

# 13 chapter

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Definitions

## DEFINITIONS

### ***Section 13.1 Rules for Development of Definitions and Interpretation of Terms***

In development of this chapter, the definitions found herein shall be observed and applied, except when the context of their use or specific wording clearly indicates otherwise. Definitions relating solely to certain chapters may also be contained within those chapters. Where possible, efforts have been made to avoid the overuse of technical language where the meaning could be conveyed in another form. Except as specifically drafted herein, all words and phrases used in this Code have their customary dictionary definitions. For the purpose of this Code, certain words or terms used herein shall be interpreted as follows.

- Words used in the present tense also include future tense, unless expressly noted otherwise.
- Words used as singular shall also include plural, unless expressly noted otherwise.
- The words “must,” “shall,” and “will” are mandatory, not discretionary.
- The word “may” is discretionary and permissive.
- The words “must,” “shall,” “will,” and “may” when used in the negative are mandatory and not discretionary.
- Any word denoting gender includes, male, female, and neutral.

In the event of a conflict between the text of the definitions in this chapter and any caption, figure, illustration, table, or text of the remaining chapters of this Code the most restrictive regulation shall apply.

Refer to the current Waxhaw *Engineering Design & Construction Standards Procedures Manual (Engineering Standards)* for additional detailed information on terms defined in this section.

References to the North Carolina General Statutes are abbreviated as “NCGS”.

### ***Section 13.2 Definitions***

## A

ABC Store. An establishment that specializes in the sale and distribution of alcoholic beverages as a retail use, provided that such establishments meet all of the requirements and standards of Chapter 18B of the NCGS, the State of North Carolina ABC Commission, any local ABC Board in the jurisdiction where such an establishment will be placed, and any other appropriate local and/or state regulations or ordinances.

Accessory Dwelling. See Dwelling, Accessory.

Accessory Structure (Appurtenant Structure). A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms.

Accessory Use. A use that is subordinate and clearly incidental to that of the principal use of land and located on the same lot therewith.

Adjacent. When referring to parcels or lots of land, that at least one boundary line of one lot touches a boundary line of another lot or is directly across a street or right-of-way from another lot.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure.

Administrative Decision. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Adopted Plan. The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the Board of Commissioners.

Adult Establishment. See definition per North Carolina General Statute 14-202.10, as may be amended.

Administrative Hearing – A proceeding to gather facts needed to make an administrative decision.

Agritourism. A form of commercial enterprise that links agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and educating the visitors and generating income for the farm, ranch, or business owner. Examples include, but are not limited to, corn mazes, pumpkin patches, hay rides, living history farms, petting and feeding zoos, etc. The location may also have accessory uses such as an onsite farmers market, retail shop, food and beverage sale, or other similar uses.

Alley. A private narrow roadway that allows for secondary access to the side or rear of abutting property.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Amphitheater. A use that is an open air venue used for entertainment, performances, sporting, and other similar events.

Amusement Park, Indoors. Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, shooting ranges, and bowling alleys.

Amusement Park, Outdoors. A permanent, outdoor, pedestrian-oriented facility containing structures and facilities which house devices for entertainment, such as rides, booths for the conduct of games, food and souvenir stands, and buildings for shows and entertainment.

Animal Kennel. A use or structure intended and used for the breeding or accommodation of domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot. Not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Animal Shelter. A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept for purposes of distribution to the general public.

Animal Hospital. A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use.

Appeal. A request for a review of the Zoning Administrator's interpretation of any provision of this ordinance.

Applicant. Any person, party, partnership, corporation, agent, or other business entity that is seeking local governmental approval of a proposed plan, permit, variance, etc.

Arcade. 1.) A colonnade where the majority of columns support an arch. See Colonnade. 2.) A large covered area with retail shops or an amusement place.

Area of Future-Conditions Flood Hazard. Land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

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

Area of Special Flood Hazard. See "Special Flood Hazard Area (SFHA)".

As-built Drawings. A revised set of drawings produced upon completion of a project or a particular job that are intended to reflect all changes made during the construction process and show exact dimensions, geometry, and location of all elements of the work completed.

Auction House. A facility that is used for conducting auctions on a regular basis.

Authorized Agent. A person, including a lessee or person holding an option or contract to purchase or lease land, who is certified by a duly executed and notarized affidavit to be authorized to represent a property owner's interest in a matter subject to this Code.

Automated Teller Machines (ATMs). An outdoor self-service facility, normally accessible twenty-four hours daily, where patrons can access cash and certain other banking services. The machines may be housed outdoors or within their own enclosed booth.

Automobile Body Shop. A business which primarily involves the repair of damaged vehicles.

Auto Detailing. An establishment primarily engaged in the cleaning and finishing of automobiles. Examples of detailing include deep cleaning of interior cabin and restoring or exceeding the original existing exterior condition of a vehicle through washing and drying, paint claying, polishing, waxing, and other exterior paint correction methods.

Automobile Repair & Service. A commercial establishment whose primary purpose involves the maintenance and service of vehicles. This use does not include automobile body shops.

