

ARTICLE 2. BASIC DEFINITIONS AND INTERPRETATIONS

Section 2-1: Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word “person” includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The word “may” is permissive.
- (F) The word “shall” is always mandatory and not merely directive.
- (G) The word “used for” shall include the meaning “designed for.”
- (H) The words “used” or “occupied” shall mean “intended, designed, and arranged to be used or occupied.”
- (I) The word “lot” shall include the words “plot,” “parcel,” “site,” and “premises.”
- (J) The word “structure” shall include the word “building.”
- (K) The words “Board of Commissioners” shall mean the “Board of Commissioners of Franklin County, North Carolina.”
- (L) The words “Planning Board” shall mean the “Franklin County Planning Board.”
- (M) The word “county” shall mean “Franklin County,” a county of the State of North Carolina.

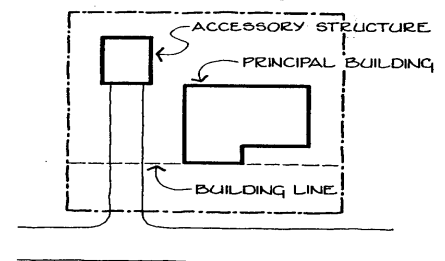
- (N) The words “map,” “zoning map,” and “Franklin County Zoning Map” shall mean the “Official Zoning Map for Franklin County, North Carolina.”
- (O) The words “Board of Adjustment” shall mean the “Franklin County Board of Adjustment.”

Section 2-2: Definitions of Basic Terms

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

- (1) *Abandoned Manufactured Home.* A manufactured home that has not been used as a dwelling for six months and/or has one or more of the following conditions: does not provide complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation; or a manufactured home that has not received the proper permits to be located within the county limits; or a manufactured home that is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities; has been deemed a public nuisance by the Board of Commissioners.

- (2) *Accessory Structure (Appurtenant Structure).* A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.



- (3) *Accessory Use.* A use incidental to and located on the same lot as a principal use.
- (4) *Accessory Residential.* An existing residential structure/use that is located on a parcel that is zoned either a business or industrial district may remain and continue as a residential structure for the property owner, his/her family, or a

lessee, until such time as the property is redeveloped in accordance with business or industrial district.

- (5) *Addition (to an existing building)*. An extension or increase in the floor area or height of a building or structure.
- (6) *Administrator*. The Administrator for Franklin County. The person or persons responsible for enforcement of the Unified Development Ordinance.
- (7) *Adult Arcade*. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (8) *Adult Bookstore*. An establishment that has as a substantial portion of its stock-in-trade and offers for sale, 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, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- (9) *Adult Business*. An adult business shall be defined as any business, activity, club, or other establishment which permits any employee, member, patron, or guest on its premises to exhibit any specified anatomical areas before any other person or persons.
- (10) *Adult Cabaret*. A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

- (11) *Adult Motion Picture Theater.* An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- (12) *Adult Theater.* A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by special sexual activities.
- (13) *Agricultural - Livestock.* The use of land for dairying, pasturage, animal and poultry husbandry, and the necessary accessory uses. Intensive livestock operations as defined by this Ordinance are excluded.
- (14) *Agricultural - Other Than Livestock.* The use of land for the production of cash grains, field crops, vegetables, fruits and nuts, and for horticulture and floriculture.
- (15) *Agri-tourism.* The act of visiting a bona fide farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation. Agri-tourism uses may include but are not limited to corn mazes, petting zoos related to farm animals, hay rides, and educational programs. Accessory uses to the agri-tourism enterprise may include refreshments and concessions being served, entertainment on a scale not to exceed intent of other districts under this Article, sale of farm or agricultural related products not produced on site.
- (16) *Airport Height Overlay District Definitions.*
- *Airport.* As used in Chapter 2, shall refer to Franklin County Airport.
 - *Airport Elevation.* The highest point of an airport's usable landing area measured in feet above mean sea level. The Franklin County Airport elevation equals 366.25.
 - *Approach Surface.* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the

primary surface and at the same slope as the approach zone height limitation slope as set forth in Chapter 2, Airport Height Overlay District.

- *Approach Zones.*
 1. *Precision Approach Zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 2. *Non-Precision Approach Zone.* The inner edge of this approach zone coincides with the width of the primary surface and begins two hundred (200) feet from the runway end and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- *Conical Surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.
- *Conical Zone.* A conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward for a distance of four thousand (4,000) feet, and upward at a slope of 20:1.
- *Hazard to Navigation.* An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
- *Height.* For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.

- *Horizontal Surface.* A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- *Horizontal Zone.* The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of the end of the primary surface of the runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- *MSL.* Mean Sea Level.
- *Obstruction.* Any structure, growth, or other object, including a mobile object, which exceeds a limited height set forth in Chapter 4, Airport Height Overlay District.
- *Primary Surface.* A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is one thousand (1,000) feet.
- *Runway.* A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- *Structure.* An object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- *Transition Surfaces.* These surfaces extend outward at right angles to the runway centerline and extend at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- *Transitional Zones.* The transitional zones are the areas beneath the transitional surface.
- *Tree.* Any object of natural growth.

- (17) *All-Weather Roads.* Any road which has been paved to NCDOT standards.
- (18) *Alter.* To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders, or floor joists.
- (19) *Animal Unit.* A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.
- (20) *Antenna.* A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's building and permitting authority.
- (21) *Apartment.* A room or unit of one (1) or more rooms, each of which have kitchen facilities, and are designated or intended to be used, as an independent unit, on a rental basis.
- (22) *Appeal.* A request for a review of the floodplain administrator's interpretation of any provision of this Ordinance.
- (23) *Appropriate Screening.* Screening that is suitable to satisfy the purpose for which screening is intended.
- (24) *Approval Authority.* The Board of Commissioners of Franklin County, the Board of Adjustment, or other board or official designated by ordinance or Article 26 of the Zoning Ordinance as authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.
- (25) *Arborist.* An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native ornamental trees.
- (26) *Arborist, Certified.* A person who is licensed (combination of either a professional certification or ISA Certified Arborist) to perform arboricultural work in Franklin County.

