions are generally conference and meeting facilities and recreational activities and features. A retreat/conference center may include a mixture of such uses as (i) conference centers; (ii) assembly halls; (iii) indoor and outdoor recreational facilities, including but not limited to golf courses, swim and tennis clubs, and physical fitness centers; (iv) hotel and motels; (v) restaurants; and (vi) incidental support retail businesses.

REZONING. See 'Zoning Map Amendment or Rezoning'

Amended June 7, 2021

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

Amended June 6, 2022

RIGHT OF WAY. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, rail corridor, or public utility.

Amended June 7, 2021

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

Amended June 7, 2021

ROOF FORMS. The type, arrangement of ridges or parapet walls, or materials used on a roof.

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

RUNOFF. That portion of the precipitation resulting from the 1-year, 24-hour storm that is discharged from the drainage area.

Amended June 7, 2021

SALVAGEABLE SIGN COMPONENTS. Components of the original sign structure prior to the damage that can be repaired or replaced on site by the use of labor only. If any materials, other than nuts, bolts, nails or similar hardware, are required in order to repair a component, the component is not considered to be salvageable.

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

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

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

SCHOOL ADMINISTRATION OFFICES. Facilities including offices and training rooms for school system administrative personnel.

Amended June 6, 2022

SCHOOL FOR THE ARTS. A school where classes in the various arts (e.g. dance, painting, sculpting, singing, acting, music instruction) are taught to groups of students.

Amended June 6, 2022

SCHOOL, PUBLIC OR PRIVATE. A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs integrated into the curriculum of a public or private school or that does not require daycare licensing by the State. However, this definition does not include day care facilities, preschools operating independent of a public or private school, individual instruction, or classes in a specialized subject.

Amended June 7, 2021

SCHOOL, VOCATIONAL, BUSINESS, OR TECHNICAL SECRETARIAL. A school established to provide for the teaching of industrial, clerical, managerial, artistic, and trade skills. This definition applies to schools that do not offer a complete educational curriculum (e.g. barbering, data processing), as well as schools in which machinery is employed as a means of instruction (e.g. computer repair, carpentry).

Amended June 6, 2022

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or densely planted vegetation.

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

SECONDARY ENTRANCE. An entrance to a building that is subordinate to the primary entrance and is typically located on a building side that does not face the primary street (the street from which the building obtains its street address).

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

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

SEDIMENTATION CONTROL PERMIT. A permit granted by the state for a person or entity to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.

SERVICE STATION, GASOLINE SALES. An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other merchandise or perform minor repair work.

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

SETBACK, INTERIOR. A setback from any property line not alongside a street.

SETBACK, REAR. A setback from an interior property line lying on opposite side of the lot from the front street setback. For a through lot, there are front and side setbacks but no rear setback.

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

SETBACK, FRONT. Any setback from a primary frontage street, road or lane, as established by the primary lot line. In cases where no right-of-way exists, setbacks are determined in accordance with the requirements of Section 4-3.

Amended June 6, 2022

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

SEVERE PRUNING. The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

SHOEBOX-STYLE LIGHTING FIXTURE. An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a discrete area directly beneath the lighting fixture.

SHOOTING RANGE, INDOOR. A fully enclosed indoor facility for the shooting of firearms, air guns, bows, or any similar shooting equipment. Indoor shooting facilities are designed to offer a totally controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems, and sound mitigation suitable for the range's approved use.

Amended June 6, 2022

SHOPPING CENTER. A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas. See Section 4-12, I for shopping center classifications and specific standards.

SHROUD. A box or other container that contains, and is designed to camouflage or conceal the presence of a telecommunications facility, antenna, or accessory equipment.

(Amended July 9, 2018)

SHRUB. Any plant between 3 feet and 12 feet in height.

SIGHT DISTANCE EASEMENT. An easement which grants to the entity responsible for street maintenance the right to maintain unobstructed view across property located at a street intersection.