Automobile Towing and Wrecker Service. An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations or the sale of salvaged vehicular parts. This use is not to be construed as a junkyard or an automobile salvage yard.

Awning. A protective cover over a door, entrance, window, or outdoor service area that is attached to or cantilevered from a building. An “awning” may also be referred to as a “canopy.” Permanent marquees and porticoes, which are designed as a continuous or integral part of the structure, shall not be considered awnings.

## **B**

Bakery. An establishment that prepares, produces, cooks, bakes, and sells flour-based products such as bread, cookies, cakes, pastries, and pies.

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

Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation.”

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Establishment. An overnight lodging business where the owner of the business resides in the structure, and where a breakfast meal is typically provided to overnight guests.

Bedroom. A fully enclosed interior room as shown on the building plan for the structure having, as a minimum, a doorway, window and closet.

Best Management Practices (BMPs). A structural management facility used singularly or in combination for stormwater quality and quantity treatment to achieve water quality protection goals.

Bicycle Lane. A portion of the roadway that has been designated by striping, signing, and pavement markings for the preferential and exclusive use of cyclists.

Block. Specific to Chapter 7, a segment of road between two nodes.

Board of Adjustment. Under the authority of NCGS 160D-3-2, the Board of Adjustment hears and decides on cases involving appeals of administrative decisions, determinations, and variance requests.

Board of Commissioners. The governing body for the Town, elected by the Town citizens that makes decisions on policy and procedures as defined by this Code.

Bona Fide Farm. Agricultural activities as set forth in NCGS 160D-9-3.

Brewery. An establishment that manufactures and sells beer.

Buffer. A natural or vegetated area 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.

Buffer Widths. See Stream Buffer Widths.

Buffer Yard. A strip of vegetation providing distance and screening between a property and a street or differing zoning district.

Building. Any structure intended for supporting or sheltering any use or occupancy. See “Structure”.

Building Front. The linear length of building facing a street right of way or common area.

Built-Up Area (BUA). That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck or the water area of a swimming pool.

## C

Cell Tower. A structure on which is mounted electronic communications equipment and antennae to facilitate the signal reception of cellular phones and other wireless communication devices. Examples of equipment are transmitters, receivers, control electronics, and additional power sources for backup.

Cemetery. Property used for the interment of the dead, including mausoleums. Uses may include the commercial sale and location of burial lots, markers, crypts, or vaults for use exclusively on the subject property.

Certificate of Compliance. A form that states that the building or portion of a building is in compliance with the provisions of this Code, and with the information stated on the administrative permit.

Certificate of Occupancy. A document that permits a tenant’s occupancy in a structure or building.

Charter – As defined in G.S. 160A-1(2)

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.

Civil Penalty. A fine or surcharge imposed by a governmental agency to enforce regulations.

Clear Cut. The removal of all trees on a site or a portion of a tract of land.

Cluster Subdivision. A type of single family detached subdivision layout available for use in the R-3 and R-4 zoning districts. This type of subdivision layout allows a developer an increase in dwelling units per acre and reduction in lot dimensional requirements in exchange for open space on the property.

Colonnade. An open row of columns that are spaced at regular intervals, joined at the top by a horizontal support, lining the outer edge of a building, courtyard, or open walkway, and intended to provide shade, habitable space, pedestrian scale, and architectural interest. See Arcade.

Commercial Development. Any development involving an activity with goods, merchandise and service for sale or rental fee.

Commercial Kitchen. A building or portion of a building used for the cooking and preparation of a prearranged amount and type of food for consumption off premises or in a designated room or facility on premises where those individuals being served the finished food offerings are separate from those conducting the preparation. A commercial kitchen may also include storage areas for equipment, ingredients, supplies, etc.

Common Area. All areas, including private streets, conveyed to an owners' association in a townhouse development, residential development, or owned on a proportional undivided basis in a condominium.

Common Open Space. Land or water areas designated for a particular development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development. This does not include any lands occupied by streets, street rights-of-way, or off-street parking.

Community Center. A building used for recreational, social, educational, and cultural activities, usually owned and operated by a public or non-profit group or agency.

Community Garden. Land used for the cultivation of fruits, vegetables, plants, flowers or herbs by multiple users. Such land may include available public land.

Conditional Zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Connectivity Ratio. Specific to Chapter 7, the number of street links (not including alleys) divided by the number of nodes.

Construction Document Plan. A site plan that includes fully engineered drawings of the proposed development that is approved administratively after all Town requirements have been satisfied.

Construction Trailer. A structure on a chassis with wheels that is used solely for office or storage purposes on a temporary basis.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, which is attached including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

Contributing Structure. Any building or structure which adds to the historical integrity or architectural qualities that makes the National Historic District and Downtown Main Street significant.

Corner Lot. A lot that has two street frontages where the narrowest frontage is the front for setback purposes.

Country Club. A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests and is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and clubhouses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a freestanding entity or as part of a residential community or planned residential development.

Covenant. A private legal restriction most commonly used in the establishment of a subdivision to restrict the types of uses on an individual lot, usually recorded in a deed.

Crematory. A facility designed for the cremation of human, pet, and animal bodies.