- (27) *Arborist, Consulting.* A consulting arborist is a registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice for a fee about trees and other woody plants, their care, safety, preservation, and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate his proficiency and credibility through evidence of the following:
- (a) Documentation of substantial experience in arboricultural practice;
 - (b) Documentation of degree acquisition and/or other forms of certified training;
 - (c) Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem-solving situations;
 - (d) Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, and Society of Municipal Arborists.
- (28) *Area of Shallow Flooding.* A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- (29) *Area of Special Flood Hazard.* See "Special Flood Hazard Area (SFHA)"
- (30) *Assembly.* A joining together of completely fabricated parts to create a finished product.
- (31) *Assisted Living Home.* A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine (9) persons.
- (32) *Automobile Graveyard.* Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles and which are currently not being restored to operation, regardless of length of time which

individual motor vehicles are stored or kept at said establishment or place of business. All such businesses must be registered with the N.C. Department of Revenue.

- (33) *Automobile Off-Street Parking (commercial lot)*. Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.
- (34) *Automobile Wash or Automatic Car Wash*. A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.
- (35) *Banner*. A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- (36) *Base Flood*. The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (37) *Base Flood Elevation (BFE)*. A determination as published in the Flood Insurance Study of the water surface elevations of the base flood.
- (38) *Basement*. Any area of the building having its flood subgrade (below ground level) on all sides.
- (39) *Bed and Breakfast Inn*. A house, or portion thereof, where short-term lodging rooms and meals are provided in accordance with the following:
 - (a) Does not serve food or drink to the general public for sale;
 - (b) Serves only the breakfast meal to overnight guests of the establishment;
 - (c) Includes the price of breakfast in the room rate; and
 - (d) The operator of the inn lives on the premises or in adjacent premises [including boarding home(s) and tourist home(s)].
- (40) *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.

- (41) *Board of Adjustment.* A semi-judicial body composed of representatives from Franklin County which is given certain powers under and relative to this Ordinance.
- (42) *Board of Commissioners.* The governing body of Franklin County.
- (43) *Boardinghouse.* A rooming house or a structure which contains four (4) or more rooms, each of which have no kitchen facilities, and are designed or intended to be used for residential occupancy on a rental basis.
- (44) *Bona Fide Farm.* Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.2 through .7 shall be considered a bona fide farm. Any tract of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the Administrator upon consideration of agricultural productivity and improvements, and any other necessary or available information. Bona fide farms do not include intensive livestock operations.
- (45) *Breakaway Wall.* A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. A wall with loading resistance of more than twenty (20) pounds per square foot requires a professional engineer or architect's certificate.
- (46) *Buffer.* An area of undisturbed 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 protected buffer shall have two zones as follows:
Zone 1 shall consist of a vegetated area that is undisturbed except for uses permitted by the NC Department of Environment and Natural Resources, Division of Water Quality. The location of Zone 1 shall be as follows: (i) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water; and (ii) For ponds, lakes, and reservoirs

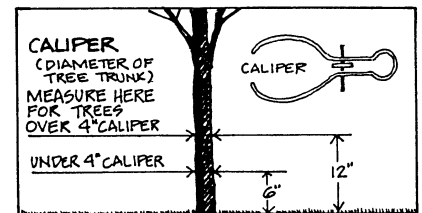
located within a natural drainage way, Zone 1 shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses permitted by the NC Department of Environment and Natural Resources, Division of Water Quality. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

- (47) *Buildable Area.* The portion of a lot remaining after required yards have been made.
- (48) *Building.* See “Structure”
- (49) *Building, Detached.* A building having no party or common wall with another building except an accessory building.
- (50) *Building Front.* The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.
- (51) *Building, Height of.* The vertical distance from the average underwalk grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.
- (52) *Building Inspector.* The person, officer, and his authorized representatives, whom the County Board of Commissioners have designated as their agents for the administration and enforcement of the county building codes and minimum housing code.
- (53) *Building Line.* A line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto between which no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.

- (54) *Building, Main.* A building in which the principal use of the lot on which the building is situated is conducted.
- (55) *Building Marker.* A sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.
- (56) *Building Setback Line.* The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained.
- (57) *Building Site.* Any lot, or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.
- (58) *Built-upon Area.* Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

- (59) *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.



- (60) *Canopy.* A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as an awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies.
- (61) *Certificate of Occupancy/Compliance.* A statement signed by the Administrator setting forth that the building, structure, or use complies with the zoning ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein.
- (62) *Chemical Storage Facility.* A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

- (63) *Child Care Home.* A child care home is licensed to care for five or fewer preschool age children, including preschoolers living in that home. Individuals caring for one or two children are exempt from being licensed. In addition, three school-age children may be enrolled. The provider's own school-age children are not counted for purposes of licensure.
- (64) *Child Care Center.* A child care center is a facility where six or more children are cared for in a residence, or when three or more children are cared for in a building other than a residence.
- (65) *Circulation Area.* That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (66) *Cluster Development.* The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.
- (67) *Clustered Detached Single-Family Dwellings.* A dwelling in which the lot size may be reduced, but the unit is not attached to another unit.
- (68) *Co-Location.* the use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.
- (69) *Combined Development.* Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways, and other common facilities.
- (70) *Community Water Supply.* See Public Water System.
- (71) *Composting Facility.* A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing and landscaping operations are deposited.

- (72) *Condominium.* A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual and such ownership is not inclusive of any land.
- (73) *Conservation Reservation.* The owner of the tract of land agrees that the land shall remain in a vegetated or natural state and that no use shall be made of the tract that would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation. There shall be no dredging or removal of loam, peat, soil, rock, or other mineral substances from the surface of the tract, and the surface use shall remain intact for agricultural, forest, or outdoor recreational purposes only. Other than permanent structures necessary to further the use of said tract for agriculture, forest, or outdoor recreational purposes, no building, public road, sign, or billboard shall be allowed to remain above the ground. All surface use of said tract shall be carried on in such a manner as to allow the land and water areas to remain predominantly in their natural state. This conservation easement shall run with the land and shall be binding upon the grantee, its successors in title, and all subsequent owners of this parcel of land.
- (74) *Construction Permit.* A permit issued by the Franklin County Planning Department authorizing the manufactured home park or recreational vehicle park in accordance with a park plan approved by the Franklin County Planning Board and the Franklin County Health Department, Environmental Health Section. (*Not to be confused with a building permit.*)
- (75) *Contractor, General.* One who is engaged in one or more aspects of building construction and/or land development through a legal agreement.
- (76) *Contractor, Trades.* One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal, and roofing work, etc.
- (77) *Convenience Center.* County-maintained site for the location of waste collection dumpsters.
- (78) *Convenience Store.* A commercial establishment that is traditionally a corner grocery store; could include the sale of grocery items, generally includes the quick pick-up of milk and bread, etc. Such a commercial establishment can also include the sale of gasoline, but not the repair of automobiles. Such an establishment shall be predominantly for the sale of grocery items and gasoline.