SIGHT TRIANGLE. The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being ten feet and seventy feet from the point of intersection.

SIGN. Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.

Amended June 5, 2023

SIGN AREA. The area of a sign shall be measured in conformance with the following:

- (1) The area of the face of a sign shall be calculated to include the outermost part that forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed 3 feet in height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.
- (2) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.
- (3) In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.
- (4) A double-faced sign with an angle or a spacing between the sign backs shall be considered two separate signs except as otherwise allowed for outdoor

advertising signs per Section 6-7.7, A., 5.(c). Outdoor advertising signs (billboards) shall not be stacked, horizontally or vertically.

SIGN HEIGHT. The vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign except as follows: When the ground elevation is different from the elevation of an adjacent road, the height of a sign shall be measured from the road elevation of the adjacent road at the edge of the pavement.

SIGN PERMIT. A permit issued by the Zoning Administrator that authorizes the location of a sign.

SIGNIFICANT VEGETATION. An area of contiguous wooded area greater than 1,000 square feet with a continuous canopy exceeding 30 feet in height and where over 50 percent of the trees with a DBH over 6 inches are hardwoods or the understory includes a diversity of beeches, hickories, hollies, or other native tree species that are, as determined by the Zoning Administrator, indicative of a significant evolving Piedmont forest.

SINGLE FAMILY RESIDENTIAL. Any development where: (i) no building contains more than one dwelling unit, (ii) every dwelling unit is on a separate lot, and (iii) where no lot contains more than one dwelling unit.

Amended June 7, 2021

SITE EVALUATION TEST. An examination of subsoil used in determining the acceptability of the site for a subsurface waste disposal system and the design of the subsurface disposal field.

SITE or TRACT. All contiguous land and bodies of water in one ownership, or contiguous property in diverse ownership graded or proposed for grading or development as a unit.

SITE PLAN. A plan of land development submitted for approval by the City Council for the purpose of obtaining a vested right pursuant to NCGS 160D-108 or under common law. See N.C.G.S 160D-1-2(29).

Amended June 7, 2021

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

SMALL WIRELESS FACILITY. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931.

Amended July 9, 2018; June 7, 2021

SNIFE SIGN. Any small sign, generally of a temporary nature, tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign. Snipe signs include signs placed in the ground on public property or in the public right-of-way.

Amended June 5, 2023

SOLAR FARM. A site that includes the components and subsystems required to convert solar energy into electric or thermal energy suitable for use by an electric utility or other similar user. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. The use does not include accessory use of solar energy systems, such as installation of roof-mounted solar panels on a residential dwelling or other structure.

Amended June 6, 2022

SOLID WASTE. Garbage, refuse and other discarded solid materials.

SOLID WASTE DISPOSAL FACILITY. As defined in NCGS 130A-290 (a) (35), any facility involved in the disposal of solid waste.

Amended June 7, 2021

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.

Amended June 7, 2021

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

SPECIAL TEMPORARY EVENT. A temporary land use activity whose duration is generally longer than one day but no longer than two weeks, is intended to or likely to attract substantial crowds and to generate significant vehicular traffic, is unlike the customary or usual activity generally associated with the property where the special event is to be located. See Section 4.17 for specific standards applicable to special temporary events.

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions".

Amended June 7, 2021

SQUARE. Formal open space that provides safe and accessible places for the public to meet or gather. It may provide shelters, benches, landscaping, public art, plantings,

hardscape (flagstone, brick or concrete patios, stone walls, tile paths, wooden decks, wooden arbors, etc.) and greens or other flat level surfaces.

STABILIZING VEGETATION. Any vegetation that protects the soil against erosion.

STACKING SPACE. The portion of the parking lot that is dedicated to the temporary storage or 'stacking' of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking area.