Cul-de-sac. A street or passage closed at one end and including a “bulb” end design with a specified turning radius.

Curb. A concrete or other improved boundary marking the edge of the roadway or paved area.

Curb Cut. A solid ramp graded down from the top surface of a sidewalk to the surface of an adjoining street.

## D

Day Care Center. A facility licensed by the State of North Carolina for the care of children or adults for periods of less than 24 hours per day.

Decision-making board – A governing board or advisory board assigned to make legislative and quasi-judicial decisions.

Density. The total number of dwelling units divided by the total acreage or project area as regulated by this Code.

Design Flood. See “Regulatory Flood Protection Elevation.”

Stormwater Design Manual. Waxhaw’s local stormwater manual used in conjunction with the stormwater design manual developed for use in Phase II jurisdictions for the proper implementation of the requirements of the federal Phase II stormwater program. All references to the Design Manual are to the latest published edition or revision.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

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

Development. Any man-made change to improved or unimproved real estate, including, but not limited to:

- a. Buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- b. The construction, erection, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- c. The subdivision, clearing or alteration of land.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approvals. A written administrative or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, administrative permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals pursuant to NCGS 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Services Department. Works in conjunction with the Planning Department on Town administrative functions related to comprehensive planning, zoning, and subdivision administration as defined by this Code.

Digital Display. A display of a sign message that is made up of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically. Digital Displays may include but are not limited to television screens, holographic displays, programmable ink, LCD, or LED display.

Digital Flood Insurance Rate Map (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Direct Illumination. Center of a beam of light or main beam angle of a lighting fixture.

Directional Quadrant. Specific to Chapter 7, the four most apparent property boundaries separated by approximately 90 degrees.

Disposal. As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distillery. An establishment which manufactures or produces distilled liquors.

Disturbance. Any use of the land by any person or entity which results in a change in the natural cover or topography of the land.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar public, or semi-public use.

Double Frontage Lot. A parcel or property with frontage on 2 or more streets that do not intersect, also known as through lot.

Drainage Area. That area of land that drains to a common point on a project site.

Drip Line. An imaginary vertical line extending from the outermost portion of the tree canopy to the ground.

Driveway. A private roadway serving at least one lot, building site, or other division of land and which allows for ingress and egress onto private property.

Dwelling. A structure or portion thereof that is used exclusively for human habitation including any outhouses and appurtenances associated with the dwelling. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Accessory. A separate dwelling unit that is located on the same lot as the principal dwelling unit in specific zoning districts. The dwelling shall be used as a completely independent living facility with a separate parking area, cooking facility, and entrance.

Dwelling, Attached Single Family. A group of one family dwellings connected on at least one side by means of a common dividing structural or load bearing wall to one or more other one family dwellings; with each dwelling unit on its own individual lot.

Dwelling, Detached Single Family. A dwelling unit not physically attached to another dwelling unit and surrounded by open yards and spaces.

Dwelling, Cottage. A detached, single-family dwelling unit smaller than average that features unique architectural choices such as a bungalow or Victorian with detail given to window shapes, arches of doors and trim, and front porches.

Dwelling, Duplex. A building designed, constructed, or reconstructed and used for two dwelling units that are generally side by side and connected by a common structural or load-bearing wall.

Dwelling, Triplex and Quadraplex. A building containing three or four individual dwelling units, with each unit having direct access to the outside or to a common area.

Dwelling, Multi Family. A building designed, constructed, or reconstructed with five or more dwelling units placed on top of one another or side by side and sharing common walls, floors, and ceilings. Such units shall generally be developed in a unified manner and shall be located on one lot unless the individual units are under condominium ownership. Multi-family dwelling units can also be located on the upper stories of commercial developments as part of mixed use projects as allowed by this Code.

## E

Easement. A grant of one or more of property rights, such as right of access, by the property owner to, or for use by the public, a corporation, or other entity. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

Electronic Gaming (Sweepstakes). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance. Cash or merchandise, or other items of value, are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

Electric Vehicle. A vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. Electric vehicle includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Electric Vehicle Charging Station (EVCS). A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Parking Space. A marked parking space that identifies the use to be exclusively for an electric vehicle.

Elevated Building. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment. The advance or infringement of uses, fills, excavation, buildings, permanent structures or development. Floodplain encroachment can impede or alter the flow capacity of a floodplain (with respect to flood hazard regulations).

Engineering Design and Construction Standards Procedures Manual. A resource assembled to assist in ensuring compliance with all Town requirements for proposed land development activities within the Town's jurisdiction. The intent of the manual is to present clear and concise technical requirements, policies, details, and procedures as well as additional guidance to this Code.

Event Center. A multi-purpose venue facility hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or parties, concert settings, and general get-togethers. An event center could typically have a catering kitchen, indoor and/or outdoor seating and a stage or event area.

Evidentiary Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation.

Exempt Subdivision. A subdivision of land that qualifies under state law as exempt from subdivisions standards.

Existing Manufactured Home Park or Manufactured Home Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

## F

Façade. The exterior elevation of each side of a building, including walls, parapets, fascia, windows, doors, canopies, and visible roof structures.