Existing facilities have traditionally included up to four pinball or video machines and two pool tables.

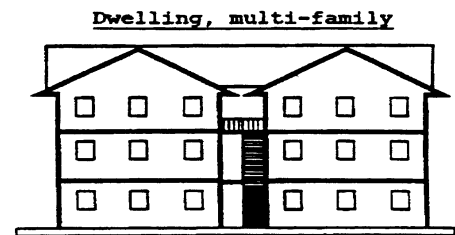
- (79) *Corner Lot.* A lot abutting upon two (2) or more streets at their intersections.
- (80) *Critical Area.* The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located, or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.
- (81) *Critical Root Zone (CRZ).* 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.
- (82) *Cul-de-Sac.* A street with one (1) end open to traffic and the other end of which is permanently terminated by a vehicular turnaround.
- (83) *Curtain Wall.* A continuous, uniform foundation enclosure constructed of brick or concrete blocks and that is unpierced except for required ventilation and access.
- (84) *Day Care Center/Day Nursery/Nursery School/Kindergarten.* A facility for the care and/or education of pre-school age children and licensed by the North Carolina Department of Health and Human Resources.
- (85) *Deciduous.* Those plants that annually lose their leaves.
- (86) *Demolition Landfill.* A sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as

approved by the North Carolina Division of Environmental Management, and permitted by that agency.

- (87) *Detention.* The surface collection, storage, and distribution of stormwater runoff for the purpose of compensating for increased runoff volume and decreased travel time associated with an increase in impervious surfaces, and to allow for the settling-out of pollutants borne by the runoff.
- (88) *Detention Facilities (Adult/Juvenile).* Such facilities shall include jails, prisons, and similar secured facilities, but shall not include halfway houses or group homes.
- (89) *Developer.* Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development, of housing, commercial, or industrial projects.
- (90) *Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (91) *Development Plan, Phased.* A plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels.
- (92) *Diameter-at-Breast-Height (DBH).* Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.
- (93) *Dimensional Nonconformity.* A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (94) *Discharging Landfill.* A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.
- (95) *Disposal.* Defined as in NCGS 130A-290(a)(6).

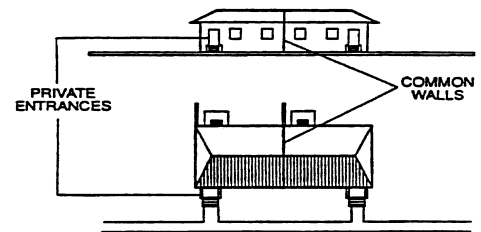
- (96) *Double Frontage Lots.* A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.
- (97) *Dripline.* An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- (98) *Drive-In (eating or drinking facility).* An establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverages from a vehicle.
- (99) *Driveway.* That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

- (100) *Dwelling, Multi-Family.* A building used or designed as a residence for more than two (2) families living independently of each other.



- (101) *Dwelling, Single-Family.* A detached building either designed for or occupied exclusively by one (1) family.

- (102) *Dwelling, Two-Family.* A detached building either designed for or occupied by two (2) families living independently of each other.



- (103) *Dwelling Unit.* A building, or portion thereof, providing complete and permanent living facilities for one family.
- (104) *Easement.* A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.
- (105) *Effective Date of the Article.* Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance as originally adopted.

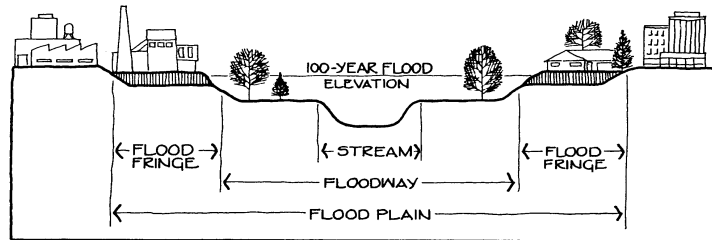
- (106) *Elevated Building.* A non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (107) *Encroachment.* The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (108) *Evergreen.* Those plants that retain foliage throughout the year.
- (109) *Existing Development.* Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:
- (a) Substantial expenditure 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 the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
 - (c) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).
- (110) *Existing Lot (Lot of Record).* A lot which is part of a subdivision, a plat of which has been recorded in the office of the Registrar of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to Deed Book 850, Page 373, Franklin County Registry.
- (111) *Existing Manufactured Home Park or Manufactured Home Subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is pre-FIRM.
- (112) *Expansion to an Existing Manufactured Home Park or Subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation

of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

- (113) *Expenditure.* A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- (114) *FAA.* The Federal Aviation Administration, or its duly designated and authorized successor agency.
- (115) *FCC.* The Federal Communications or its duly designated and authorized successor agency.
- (116) *Fabrication.* The processing and/or assemblage of various components into a complete or partially completed commodity. Fabrication related to stamping, cutting, or otherwise shaping the processed materials into useful objects. The refining aspects of manufacturing and other initial processing of basic raw materials such as metal, ore, lumber, and rubber, etc., are included.
- (117) *Facade.* The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.
- (118) *Family.* An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.
- (119) *Family Care Home.* A facility designed to care for a maximum of six (6) handicapped persons, plus support and supervisory personnel, as defined in G.S. 168-21.
- (120) *Fence (Protective).* A structure of wood, stone, brick, block, steel, or other metal extending from the surface of the ground to a minimum height of six (6) feet, and of such materials and construction which creates a physical barrier.
- (121) *Fine Arts.* Individual art pieces, not mass-produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving and/or craftwork of leather, wood, metal or glass.
- (122) *Flag Lot.* An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot (see Appendix IV).

- (123) *Flea Market*. A commercial operation held on a regular periodic basis and patronized by individual entrepreneurs who transport a variety of merchandise to a common geographical area for the purpose of sale or trade to the general public. This definition does not include sporadic and infrequent yard sales held in residential areas.
- (124) *Flood or flooding*. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and, (2) the unusual and rapid accumulation of runoff of surface waters from any source.
- (125) *Flood Boundary and Floodway Map (FBFM)*. An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
- (126) *Flood Hazard Boundary Map (FHBM)*. An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- (127) *Flood Insurance*. The insurance coverage provided under the National Flood Insurance Program.
- (128) *Flood Insurance Rate Map (FIRM)*. An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
- (129) *Flood Insurance Study (FIS)*. An examination, evaluation, and determination of flood areas, corresponding water surface evaluations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
- (130) *Flood Prone Area*. See “Floodplain”

- (131) *Flood Zone.* A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- (132) *Floodplain (Flood Prone Area).* Any land area susceptible to being inundated by water from any source.