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

Amended June 7, 2021

STEALTH ANTENNA. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STEALTH WIRELESS FACILITY. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STEALTH WIRELESS SUPPORT STRUCTURE. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

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

STORMWATER BMP DESIGN MANUAL. The Stormwater BMP Design Manual approved for use in Phase II jurisdictions by the North Carolina Department of the Environment and Natural Resources-Division of Water Quality for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater BMP Design Manual are to the latest published edition or revision.

Amended June 7, 2021

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

STORMWATER SYSTEM. All engineered stormwater controls owned or controlled by a *person* that drain to the same *outfall*, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

Amended June 7, 2021

STORY. The portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the floor next above or the roof.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

STREET, COLLECTOR. A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

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

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

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

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

STREET, PRIMARY. The street adjacent to a lot that has the highest roadway classification and is designed to handle the most traffic.

Amended June 6, 2022

STREET, PRIVATE. A vehicular travel way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. Private streets must comply with the requirements of Section 7-10, H.

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

STREET, SECONDARY. Any street adjacent to a lot that is not the primary street

Amended June 6, 2022

STREET STUB. A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

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

STREET, THROUGH. A street that has both ends open to traffic.

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

STRUCTURE. Anything constructed, erected, or placed.

STRUCTURAL BMP. A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this section.

Amended June 7, 2021

SUBDIVIDER. Any person, firm, or corporation who subdivides any land deemed to be a subdivision as herein defined.

SUBDIVISION. The division of land for the purpose of sale or development as specified in the North Carolina General Statutes 160D-8-2. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new road or a change in existing roads; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

- A. The combination or recombination of a portion of previously subdivided and recorded lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance;
- B. The division of land into parcels greater than ten acres if no road right-of-way dedication is involved;

- C. The public acquisition by purchase of strips of land for the widening or opening of roads or for public transportation system corridors; and
- D. The division of a tract in single ownership, the entire area of which is not greater than two acres into not more than three lots, if no road right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.
- E. The division of a tract of land into parcels in accordance with the terms of a probated Will or in accordance with interstate succession under Chapter 29 of the North Carolina General Statutes.

Amended June 7, 2021

Exemption of a partition of land from the definition of 'subdivision' shall not exempt any resulting lots, tracts or parcels from meeting the requirements of this Ordinance for the granting of zoning, building, or health department permits. However, the City may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- A. The tract or parcel to be divided is not otherwise exempted, as stated in this UDO;
- B. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
- C. The entire area of the tract or parcel to be divided is greater than five acres;
- D. After division, no more than three lots result from the division; and
- E. After division, all resultant lots comply with all of the following:
 - 1. Any lot dimension size requirements of the applicable land-use regulations, if any;
 - 2. The use of the lots is in conformity with the applicable zoning requirements, if any; and
 - 3. A permanent means of ingress and egress is recorded for each lot.

Amended March 4, 2019

SUBDIVISION, MAJOR. All division of tracts of land meeting the definition of 'Subdivision' that are residential, more than three acres in size, and in which all lots have access to an existing publicly maintained street or highway. (Amended 12/05/11; 09/11/17)

SUBDIVISION, MINOR. All divisions of tracts of land meeting the definition of 'Subdivision' that are residential, less than three acres in size, and do not involve construction or extension of a public street and in which all lots have access to an existing publicly maintained street or highway.

SUBSTANTIAL CHANGE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001(b)(7).
(Amended July 9, 2018)

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it's 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'.

Amended June 7, 2021

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'substantial damage', regardless of the actual repair work performed. The term does not, however, include either:

5. 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,
6. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Amended June 7, 2021

SUBSTANTIAL PROGRESS. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

Amended June 7, 2021

SUPERSTORE. A freestanding department, variety, or general merchandise store, grocery, or store selling items in a single merchandise category like outdoor gear or home furnishings that contains 50,000 or more square feet of gross floor space.

Amended June 6, 2022

SURETY. See Financial Guarantee.

SURFACE WATERS. All waters of the state as defined in G.S. 143-212 except underground waters.

Amended June 7, 2021

SURVEY. A drawing showing metes and bounds property boundaries and other measurable physical characteristics of a parcel of land, prepared and sealed by a registered surveyor.