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

Family Care Home. See NCGS 168, Article 3.

Farmer's Market. An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer fresh produce, seasonal fruits and vegetables, fresh flowers, arts and crafts items, food and beverages, and other similar products for sale.

Farming Operation. Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Fee Schedule. A list or table showing fixed fees for Town services.

Fence. An artificially constructed barrier of wood, masonry, stone, metal, wire, and/or other manufactured or durable natural materials erected to enclose, screen, or separate areas, but not including hedges, shrubbery, trees, or other natural growth.

Final Plat. A map prepared by a registered surveyor that shows all lot lines, street right of ways easements, monuments, distances, angles, and bearings pertaining to the exact dimensions of all parcels, street lines, and so forth.

Fixture. A gas powered, battery powered, solar powered or electronically powered device that is secured to a wall, ceiling, pole, or post that is used to hold one or more lamps and is intended to emit light.

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 that can be no less than 25 feet in width at the street or right of way.

Flea Market. An outdoor or indoor market held on pre-established dates where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a “farmers market” in that the majority of goods sold at a flea market are non-edible.

“Flood” or “Flooding”. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. The low, periodically-flooded lands adjacent to streams. For land use planning purposes, the regulatory floodplain is usually viewed as all lands that would be inundated by the Regulatory Flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodplain Administrator. The person appointed by the Town Manager to administer and enforce the environmental regulations in this Code related to special flood hazard areas.

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

Floodplain Development Permit. Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations. This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

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

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

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

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

Flood-resistant material. Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials. Add TB 2 to Town Website info.

“Flood Prone Area” see “Floodplain”.

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

Floodway. The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Analysis. An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

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.

Food Truck. A readily movable trailer or motorized wheel vehicle, currently registered with the Division of Motor Vehicles, designed and equipped to serve food.

Footcandle. A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

Front Yard. The open, unoccupied space between a street or right of way line and the front of a building or structure.

Frontage. The dimension of a property or portion of a property that is adjacent to a public street, private street, right-of-way, or required park space.

Full Cut-off Fixture. An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

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

## G

Gallery. A covered passage that is open at one side, as with a portico, arcade, colonnade or porte cochere.

General Commercial, Under 10,000 sq ft. A use category allowing general commercial premises between 0 and 10,000 square feet in gross leasable area to be available for the commercial sale of merchandise, goods, food, etc.

General Commercial, 10,001-60,000 sq ft. A use category allowing general commercial premises between 10,000 square feet and 60,000 square feet in gross leasable area to be available for the commercial sale of merchandise, goods, food, etc.

General Commercial, 60,001 sq ft and Above. A use category allowing general commercial premises over 60,000 square feet in gross leasable area to be available for commercial sale of merchandise, goods, food, etc.

General Office & Professional Services. Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, and brokerages; and insurance-related services.

Greenway. Linear open spaces that link parks, neighborhoods, schools, and other sites within the community. Greenways provide public access to green spaces and opportunities for residents to be physically active.

# H

Hazardous Waste Management Facility. As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Height (Building). For buildings with flat roofs, the vertical distance from the mean elevation of the finished grade to the highest finished roof surface. For buildings with pitched roofs, the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

Heritage Tree. Trees that are 36" or larger as measured by their diameter at breast height (DBH) .

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Preservation Commission. A state-mandated advisory board appointed by the Board of Commissioners that serves to protect and preserve the Town's historic buildings, landmarks and unique character by identifying historical structures, recommending historical designations, reviewing design changes, assisting with preservation planning, promoting the appreciation of historic preservation and serving as an educational resource.

Historic Structure. Any structure that is:

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

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

Home Occupation. Any business use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or the neighborhood.

Homeowners Association. An organization formed for a subdivision or other real estate development that makes and enforces rules for properties and their owners and residents in which the owners are bound to membership in an organization by a set of governing documents that require adherence to a set of rules and, often, the payment of assessments.

Hotel. Establishments providing lodging and short term accommodations for travelers. Services may include overnight sleeping space, food and beverage services, convention hosting services, and laundry services. Extended stay hotels are also included in this definition.

## I

IESNA. The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Impervious Surface. A surface that is highly resistant to infiltration by water, commonly called built-upon area. It includes surfaces such as compacted lime rock, or clay, as well as most conventionally paved streets, roofs, sidewalks, parking lots, and other similar improvements.

Improvement Guarantees. A security instrument accepted by the Town to ensure that all improvements, facilities, or work required by regulation or as a condition of approval of a subdivision plan will be completed in compliance with the approved plans and specifications.

Industrial Uses. Land used for industrial purposes only; commercial (or other non-industrial) businesses operating on industrially zoned property shall not be considered an industrial use.

Interior Site Area. Area of a site that does not include required buffers.

## J

Jurisdiction. The geographic area regulated by Waxhaw's Land Development Code, including the Town's municipal limits and its extra-territorial jurisdiction (ETJ).

## K

## L

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

Landscaping Plan. A plan, typically associated with new development or redevelopment, that shows the vegetative materials required to be approved or in compliance with this Code.