- (133) *Floodplain Administrator.* Individual appointed to administer and enforce the floodplain management regulations.
- (134) *Floodplain Management.* The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (135) *Floodplain Regulations.* This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
- (136) *Floodproofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
- (137) *Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

- (138) *Floodway Fringe*. All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shall water depths.
- (139) *Floor*. See “Lowest Floor”.
- (140) *Floor Area (gross)*. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces/loading spaces for motor vehicles.
- (141) *Floor Area (net)*. The total of all floor areas of a building, excluding stairwells and elevator shafts, utility and equipment rooms, restrooms, interior vehicular parking or loading, and basements when not used for human habitation or service to the public.
- (142) *Floor Area Ratio (FAR)*. A relationship determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
- (143) *Freeboard*. The additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. See also “Regulatory Flood Protection Elevation”.
- (144) *Frontage*. All property abutting one (1) side of a street measured along the street line.
- (145) *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.
- (146) *Garage, Private*. A building or space used as an accessory to or a part of the main building permitted in any residential district, that provides storage space for motor vehicles and in which no business, occupation, or service for profit is in any way conducted.
- (147) *Gate*. A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and

which, when closed, forms a continuous barrier and screen as a part of the fence to which it is attached.

- (148) *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, or other adverse conditions.
- (149) *Habitable Floor.* Any floor for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
- (150) *Halfway House.* A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, eleven (11) of whom live together as a single housing unit.
- (151) *Handicapped Home.* A residence within a single dwelling unit for at least six (6) but not more than nine (9) persons who are physically or mentally handicapped, together with not more than two (2) persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.
- (152) *Handicapped Institution.* An institutional facility housing and providing care or assistance for more than nine (9) persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.
- (153) *Hazardous Material.* Any substance listed as such in SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
- (154) *Hazardous Waste Management Facility.* A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

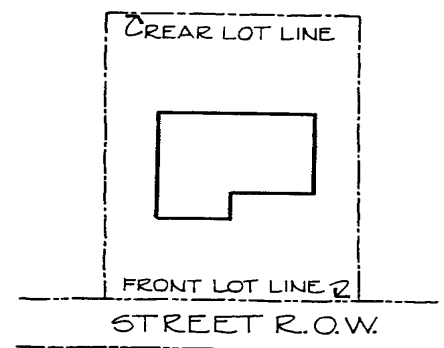
- (155) *Highest Adjacent Grade (HAG)*. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- (156) *Historic Building*. Any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.
- (157) *Historic Structure*. Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.
- (158) *Home Care Unit*. A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need regular professional medical attention.
- (159) *Home for the Aged*. A boarding home with more than six (6) beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who are not critically ill and who do not need regular professional medical attention.
- (160) *Home Occupation*. An accessory use of a dwelling unit for gainful employment which (a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; (b) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; (c) is located in a residential district; and (d) is created and operated as a sole proprietorship.
- (161) *Impervious Surface*. Any surface which in whole or in part restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to, compacted earth, gravel, concrete, asphalt, or other paving material, and all area covered by buildings or structures.

- (162) *Impervious Surface Ratio.* The algebraic ratio calculated to determine the percentage of open land versus built-upon area on any tract(s) of land used for the purpose of actual or anticipated residential or nonresidential development.
- (163) *Improvements.* The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.
- (164) *Individual Establishment or Business.* A single establishment or business occupying one or more buildings designed to function as a single enterprise which does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.
- (165) *Indoor Recreation.* A commercial establishment or private club that could include the following: pool halls, video arcades, bowling alleys, gyms and exercise studios, and other similar uses.
- (166) *Industrial Development.* A nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use of or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity, or as described by the Zoning Ordinance.
- (167) *Intensive Livestock Operations.* Any enclosure, pen, feedlot, building, or group of buildings intended to be used or actually used to feed, confine, maintain, or stable cattle, horses, sheep, goats, turkeys, chickens, swine, or any combination thereof, with at any time a total of one hundred (100) animal units present, where their dietary needs are met primarily by means other than grazing.
- (168) *Intermediate Care Home.* A facility maintained for the purpose of providing accommodations for not more than seven (7) occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- (169) *Intermediate Care Institution.* An institution facility maintained for the purpose of providing accommodations for more than seven (7) persons needing medical care and supervision at a lower level than that provided in a nursing care institution

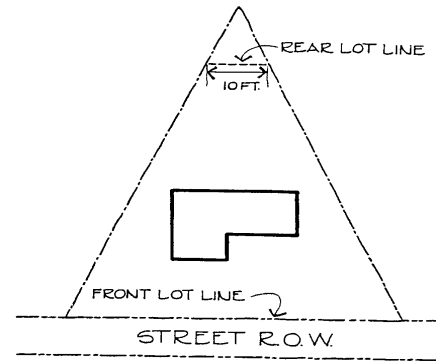
but at a higher level than that provided in institutions for the handicapped or infirm.

- (170) *Jail.* A municipal or county operated facility designed for the holding of individuals for trial, contempt, or punishment when the period is not to exceed one hundred eighty (180) days.
- (171) *Junk.* Old, scrapped, ruined, or discarded copper, brass, iron, rags, rope, appliances, wood, batteries, automobiles, trash, machinery, structures, or similar materials or parts thereof, which are not used for their original purpose.
- (172) *Junk Yard.* Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of scrapped motor vehicles and dismantling of such vehicles or machinery.
- (173) *Kennel.* A facility operated exclusively for profit and for the expressed purpose of providing shelter for animals.
- (174) *Landfill.* A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.
- (175) *Landowner.* Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representatives of such owner.
- (176) *Landscaping.* The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. 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.
- (177) *Large Open Space.* Large Open Space shall include bodies of water greater than ten (10) acres, rivers or the floodplain of FEMA (Federal Emergency Management Administration) class streams, or public or private tracts of land permanently dedicated to open space use with an area greater than ten (10) acres.
- (178) *Levee.* A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

- (179) *Level of Service.* Level of service as described in the 1965 Highway Capacity Manual, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six levels of servicing ranging from A through F. Level of service A indicates generally free movement. Level E represents maximum capacity of the facility. Level F indicates congestion. Level of Service C is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.
- (180) *Loading and Unloading Area.* That portion of the vehicle accommodation area used to satisfy the requirements of Article 16. It provides space for bulk pickups and deliveries, scaled to delivery vehicles and accessible to such vehicles at all times even when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
- (181) *Lot.* A parcel of land, of any size, occupied or capable of being occupied by a principal building together with its accessory buildings, including the open space required under the terms of this Ordinance.
- (182) *Lot Area.* The parcel of land enclosed within the boundaries formed by the property lines plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, if extended.
- (183) *Lot, Corner.* A parcel of land having frontage on more than one street (road) which abuts an intersection of those streets (roads).
- (184) *Lot, Depth.* The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
- (185) *Lot Line.* Any boundary of a parcel of land.
- (186) *Lot Line, Front.* Any boundary line of a lot running along a street right-of-way line.