SUSPENDED SIGN. A sign which is suspended from the underside of a horizontal plane surface such as a canopy or marquee and is supported by that surface.

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

SYNTHETIC STUCCO. Acrylic, rubber-based material applied over a fiberglass mesh attached to a foam backing used as a façade material. Also known as EIFS (Exterior Insulated Finish System).

TAXI TERMINAL. A facility that offers transportation in passenger automobiles and vans to persons, including those who are handicapped, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs.

Amended June 6, 2022

TELECOMMUNICATIONS FACILITIES. Any cables, wires, lines wave guides, antennas, utility poles, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

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

Amended June 7, 2021

TELEPHONE EXCHANGE. A building used exclusively for the transmission and exchange of telephone messages. The term shall not include wireless service towers.

Amended June 6, 2022

TEMPORARY BUILDING OR STRUCTURE. Any building of an impermanent nature, or one which is designed for use for a limited time, including any tent or canopy.

TEMPORARY CONSTRUCTION OFFICE OR SECURITY RESIDENCE. A structure or facility temporarily placed on or adjoining the site of new construction and used during the construction process for construction-related purposes - including construction trailers (manufactured structures used as an office for construction management and site security). The use may also include storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking.

Amended June 6, 2022

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

Amended June 6, 2022

TEMPORARY HEALTH CARE STRUCTURE. See “Health Care Structure, Temporary”.

Amended June 6, 2022

TEMPORARY PORTABLE STORAGE CONTAINER. A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport truck.

TEMPORARY REAL ESTATE SALES OR RENTAL OFFICE. The temporary use of a dwelling unit or manufactured home as an office for the purpose of selling real estate during development. Could become a permanent office with receipt of building permit.

Amended June 6, 2022

TEMPORARY SIGN. Advertising display that appears to be intended, or is determined by the Zoning Administrator, to be displayed for a limited period.

Amended June 5, 2023

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

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

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

TIRE RECAPPING. A business where tires are collected, stored, and processed for the purpose of capping or retreading.

Amended June 6, 2022

TIRE SALES. A place where the principal business is the sale or installation of new, used, or retread tires and tubes.

Amended June 6, 2022

TOWER. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operator's equipment, as licensed by the FCC.

TOWER CO-LOCATION. An arrangement whereby more than one user occupies a single tower or structure.

TOWER, COMMUNICATIONS. A structure whose primary purpose is to support communications equipment. This definition includes tower/antenna/building combinations and the height measurement applies to those combinations. This definition shall not include wire-supporting electric power transmission and telephone poles.

TOWER, LATTICE. A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

TOWER, MONOPOLE. A structure composed of a single spire used to support communications equipment.

TOWNHOME. A residential development made up of two or more attached single-family dwellings units when each unit is on an individual lot and the units are lined up in a row and share side walls.

Amended June 7, 2021

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

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

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: A Traditional Neighborhood Development (TND) is a land development technique that encourages mixed-use, pedestrian-oriented communities and promotes the diversification and integration of land uses. A TND is a human scale, walkable community composed of a variety of housing types and densities and a mixed use core of shopping, offices, public, and civic uses.

TRANSFER STATION, MUNICIPAL SOLID WASTE. A fixed facility where municipal solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Amended June 6, 2022

TREE. A woody plant, with one main stem, at least 12 feet tall, and having a distinct head in most cases.

TREE, CANOPY. A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

TREE, LANDMARK. Any Live Oak with a minimum DBH of 8 inches, or any tree with 27 DBH or more.

TREE, UNDERSTORY. A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE REMOVAL. The cutting or removing of 50 percent or more of the crown, trunk or root system of a tree, or causing the death of a tree through damage, poisoning or other direct or indirect action.

TRELLIS. A structure of open latticework, especially one used as a support for vines and other creeping plants.

TRUCK DRIVING SCHOOL. A vocational school that includes classrooms and outdoor driving practice areas.