Legislative Decision. The adoption, amendment, or repeal of a regulation or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- a. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

- b. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- c. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- d. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- c. Available with special features enabling off-street or off-highway operation and use.

Light Emitting Diodes (LED). Electronic device that emits light when an electric current flows through it.

Light Manufacturing. The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office, commercial building, or a residentially-scaled garage.

Live/Work Unit. A building which incorporates a dwelling and an enclosed space for employment. These spaces share some common interior and/or exterior amenities, but shall have separate secured entry and exit locations. The residential and business use portions may be occupied by the same persons.

Loading Space. A designated space or berth outside the boundaries of a street, alley, or other public right-of-way and situated on the same lot with the building to be served, or contiguous to a group of buildings for the purpose of providing temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which is readily accessible to vehicular traffic by means of a street, alley or other appropriate access.

Lot. A parcel of land or any combination of several lots, occupied or intended to be occupied by a principal building or a building group, together with their accessory buildings or uses, and the access, yards, and other open spaces required by this Code.

Lot of Record. A lot described by plat or deed and recorded in the office of the Union County Register of Deeds.

Lot Width. The width of a lot along a public or private street.

Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

## M

Machine Shop. A workshop where metal is cut and shaped by machine tools.

Manufactured Home or Mobile Home. A structure as defined in NCGS 143-145(7).

Manufactured Home Overlay District. An overlay district allowed by code to provide for the principal use of land developed in harmony with the conventional or underlying zoning district regulations while permitting the substitution of manufactured homes as a principal use type provided the specific design and/or installation regulations are met. It can be applied to any area within the Town's jurisdiction by approval of the Board of Commissioners.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Major Subdivision. All subdivisions that do not qualify as exempt or minor in this Code.

Market Value. The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Marquee. A permanent, roofed structure attached to and supported entirely by a building, including any object or decoration attached to or part of said marquee, which projects out over a public right-of-way. Marquees frequently have illumination under the structure, as well as architectural embellishments that incorporate lighting.

Minor Change or Modification. Changes or modifications to an approved plan that do not significantly alter the original plan approval. Per state law, minor changes shall not include a modification to use or density.

Minor Subdivision. A subdivision of land that:

- a. Has no more than 9 lots.
- b. Has only private wastewater treatment facility or a private water supply system for a single lot or building site.
- c. Does not include the dedication of public right of way.
- d. Does not require the installation of drainage improvements through one or more lots to serve one or more other lots.

Mixed Use. The act of combining various types of development or uses (i.e. residential, commercial, office) within one structure or site.

Modular Dwelling. A dwelling constructed in accordance with the standards set forth in the N.C. State Building Code for one and two family dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Multi-family. A group of two or more attached, duplex, triplex, quadruplex, or multi-family buildings, or a single building of more than two units constructed on the same lot or parcel of land under single ownership, and planned and developed with a unified design of buildings and coordinated common open space and service areas.

## N

Neighborhood Meeting. A meeting required for conditional zoning and special use permit requests where a developer/applicant introduces their proposed project to adjoining property owners and other interested parties.

New Construction. Structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Nightclub. A commercial establishment that may dispense alcoholic beverages for consumption on the premises and in which dancing, music, and other live or recorded entertainment and performances, such as by comedians, magicians, or similar acts, is permitted.

Node. Specific to Chapter 7, a point of decision such as an intersection or roundabout. Cul-de-sacs and other road ends are also considered nodes to provide a block endpoint.

Nonconforming. A condition that occurs when on the effective date of this Code or a previous code a lot, structure, building, sign, development, or use does not conform to one or more of the regulations currently applicable by the adopted code.

Nonconforming Sign. A sign where at the time of adoption of this Code does not conform to the requirements of the Code.

Nonconforming Structure. A structure where at the time of adoption of this Code does not conform to the requirements of the Code.

Nonconforming Use. A use that existed prior to the adoption of this Code and does not conform to the requirements of the Code.

Non-Conforming Lot of Record. A lot where at the time of adoption of this Code or their successor in title thereto does not own sufficient land to enable him/her to conform to the area or lot width requirements. Such lot may be used as a building site provided all other dimensional requirements are met.

Non-Encroachment Area (NEA). The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Non-Point Source (NPS) Pollution. Forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

Nursing Home & Assisted Living. A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS - 131D), nursing homes (NCGS - 131E-101), residential child-care facilities (NCGS - 131D10.2), assisted living residences (NCGS - 131D-2.1), adult care homes (NCGS - 131D-2.1), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services, and orphanages. This term excludes family care homes and halfway houses.

## O

Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in an unaltered state.

Ordinary Projections. Buildings, structures, facilities, or improvements or portions of buildings, structures, facilities, or improvements that would incidentally be located in yards, setbacks, or required open space or other landscaped areas. Examples of ordinary projections are roof eaves, fences and walls, utility equipment, flag poles, and other similar features.

Outparcel. An area or parcel of land set aside from the main shopping center or multi-tenant non-residential development for additional non-residential uses.

Overlay District. Districts that are superimposed over properties that are also subject to other “underlying” zoning district requirements. An overlay district can affect the regulations applicable to properties within such districts in two ways. First, an overlay district can add to the regulations of the underlying district, or make such regulations more restrictive. Second, an overlay district can alter the regulations of the underlying district so that they are less restrictive.