(187) *Lot Line, Rear.* The property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint on the front lot line.



(188) *Lot Line, Side.* A boundary line which is not defined as a front or rear lot line.

(189) *Lot of Record.* A lot of any size which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Franklin County prior to the adoption of this Ordinance, or a lot described by metes and bounds, or by adjoining property owners, the description of which has been so recorded prior to the adoption of this Ordinance.

(190) *Lot Width.* The horizontal distance between the side lines measured along the front building line as specified by the applicable front yard setback in this Ordinance.

(191) *Lowest Adjacent Grade (LAG).* The elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

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

(193) *Low-Impact Office.* An office building which is no greater in height than thirty-five (35) feet, and a floor area ratio no greater than 0.25.

- (194) *Major Variance*. A variance from the minimum statewide water supply watershed protection rules that results from the relaxation, by a factor greater than ten percent (10%), of any management requirement that takes the form of a numerical standard under the low density option.
- (195) *Mansard*. A steeply pitched roof, pitched at such an angle as to resemble a building wall.
- (196) *Manufactured Home*. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicles”.
- (197) *Manufactured Home (Mobile Home) Class A*. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:
- (a) The home has a length not exceeding four times its width;
 - (b) The pitch of the home’s roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - (d) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
 - (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- (198) *Manufactured Home (Mobile Home) Class B*. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

- (199) *Manufactured Home (Mobile Home) Class C*. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Class C manufactured homes are not permitted within Franklin County’s planning jurisdiction.
- (200) *Manufactured Home Lot*. A manufactured home lot is a piece of land within a manufactured home park whose boundaries are delineated in accordance with the requirements of the Ordinance.
- (201) *Manufactured Home Park*. Any lot or part thereof, or any parcel of land under common ownership, regardless of the number of separate tracts, upon which three (3) or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. Manufactured home parks are referred to in this Ordinance as “MH Park(s).”
- (202) *Manufactured Home Park Plan*. A plan of a proposed manufactured home park, prepared by the developer in accordance with Article 12, and presented to the Franklin County Planning Board for approval.
- (203) *Manufactured Home/Recreational Vehicle Space*. A plot of land within a MH/RV park designed for the accommodation of a single manufactured home/recreational vehicle in accordance with the requirements set forth in Article 12.
- (204) *Manufactured Home/Recreational Vehicle Stand*. That portion of the manufactured home/recreational vehicle space designed for and used as the area occupied by the MH/RV proper.
- (205) *Manufactured Home Space*. Any parcel of ground within a manufactured home park designated for the exclusive use of one (1) manufactured home.
- (206) *Market Value*. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.
- (207) *Massage Parlor*. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or

manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- (208) *Mean Sea Level.* For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
- (209) *Minimum Housing Code.* A code, as authorized by NCGS 160A-441, which sets minimum standards for dwelling units and authorizes Franklin County to repair, close, or demolish dwellings which are unfit for human habitation.
- (210) *Minor Variance.* A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten percent (10%), of any management required under the low density option.
- (211) *Modular Home.* A detached residential dwelling unit designed for transportation after off-site fabrication on flatbed trucks or trailers. At the site, a modular home must be placed on a permanent foundation, and heating and cooling systems, plumbing fixtures, and electrical appliances must be installed before being occupied.
- (212) *More Intensive Use.* A use that will have a greater impact on the surrounding area than the previous use, including activities which generate more traffic, require more employees or service deliveries, or utilize more square footage than the previous use existing on the site.
- (213) *NAICS Manual, North American Industry Classification System Manual.* A book put out by the federal government which classifies establishments by the type of activity in which they are engaged. Uses listed in this Ordinance are classified according to ICS groupings.
- (214) NIER. Non-Ionizing Electromagnetic Radiation.

- (215) *National Geodetic Vertical Datum (NGVD)*. As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
- (216) *New Construction*. Structures for which the “start of construction” commenced on or after the effective date of the original version of this ordinance and includes any subsequent improvements to such structures.
- (217) *New Manufactured Home Park or Subdivision*. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this Ordinance.
- (218) *Nonconforming Building or Development*. Any legally existing building or development which fails to comply with the current provisions of this ordinance.
- (219) *Nonconforming Lot*. A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.
- (220) *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.
- (221) *Nonconforming Sign*. Any sign which 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.
- (222) *Nonconforming Situation*. A situation that occurs when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this article, or because land or buildings

are used for purposes made unlawful by this Ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of this Ordinance.

- (223) *Nonconforming Use.* A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)
- (224) *Non-Encroachment Area.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
- (225) *Nonresidential Development.* All development other than residential development, agriculture, and silvaculture.
- (226) *Nursery School.* See Day Care.
- (227) *Nursing Care Institution.* An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.
- (228) *Obstruction.* Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (229) *Office.* Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects. For the purpose of this Ordinance, an office shall not involve

manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, and products; or the sale and/or delivery of any materials, goods, or products which are physically located on the premises.

- (230) *Official Maps or Plans.* Any maps or plans officially adopted by the County Board of Commissioners of Franklin County, or municipalities in the county, as a guide for the development of the county, consisting of maps, charts, and/or texts.
- (231) *Off-Site Sewage System.* A sewage system (public, community, or private) serving a manufactured home park, but is not located on an individual manufactured home space.
- (232) *Off-Site Water System.* A water system (public, community, or private) serving a manufactured home park, but is not located on an individual manufactured home space.
- (233) *On-Site Sewage System.* A septic tank system which is located on an individual manufactured home space or individual lot.
- (234) *On-Site Water System.* An individual well which serves a single dwelling or manufactured home, and is located on the individual lot or manufactured home space.
- (235) *Open Space.* An area (land and/or water) generally lacking in manmade structures and reserved for the enjoyment of residents of a Planned Unit Development, or other group project. Common open spaces may contain accessory structures, and improvements necessary or desirable for religious, education, non-commercial, recreational, or cultural uses.
- (236) *Operating Permit.* A permit issued by the Planning Department to a manufactured home park or travel trailer park owner or operator upon the completion of a manufactured home park or travel trailer park which conforms to the requirements of this Ordinance.
- (237) *“Park Model” Recreational Vehicle.* A manufactured home typically built in accordance with the construction requirements of HUD National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. but because of their limited size they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under

the jurisdiction of the HUD program, they are labeled and sold as recreational vehicles.