Amended June 6, 2022

TRUCK AND UTILITY TRAILER RENTAL AND LEASING. A business that rents trucks and utility trailers, including incidental parking and servicing of vehicles for rent or lease.

Amended June 6, 2022

TRUCK STOP, TRAVEL PLAZA. An establishment that provides fuel, minor repair services, and overnight parking for tractor-trailers, as well as food and beverages for drivers. May include truck washing.

Amended June 6, 2022

TRUCK WASHING. An area or structure equipped with facilities for washing and waxing trucks.

Amended June 6, 2022

TRUCKING OR FREIGHT TERMINAL. A facility used by a motor freight company as a carrier of goods, that is an origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

Amended June 6, 2022

URGENT CARE FACILITY. A facility that provides urgent care medical service, including at times outside normal physician office hours, but with no provision for

overnight or continuing care on an inpatient basis. This use does not include hospitals or medical/dental offices.

Amended June 6, 2022

USABLE OPEN SPACE. An area that: (i) is not encumbered with any substantial structure; (ii) is not devoted to use as a roadway, parking area (paved or peripheral), or sidewalk; (iii) is left in its natural or undisturbed state, if such a state is compatible with use of the area or property planted and landscaped. (Facilities for the pursuit of passive types of recreation, such as picnic tables, are permissible.); (iv) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and (v) is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

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

USE, ACCESSORY. A use that: (i) is clearly incidental to and customarily found in connection with a principal use; (ii) is subordinate to and serves a principal use; (iii) is subordinate in area, extent, or purpose to the principal use served; (iv) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served; and (v) is located on the same lot as the principal use served except as may be specifically provided for elsewhere in this Ordinance.

USE, MIXED. Occupancy of building or land by more than one use.

USE(S), PERMITTED. Any use, as designated in this Ordinance, that is by right allowed to occur within a specific zoning district.

USE(S), PRINCIPAL. The primary purpose or function that a lot or structure serves or is proposed to serve.

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

UTILITY POLE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931.

Amended July 9, 2018; June 7, 2021

VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance. See also the definitions of 'Major Variance' and 'Minor Variance' below for watershed protection overlay district-related variances.

VARIANCE, MAJOR. A variance from the watershed overlay district requirements or Falls Lake Rules of Article 5 that results in any one or more of the following:

A. the relaxation, by a factor greater than ten percent, of any management

requirement under the low density option;

- B. the relaxation, by a factor greater than five percent, of any buffer, density or built-upon area requirement under the high density option;
- C. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

For provisions in this ordinance that are more stringent than the state's minimum water supply protection rules and Falls rules, a variance to this ordinance is not considered a *major variance* as long as the result of the variance is not less stringent than the state's minimum requirements.

Amended June 7, 2021

VARIANCE, MINOR. A variance from the watershed overlay district requirements or Falls Lake Rules of Article 5 that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten percent, of any management requirement under the low density option.

Amended June 7, 2021

VEGETATION. 75 square feet or more of trees, shrubs, and other ground cover.

VEGETATION PLAN. A required informational drawing, which accurately identifies size, location, and species of all landmark trees on a property and describing proposed land disturbing development activity.

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

VESTED RIGHTS. The right to undertake and complete the development and use of property under the terms and conditions of an approval secured and specified under North Carolina General Statutes 160D-108 or under common law.

Amended June 7, 2021

VETERINARY CLINIC/HOSPITAL. A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

Amended June 6, 2022

VIDEO GAMING ARCADE. An establishment engaged in the operation of a video gaming machine or machines, either as a principal use, combination use, or as an

accessory use. A video gaming arcade is distinguished from other coin-operated amusement businesses in that a video gaming arcade includes one or more video gaming machines.