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

## P

Payment-in Lieu. A payment to the Town from any entity (developer, builder, contractor, etc.) for any item(s) not constructed as a part of the approved plan or agreement as determined by the Town.

Permitted Use. Uses that are permitted by right in a zoning district, subject to compliance with all other applicable standards of this Code.

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

Phase. Stages of a development plan that must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project.

Planning Board. An advisory board appointed by the Board of Commissioners to make recommendations on policies and processes pertaining to this Code.

Planning Department. Performs the Town administrative functions related to comprehensive planning, zoning, and subdivision administration as defined by this Code.

Planning Jurisdiction. The defined geographic area within which the Town may undertake planning and apply development regulations.

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

Plot Plan. A plan of a lot or lots, drawn to scale, showing the measurements, size, and location of existing buildings and buildings to be erected and the location of the lot in relation to abutting streets, and other such information.

Porte Cochere. 1.) A roofed structure extending from an entrance of a building over an adjacent driveway to shelter those getting in or out of vehicles. 2.) A passageway through a building designed to let vehicles pass from the street to an interior courtyard.

Portico. A covered entrance to a building, that is supported by columns

Post-FIRM. Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM. Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

Pre-Application Meeting. An opportunity for applicants to learn about the rezoning or similar process and consult with staff about potential impacts of their proposed zoning and/or development.

Preliminary Plan. A tentative plan, drawing, or map of a proposed development or subdivision prepared in accordance with the regulations herein. A preliminary plan shall always be prepared by a civil engineer, land surveyor, landscape architect, architect, or land planner.

Principally above Ground. That at least 51% of the actual cash value of the structure is above ground.

Principal Use. The primary purpose or function that a lot serves or is intended to serve.

Principal Building or Structure. A building or structure in which the principal use of the lot is conducted.

Produce Stand. The sale of any form of agricultural or horticultural products at a free-standing retail stand structure by an individual.

Property. All real property subject to land-use regulation by a local government.

Public Services Director(or designee). Has municipal authority to make operational decisions in the field with regard to construction materials and practices for all work within existing Town rights of way or those planned to be dedicated for Town maintenance by petition to the Board of Commissioners. Typically related to quality control and performance of roadway subgrade and surface materials, sidewalks, curb and gutter, storm drain, street tree, street lighting, and signage within the right of way or on Town facilities property.

Public Street. A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic but not an alley.

## Q

Qualifying Tree. A tree that meets Planting Species List standards, is at least 2” diameter at breast height (DBH), and meets current American Standard for Nursery Stock.

Quasi-Judicial Decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

## R

Race Track, Outdoor. An outdoor facility for racing of automobiles, motorcycles, or other motorized vehicles.

Rear Yard. The open space required between the rear lot line and the rear building or setback line of a principal building.

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.
- e. Is fully licensed and ready for highway use.

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

Recreational Vehicle Park. Land containing two or more campsites for recreational vehicles which are located, established, and maintained for occupancy by people in temporary living quarters for recreation and vacation purposes. Manufactured home parks are not associated with this definition.

Redevelopment. Rebuilding activities on land containing built-upon area as of the effective date of the PCO and where any pre-existing impervious surface remains intact and is not removed during the rebuilding or redevelopment process.

Reference Level. Is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas; the portion of a structure or other development that must be compared to the flood protection elevation to determine regulatory compliance of such structure. 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.

Regulations. Rules and directives of development made and maintained by the authority of the Town, State, and Federal Government.

Regulatory Flood Protection Elevation. The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, for Residential Construction, this elevation shall be the BFE plus two feet of freeboard, for Non-Residential Construction, this elevation shall be the BFE plus one foot of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade for Residential Construction, and at least one foot above the highest adjacent grade for Non-Residential Construction.

Religious Institutions. Any facility such as a church, temple, monastery, synagogue, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.), and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

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

Remote Parking. Off-street parking located on an adjacent lot to a development to meet the minimum parking requirement.

Residential Development. A development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit.

Retirement Community. A residential community including a range of living units from independent units to assisted care units to skilled nursing care facilities along with a variety of common amenities and ancillary services.

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

Right-of-Way. An area of land occupied or intended to be occupied by a public street or areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

## S

Salvage Yard. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Self-Storage Units, Indoor. A building consisting of indoor, individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Setbacks. A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or any other lot line when measured perpendicularly.

Severability. Refers to a provision in a contract or piece of legislation which states that if some of the terms are held to be illegal or otherwise unenforceable, the remainder should still apply.

Shared Parking. An off-street parking area identified for the shared use by one or more developments for the parking needs of employees, customers, and residents.

Short Term Rental. The rental of single family or multi-family residential housing for overnight or vacation lodging. These overnight accommodations are provided in dwelling units to guests for compensation for periods of less than 30 days.

Side Yard. The open, unoccupied space between the side lot line and side building or setback line. If no side setback is required, the side yard shall be defined as extending from the street line to the required rear yard.