- (238) *Parking Area, Aisles.* A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (239) *Parking Lot Plantings.* Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.
- (240) *Parking Space, Off Street.* For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
- (241) *Perennial Stream.* A stream which continuously contains water throughout the whole year.
- (242) *Person.* An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- (243) *Personal Wireless Services or PWS or Personal Telecommunications Service or PCS.* Shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- (244) *Planned Unit Development.* A residential, commercial, or combination of residential and commercial projects located on land under unified control, planned as a whole, and developed as a single development or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.
- (245) *Planning Board.* A body appointed by the Franklin County Board of Commissioners to perform duties as specified in Ordinance No. VI (Ordinance Establishing a County Planning Board, and “Rules of Procedure” adopted by the Planning Board).
- (246) *Plant Nurseries.* Establishments primarily engaged in growing trees, shrubs, other plants, seeds, and bulbs are classified as agricultural. However, establishments for

the sale of lawn and garden maintenance equipment and fertilizers are considered a non-agricultural use.

- (247) *Planting Area.* The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.
- (248) *Plat.* A map or plan of a parcel of land which is to be, or has been subdivided, or any existing parcel of land.
- (249) *Post-FIRM.* Construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.
- (250) *Pre-FIRM.* Construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.
- (251) *Private Club/Lodge.* A structure or use owned or leased by a private club, offering membership use of the structure for social occasions. Examples could include Knights of Columbus, Masonic Lodges, Shriners, etc. Such a club/lodge structure could be used for meeting rooms, classes, and social functions such as dances, weddings, receptions, etc. This does not include a night club open to the general public.
- (252) *Private Path.* A privately owned right-of-way, easement, or cartway which does not otherwise comply with public or private road standards as set forth herein.
- (253) *Private Path Plat.* A map prepared by a Registered Land Surveyor which shows the location of a Private Path.
- (254) *Private Water Supply.* A water supply furnishing water to a manufactured home park or travel trailer park with fourteen (14) or fewer service connections, and must meet standards and approval of the Franklin County Health Department, Environmental Health Section, as mandated by state law.
- (255) *Processing.* Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.

- (256) *Property Clearing.* The removal of regulated trees from undeveloped property for the purpose of timber sales, value enhancement, or other nondevelopmental purposes.
- (257) *Protected Area.* The area adjoining and upstream of the critical area of the WS IV watershed. The boundaries of the protected area are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridgeline of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.
- (258) *Pruning.* The act of removing, or cutting back parts of a tree or shrub.
- (259) *Public Building.* Public buildings shall include local, state, or federal government office facilities, including libraries and post offices.
- (260) *Public Safety and/or Nuisance.* Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- (261) *Public (or Community) Sewage System.* A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.
- (262) *Public (Community) Water System.* A system for the provision to the public of piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Two (2) or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve fifteen (15) or more service connections or twenty-five (25) or more persons is a public water system. Public (community) water systems must meet standards and approval of the North Carolina Department of Environment and Natural Resources, Public Water Supply Section, as mandated by State Law.
- (263) *Recreational Vehicle (RV).* A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d)

designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

- (264) *Recreational Vehicle Parks.* Any single parcel of land upon which two (2) or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as “RV Park(s).”
- (265) *Reference Level.* The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.
- (266) *Regulatory Flood Protection Elevation.* The elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to three (3) feet above the highest adjacent grade.
- (267) *Rehabilitation Facility.* A residential (provision of living quarters for seven (7) or more residents) or nonresidential facility utilized by participants in programs providing guidance, counseling, or therapy. This definition does not include a facility providing rehabilitation services to psychotics, severely mentally handicapped individuals or persons who have demonstrated a known pattern of violence (this criterion does not exclude those convicted of violent offenses per se, only those whose behavior patterns are such that they may frequently resort to violence).
- (268) *Remedy a Violation.* To bring the structure or other development into compliance with State or Community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

- (269) *Repetitive Loss.* Flood-related damages sustained by a structure on two (2) separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (270) *Residential Development.* Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations.
- (271) *Retail.* The sale of a commodity to the ultimate customer and not customarily subject to sale again.
- (272) *Retail Plant Nurseries/Lawn & Garden Stores.* Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others.
- (273) *Retention.* The surface collection, storage, and reduction of stormwater runoff for the purpose of providing infiltration of runoff into the soil.
- (274) *Retrofitting.* Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.
- (275) *Reverse Frontage Lot.* A continuous lot of the same depth as the width of a block, accessible from only the minor of the two (2) streets upon which it fronts.
- (276) *Right-of-Way.* The property located within and adjoining the streets, roads, and highways within the county which rights-of-way are owned by the county or state or otherwise maintained by the county or the state.
- (277) *Riparian Buffer.* A buffer located along the bank of a river, stream, lake, or other body of water.
- (278) *Riverine.* Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

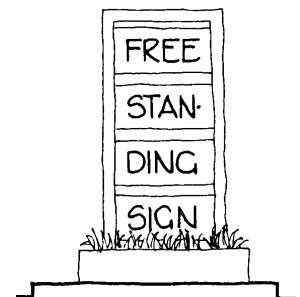
- (279) *Road (Public)*. Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this Ordinance by reference.
- (280) *Root Protection Zone*. Generally 18-24 inches deep at a distance from the trunk equal to one-half of its height or to its dripline, whichever is greater.
- (281) *Salvage Yard (Junkyard)*. Property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.
- (282) *Salvage Operation*. The reclamation, dismantling, or storage of pre-used commodities, junk, and similar material for the purposes of resale, processing, distribution, or deposition.
- (283) *Sanitary Landfill*. A facility for disposal of solid waste on land in a sanitary manner in accordance with Article 9 of Chapter 130A and as amended. (G.S. 130A-294, as amended.)
- (284) *School*. Any public or private institution for teaching.
- (285) *Septic System Contractors*. This industry comprises establishments primarily engaged in one or more of the following: (1) installing septic tanks, septic drain lines, and septic systems (2) servicing septic tanks, septic drain lines, and septic systems. The septic tank, septic drain line, and septic system work performed includes new work, additions, alterations, and maintenance and repairs.
- (286) *Septic Tank Manufacturing*. Establishments primarily engaged in the manufacturing of septic tanks and other related materials.
- (287) *Septic Tank Merchant Wholesalers*. Merchant wholesale distribution of septic tanks and other related materials.