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

- A. A video poker game or any other kind of video playing card game.
- B. A video bingo game.
- C. A video craps game.
- D. A video keno game.
- E. A video lotto game.
- F. Eight liner.
- G. Pot-of-gold.
- H. Gold fusion
- I. Torch game
- J. Fish-bowl game
- K. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not completely or fully dependent on the skill or dexterity of the player which involve a prize for the player. The “prize” may be cash, coupons redeemable for cash or other consideration, additional playing time, or other item of value.

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

(Amended March 4, 2019)

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

WAIVER. Official permission from City Council to depart, in accordance with the procedures and requirements of Section 7-17, D from specified subdivision design standards designated in Article 7 of this Ordinance.

WALL SIGN. A sign which is attached to a wall or facade of a building or canopy.

WAREHOUSING AND DISTRIBUTION, GENERAL. Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

Amended June 6, 2022

WAREHOUSE, SELF-STORAGE. A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

WARNING SIGN. Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing', and similar directives. Unauthorized and authorized warning signs are addressed in Sections 6-7.3 and 6-7.4.

Amended June 5, 2023

WASTEWATER TREATMENT PLANT (WATER RESOURCE RECOVERY FACILITY). A facility that collects, treats, and disposes of sewage and other waterborne waste. Includes associated offices, laboratory, equipment maintenance facility, and vehicle fleet.

Amended June 6, 2022

WATER TREATMENT PLANT. A facility that collects, treats, and distributes water for human use and consumption. Includes associated offices, laboratory, equipment maintenance facility, and vehicle fleet.

Amended June 6, 2022

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

WATERSHED. The entire land area contributing surface drainage to a specific point.

WATERSHED CRITICAL AREA. That portion of the Graham-Mebane Lake watershed adjacent to and within one-half mile of the normal pool elevation. In this area risk associated with pollution is greater than from the remaining portions of the watershed.

WATERSHED, WATER SUPPLY. All other parts of the watersheds in Alamance County draining directly into a water supply reservoir. A watershed is defined as an area in which all water drains to a particular body of water.

WATER SUPPLY INTAKE. The recognized point whereby surface water is removed in order to supply water for drinking and culinary purposes.

WELDING SHOP. A building or structure where metal products are joined, repaired, or shaped by welding but no mass production is involved.

Amended June 6, 2022

WELLNESS CENTER. An establishment containing customized health services that may include fitness, personal training, and nutrition consulting, and that incorporates an individualized program. Clients are generally under the supervision of licensed staff, which may include health care providers, nutritionists, personal trainers, and/or practitioners of medical and other specialties such as chiropractic, acupuncture, and biofeedback. Clients may be enrolled in an individualized nutritional and fitness program and may exercise independently or in small group settings. Amenities may include weights, cardio machines, swimming pools, and running tracks. Overnight stays are not permitted as part of this use.

Amended June 6, 2022

WET DETENTION POND. A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

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

WHOLESALE TRADE OR USE. Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

WIRELESS COMMUNICATIONS FACILITY. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931.

Amended June 6, 2022

Amended July 9, 2018; June 7, 2021; June 6, 2022

WIRELESS SUPPORT STRUCTURE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931. A utility pole or city utility pole is not a wireless support structure.

Amended July 9, 2018; June 7, 2021

WOODED AREA. An area historically capable of supporting indigenous landmark trees.

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

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

YARD, FRONT. See 'Setback, Street or Front'.

YARD, REAR. See 'Setback, Rear'.

YARD, SIDE. See 'Setback, Side'.

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

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

ZONING ADMINISTRATOR. The person(s) authorized by Section 2-4, A, 2 who is responsible for administering and enforcing this Ordinance.

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

ZONING MAP AMENDMENT OR REZONING. An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where that are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.

Amended June 7, 2021

ZONING PERMIT. A permit issued by the that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

Amended June 7, 2021

ZONING REGULATION. A zoning regulation authorized by Article 7 if Chapter 160D of the North Carolina General Statutes or by this Ordinance.

Amended June 7, 2021

ZONING VESTED RIGHT. A right established pursuant to NCGS 160D-1-2(33)-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

Amended June 7, 2021