Sign. A communications medium, method, device, structure, or fixture that incorporates motion, lighting, graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction to or identification of a neighborhood, premises, event or facility.

Sign Alteration. Any change to the size, shape, illumination, position, location, or construction of a sign or the supporting structure of a sign. Maintenance or change of copy which does not entail replacement of the sign face is not included in this definition.

Sign Area. The size of a sign in square feet as computed by the area of not more than two standard geometric shapes (specifically circles, squares, rectangles, or triangles) that encompass the shape of the sign exclusive of the supporting structure.

Sign Copy. Any graphic design, letter, numeral, symbol, figure, device or other media used separately or in combination that is intended to advertise, identify or notify, including the panel or background on which such media is placed.

Sign Face. The side or sides of a sign on which a message is placed.

Sign Illumination. An illuminated sign is any sign from which artificial light emanates: 1) by means of exposed lighting on the surface of the sign, such as neon tubing (internal illumination); 2) through transparent or translucent material from a source within the sign (internal illumination); 3) by a hidden light source directing light onto the background surface which creates a halo effect of opaque lettering or other message elements (external illumination); or 4) a sign which reflects artificial light from a source intentionally directed upon it (external illumination).

Sign, Nonconforming. A sign legally consistent with the standards in place at the time of installation but which now does not meet one or more current standards.

Sign, A Frame. An “A” shaped sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable.

Sign, Awning (or Canopy). A sign incorporated into or attached to an awning.

Sign, Animated (or Flashing). A sign depicting action, motion, lights, or color change with animated sign features graphics, illustrations or a message that is continuously repeated.

Sign, Blade (or Projecting). A sign attached to and projecting from the building façade, typically at right angles to the building.

Sign, Changeable Copy. A sign or portion thereof designed to accommodate frequent copy changes through manual, mechanical or digital means.

Sign, Directional. An on-premises sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians entering, exiting, or on a site, including signs marking entrances and exits, parking areas, loading zones, or circulation patterns.

Sign, Directory. A sign listing the names, uses, or locations of the discrete uses or activities conducted within a building or group of buildings that is intended to provide on-site directions.

Sign, Exempt. A sign identified in this Chapter that is exempt from the requirements of this ordinance.

Sign, Wall. A sign attached directly to and generally parallel with the façade of a building.

Sign, Government. A sign installed by an active domestic unit of government, or by a contracted installer on behalf of the unit of government.

Sign, Incidental. A sign, generally informational, whose purpose is secondary to the use of the premises on which it is located, such as the date of building erection, the building address, the hours of operation, the open or closed status of the operation, the credit cards honored, and similar incidental information, and containing no commercial message.

Sign, Machine. A sign attached to a machine such as a gasoline pump, a drive-thru menu kiosk, a soft drink dispensing machine, or an ATM.

Sign, Marquee - A sign attached to the face of a marquee, frequently containing a changeable copy component.

Sign, Monument (or Ground). A freestanding sign supported by a structure that is at least as wide as the sign to which it is attached.

Sign, Neon. Signage illuminated by a neon tube or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

Sign, Outdoor Advertising (or Billboard). A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location.

Sign, Permanent. A sign intended, designed and/or constructed for permanent display and permitted as such.

Sign, Post & Arm. A minor or secondary sign which is used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.

Sign, Pylon. A freestanding sign mounted on two posts. This does not include monument signs.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structures, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

Sign, Snipe. A temporary sign not otherwise defined in this Code that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, fence, railing, public telephone pole, traffic control device, or tree.

Sign, Temporary. A sign not intended, designed and/or constructed for permanent display and permitted as such.

Sign, Time and Temperature. A sign that displays time and temperature information as its only message.

Sign, V-type. An attached sign consisting of two separate faces arranged in a “V” pattern and having an angle of 120 degrees or less as measured from the side attached to the building.

Sign, Window. A sign attached to a display window or door window that is intended to be viewed from the exterior. This definition shall include signs attached to the interior of a display window or door window.

Site Plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing proposed uses, buildings, or structures on the lot.

Site Triangle. An area at an intersection formed by two rights of way and a third line which must be kept clear of obstructions such as hedges or fences so the drivers on one road can see cars approaching on the other.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Social Assistance. A diverse mix of programs and services intended to help individuals in need. Some of these services and programs are offered by local public agencies, including county departments of social services and programs or agencies serving senior citizens or veterans. In addition, private organizations, including nonprofits and churches, offer many social services programs.

Solar Electric Power Generation (Solar Farm). An energy generation facility comprised of one or more freestanding, ground mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. Solar generation stations typically utilize photovoltaic solar cells, but can also be combinations of light reflectors, concentrators, and heat exchangers. A solar farm is also known as a solar power plant, solar generation plant, solar power plant, or solar thermal power plant.

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

Solid Waste Disposal Site. As defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

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. This will need to be cross-referenced to the new location of the original article 3-B.

Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

Spraybooth. An establishment with a power-ventilated structure used to enclose or accommodate a spraying operation to confine and limit the escape of spray, vapor, and residue, and to safely conduct or direct them to an exhaust system.

Stacking Space. A space specifically designated as a waiting area for vehicles patronizing a drive-through establishment.