- (288) *Septic Tank Pumping/Cleaning.* Establishments primarily engaged in pumping (i.e., cleaning) septic tanks and cesspools and/or renting and/or servicing portable toilets.
- (289) *Septic Tank System.* A subsurface sanitary sewage system consisting of a septic tank and a subsurface disposal field.
- (290) *Service Station.* A building or lot where gasoline, oil, grease, and automotive accessories are supplied and dispensed to a motor vehicle trade.
- (291) *Setback.* The distance between the minimum building line and the street right-of-way line; and where no street right-of-way is involved, the property line shall be used in establishing the setback.
- (292) *Sexual Encounter Establishment.* An establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.
- (293) *Sexually Oriented Business.* Any business, activity, club, or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Regulated businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters. Specified sexual activities, massage parlors, and adult cabarets are prohibited.
- (294) *Shrub, Large.* An upright, multi-stemmed plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.
- (295) *Shrub, Medium.* A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.
- (296) *Shrub, Small.* A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

- (297) *Sight Triangle.* In Franklin County, 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 thirty-five (35) feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being ten (10) feet and seventy (70) feet from the point of intersection.
- (298) *Sign.* Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object.
- (299) *Sign, A-Frame.* A portable sign comprised of two separate panels or faces jointed at the top and spread apart at the bottom to form the base on which the sign stands.
- (300) *Sign, Animation.* The movement, or the optical illusion of movement of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.
- (301) *Sign Area.* The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.
- (302) *Sign, Balloon.* A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.
- (303) *Sign, Business or Building Identification.* A pedestrian oriented sign attached to a building, which bears only the name, number(s), and/or logo of the building and/or the tenant.

- (304) *Sign, Canopy.* A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.
- (305) *Sign, Changeable Copy.* A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols, and other similar characters of changeable pictorial panels. Also known as a reader-board sign.
- (306) *Sign, 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.
- (307) *Sign, Electronic Message Board.* A sign which displays messages, such as time and temperature, in alternating light cycles.
- (308) *Sign, Facsimile.* An oversized, three-dimensional object, such as a chicken bucket, automobile (or automobile part), or human figure, which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.
- (309) *Sign, Fence.* A sign mounted on, attached to, or constructed as part of a fence or similar structure.
- (310) *Sign, Festoon Lighting.* A string of outdoor lights suspended between two or more points.
- (311) *Sign, Flag.* Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity.

- (312) *Sign, Freestanding.* A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.



- (313) *Sign, Gasoline Pump.* Signs attached to gasoline and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as price, fuel type, and self-service instructions.
- (314) *Sign, Grade.* The uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest city or state street curb.
- (315) *Sign, Ground.* A free-standing sign with its base or its supports mounted directly to the ground.
- (316) *Sign, Holiday Decorations.* Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.
- (317) *Sign, Indirect Illumination.* Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.
- (318) *Sign, Internal Illumination.* Illumination provided from a source located inside or within the face of the sign.
- (319) *Sign, Inflatable.* A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.
- (320) *Sign, Monument.* A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.
- (321) *Sign, Off-Premise.* A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is

located. However, this definition shall include Outdoor Advertising or “Billboard” signs.

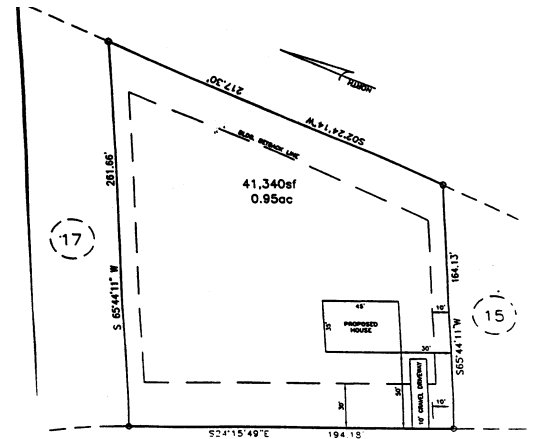
- (322) *Sign, On-Premise.* A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.
- (323) *Sign, Outdoor Advertising (Billboard).* A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.
- (324) *Sign, Panel.* The primary surface of a sign that carries the identifying/advertising message.
- (325) *Sign, Pennant.* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (326) *Sign, Political.* A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.
- (327) *Sign, Portable.* Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure, or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame, or T-shaped signs, and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

- (328) *Sign, Projecting.* A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface of which it is mounted, and is mounted usually, but not always, at right angles to the building.
- (329) *Sign, Pylon (or Pole).* A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.
- (330) *Sign, Roof.* Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.
- (331) *Sign, Spinner.* A wind activated, propeller-type device, which may or may not be attached to advertising copy.
- (332) *Sign, Streamer.* A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.
- (333) *Sign, T-Shaped.* A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.
- (334) *Sign, Temporary.* A sign advertising a special event and not intended to be displayed on a permanent basis.
- (335) *Sign, Vehicle.* See Sign, Portable.
- (336) *Sign, Wall.* A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.
- (337) *Sign, Window.* A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype, or any other form which communicates information can be read from off-premise.



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

(339) *Site Plan.* A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.



(340) *Small Open Space.* Small Open Space shall include all public or private tracts of land permanently dedicated to open space use with an area of less than ten (10) acres.

(341) *Solid Waste Disposal Facility.* Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

(342) *Solid Waste Disposal Site.* Defined as in NCGS 130A-290(a)(36).

(343) *Special Flood Hazard Area (SFHA).* The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year as determined in Article 3, Section B of this ordinance.

(344) *Specified Anatomical Areas.* As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(345) *Specified Sexual Activities.* As used herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in

connection with any of the activities set forth in subdivisions 1 through 3 of this definition.

- (346) *Spoil.* Earth, rock, or other materials excavated or dredged from a drainage course.
- (347) *Start of Construction.* Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation 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.
- (348) *Stealth or Stealth Technology.* To minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- (349) *Storage.* The deposition of commodities or items for the purposes of future use or safekeeping.
- (350) *Storage, Self-Service.* A building consisting of individual, small, self-contained units that are leased or owned for the storage of goods and wares.
- (351) *Stream Buffer.* A fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones “which flow continuously” and are indicated by solid blue lines on 7-1/2 minute topographic maps.

- (352) *Street.* A public or private thoroughfare which affords access to abutting property and is recorded as such in the Office of the Register of Deeds.
- (353) *Street, Half.* One half of a required street right-of-way located adjacent to the perimeter of a subdivision for future combination with a half street in an adjacent existing or future subdivision. Half streets are prohibited.
- (354) *Street, Private.* A dedicated or undedicated private right-of-way which affords access to abutting properties and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.
- (355) *Street, Public.* A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic.
- (356) *Street Tree.* A tree planted along the street behind the right-of-way.
- (357) *Street Yard.* A planting area parallel to a public or private right-of-way designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.
- (358) *Structure.* A walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.
- (359) *Subdivider.* Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- (360) *Subdivision.* All divisions of a tract or tracts and/or parcel or parcels of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and this shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:
- (a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown by the regulations prescribed by this Ordinance;
 - (b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

- (c) The public acquisition by purchase of strips of land for the widening or opening of streets; and
 - (d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the county, as shown by the Subdivision Regulations contained in this Ordinance.
- (361) *Substantial Damage.* Damage of any origin sustained by a structure during any one (1) year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (362) *Substantial Improvement.* Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (a) any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or, (b) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.
- (363) *Substantially Improved Existing Manufactured Home Park or Subdivision.* Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equal or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

- (364) *Swimming Pool.* Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground, and onground swimming pools, hot tubs, and spas.
- (365) *Technical Review Committee.* A committee consisting of one (1) Franklin County Planning Board member, Planning Staff, the District Engineer of the NC Department of Transportation or his designee, Franklin County School Superintendent or designee, Soil Conservationist, Director of Economic Development, Environmental Health Supervisor or designee, Forestry Service, Emergency Management Services, Public Utilities, Airport Director or Airport Board Member designee if proposed development is located within the Airport Height Overlay District, and Tax Office/GIS to assist and advise the full membership of the Planning Board in all matters relating to the development of subdivisions.
- (366) *Telecommunication Tower and Telecommunications Site and Personal Wireless Facility.* A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not listed by the FCC, but not expressly exempt from the County's, building and permitting authority, excluding for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below thirty-five (35) feet in height.
- (367) *Telecommunications.* The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- (368) *Telecommunications Structure.* A structure used in the provision of services described in the definition of wireless telecommunications facilities.

- (369) *Tourist Home.* Any building occupied by the owner or operator in which rooms are rented for lodging of transients and travelers for compensation.
- (370) *Townhouse.* A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units. The minimum number of townhouses attached to each other shall be two (2) and the maximum number shall be six (6).
- (371) *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 mutation, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.
- (372) *Tract.* A tract is a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Franklin County Registrar of Deeds.
- (373) *Tree, Canopy.* A large tree growing to over 40 feet in height at maturity, usually Deciduous, that is planted to provide canopy cover shade.
- (374) *Tree Topping.* The removal or cutting back of major portions of a tree crown by cutting branches to stubs and/or to the trunk. Topping is also referred to as heading, stubbing, or dehorning.
- (375) *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.
- (376) *Use.* The purpose for which land or structures thereon are designed, arranged, or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.
- (377) *Use, Conditional.* A use permitted in a zone only after specific findings by the Board of Adjustment.

- (378) *Use-By-Right.* A use which is listed as an unconditionally permitted activity in this Ordinance.
- (379) *Valance.* A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.
- (380) *Variance.* A grant of relief from the requirements of this ordinance.
- (381) *Variance, Major.* A variance that results in any one or more of the following:
- (a) the complete waiver of a management requirement;
 - (b) the relaxation by a factor of more than ten percent (10%) of any management requirement that takes the form of a numerical standard;
 - (c) the relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.
- (382) *Variance, Minor.* A variance that does not qualify as a major variance.
- (383) *Variance, Watershed.* A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.
- (384) *Vegetation.* Evergreen trees, including but not limited to white pine, evergreen shrubs, red tipped photina, wax myrtle, or other plants which reach a height of at least six (6) feet at maturity.
- (385) *Vested Right.* The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.
- (386) *Vines.* A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.
- (387) *Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other

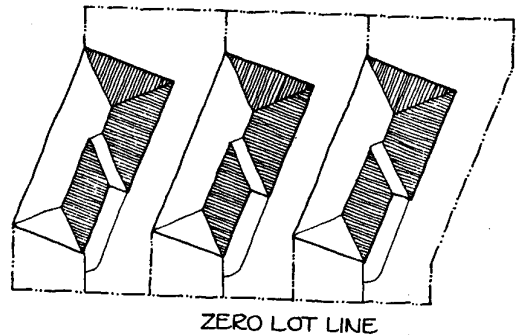
evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as the documentation is provided.

- (388) *Warehouse.* A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed and reshipped.
- (389) *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 at 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.
- (390) *Water Surface Elevation (WSE).* The height, in relation to mean sea level, of floods or various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (391) *Watercourse.* A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- (392) *Watershed.* The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).
- (393) *Watershed Administrator.* An official or designated person of Franklin County responsible for the administration and enforcement of this Ordinance. The Watershed Administrator for Franklin County shall be the Director of Planning & Development, who also functions as the Administrator, and/or his assistant, as designated in the Unified Development Ordinance.
- (394) *Wholesale.* The sale of a commodity for resale to the public for direct consumption.
- (395) *Yard.* Any open space on the same lot with a building, and unoccupied from the ground upward except by trees, shrubbery, or fences.
- (396) *Yard, Front.* A yard across the full width of the lot, extending from the front line of the building to the front lot line.

(397) *Yard, Rear.* A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

(398) *Yard, Side.* A yard between the building and side lot line, extending from the front building line to the rear building line.

(399) *Zero Lot Line Dwelling.* A detached single-family dwelling on a lot with a side yard requirement on one (1) side of the lot.



(400) *Zoning Compliance.* A certification by the Administrator or his authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situated in the jurisdiction of the county, fully meets the requirements of this Ordinance.

(401) *Zoning Permit.* A permit issued by the Administrator or his authorized agents that permits the applicant to use or occupy a tract of land or a building; or to erect, install or alter a structure, building or sign situated in the jurisdiction of the county that fully meets the requirements of this Ordinance.

(402) *Zoo.* Any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation. The term zoo may also include: Animal Safari Parks, Wild Animal Parks, Petting Zoos, and Live Reptile Exhibits.