Stadium. A structure or facility designed, intended, or used primarily for outside and/or inside athletic events or other performances and containing seating for spectators of those events, but not including a racetrack.

Start of Construction. The date of building permit issuance, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement commences within 180 days of the permit date. Actual start of construction refers to the first placement of permanent construction of a structure on a site, such as 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 the installation of streets and/or walkways; nor the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor 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. Start of Construction may also refer to substantial improvement including 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.

Statement of Consistency and Reasonableness. A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

Stormwater Administrator. The position or individual that has been designated by the Town Engineer to administer and enforce the Post Construction Stormwater Ordinance.

Stormwater Design Manual. Waxhaw's local stormwater manual used in conjunction with the stormwater design manual developed for use in Phase II jurisdictions for the proper implementation of the requirements of the federal Phase II stormwater program. All references to the Stormwater Design Manual are to the latest published edition or revision.

Stormwater Management Permit. A permit required for all development and redevelopment unless exempt pursuant to the Post Construction Stormwater Ordinance and the Department, which demonstrates compliance with the Post Construction Stormwater Ordinance.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Stream Buffer Widths. The area measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.

Streetscape. The visual elements of a street, including the road, adjoining buildings, sidewalks, street furniture, trees and open spaces, etc, that combine to form the street's character.

Structure. Anything constructed, erected, or placed; a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Subdivision. The division of land for the purpose of sale or development.

Substantial Damage. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

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

- 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 and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

## I

Taprooms & Tasting Rooms. An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under federal, state and county law.

Technical Bulletin and Technical Fact Sheet. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Technical Review Committee. A committee of Town staff and other governmental organizations that review plans for development within the Town limits.

Temperature Controlled. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Temporary Use. A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations. Temporary uses are certain uses that are considered seasonal or transient and only allowed on a short term basis. These uses can be located on a developed lot or on an undeveloped lot.

Theater, Indoor. A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. This does not include Sexually Oriented Businesses/Adult Entertainment.

Theater, Outdoor. An establishment for the performing arts with open-air seating for audiences, usually circular or oval, in which tiers of seats rise from a central open avenue.

“Threat to 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.

Tiny Home. A vehicular-type unit primarily designed as mobile living quarters and which is mounted on or drawn by another vehicle. These type units are not required to meet standards set forth in the NCSBC.

Tiny Home Park. Any group of 2 or more tiny homes on a tract of land in single ownership, catering to temporary parking of said homes. Tiny home parks may include buildings and structures ancillary to such use.

Top of Bank. The landward edge of the stream channel during high water or bank-full conditions at the point where the water begins to overflow onto the floodplain.

Topsoil. Natural, fertile soil capable of sustaining vigorous plant growth that is of uniform composition throughout with an admixture of subsoil, has an acidity range of pH 5.5 - 7.0.

Town Engineer (or designee). Has municipal authority over technical civil engineering services within the Town, and assists other Town Departments, the Board of Commissioners, and Town Manager in matters relating to the design, construction, inspection, and acceptance of public infrastructure and other related engineering matters.

Townhomes. Attached dwellings where a lot is created for each unit.

Town Manager. Chief Administrative Officer for the Town who appoints the Zoning Administrator to administer and enforce this Code.

Traffic Impact Analysis (TIA). A TIA is a tool used to evaluate the incremental impacts that development, redevelopment and/or change of use may have on the surrounding transportation system. TIAs help local decision makers consider whether such development is appropriate for a site, or identify certain mitigation measures that are necessary to maintain the integrity of the transportation network.

Tree Save Areas. Land that consists of natural areas containing trees and other natural shrubs in either undisturbed areas or disturbed areas that have been replanted in accordance with the criteria established in the Land Development Code.

## U

Use. The purpose for which a lot or structure may be occupied in accordance with this Code.

## V

Variance. Official permission from the Board of Adjustment to depart from the requirements of this Code.

Vehicular Use Area. All surfaces connected to or associated with an off-street parking area included, but not limited, to driveways, aisles, curbs, islands, ramps, and vehicular parking spaces.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D.

Vineyard. An establishment that manufactures or produces wine or sparkling wine as a principal or accessory use.

Violation (Floodplain). 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 that documentation is provided.

## W

Wall. A structure that encloses a building or other structure, or a structure that separates areas of land.

Wall Pack. A type of light fixture surface mounted on a vertical wall surface.

Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watt. A standard unit of power that measures the rate of energy transfer.

Wind Electric Power Generation (Wind Farm). An electric generating facility, whose main purpose is to supply electricity and consists of one or more wind turbines and any other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Winery. A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages as defined by the NCGS.

## X

## Y

Yard Sale. An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

## Z

Zoning Administrator. The person appointed by the Town Manager to administer and enforce this Code. This person may also delegate any of their duties to appropriate departmental staff. This person may also be referred to as the "Administrator."

Zoning Map. Depicts in graphic form the districts and boundaries described in this Code.

Zoning Map Amendment. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specific property or properties.

Zoning Text Amendment. An amendment to a zoning regulation for the purpose of changing the text of this Code.



