

# CHAPTER 16: DEFINITIONS

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## Chapter 16: Definitions

### Section 16.1 General

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Words contained in this Chapter are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this Chapter shall be defined by reference to:

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;
2. The latest edition of Webster's New International Dictionary, unabridged.
3. Any other applicable provisions of State or Federal Law

### Section 16.2 Definitions

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#### A

**ACCELERATED EROSION:** Any increase over the rate of natural erosion as a result of land-disturbing activity.

**ACCESSORY BUILDING OR STRUCTURE:** Structures that are 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. Examples of common accessory structures include, but are not limited to: garages, carports, swimming pools, and storage sheds. Pole barns and hay sheds qualify as accessory structures where associated with bonafide farms and may or may not be located on the same parcel as the principal structure.

**ACCESSORY USE:** A use which is on the same Lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property. Without limiting the generality of the foregoing, a child care arrangement for one or two children (not counting those who reside where the care is provided or whose care is provided by their guardians, full-time custodians, or persons related to them by birth, marriage or adoption) shall be regarded as an accessory use to the dwelling unit where such care is provided. (Amended 4/11/12)

**ACT:** As it pertains to Soil Erosion and Sedimentation Control, The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

**ADDITION (TO AN EXISTING BUILDING):** An extension or increase in the floor area or height of a building or structure, including decks, porches, and other additions that change the volume/area or building footprint.

**ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE:** One which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

**ADMINISTRATOR:** The appointed employee(s) or agent(s) designated by the Village Manager to oversee the administration and enforcement of this Ordinance. This person is normally the Director of Planning and/or that person's designee.

**ADULT:** Adult person who has attained the legal age of majority; or 18 years.

**AFFILIATE:** A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

**AGRICULTURE, DOMESTIC LIVESTOCK:** The use of land for the keeping, grazing, feeding, breeding, raising, caring for, housing and principally the hobby / personal use of domestic animals by the owner of the parcel on which the use is located. Such animals may include, but not limited to cattle, sheep, goats, llamas, alpacas, potbellied pigs (hogs excluded) poultry and exotic birds. With the exception of potbellied pigs, hogs and sow are not permitted. "Domestic Livestock" excludes all commercial animal operations such as, but not limited to, livestock production for wholesale and retail markets. This definition does not include horse farms, as they are listed as a separate use. (Amended 5/10/17)

**AGRICULTURE, NON-LIVESTOCK:** The use of land for the production of cash grains, field crops, vegetables, fruits, nuts, and for horticulture and floriculture and also animal specialties such as rabbits and fur-bearing animals in captivity.

**ALCOVE** — a small recessed section of a room; an arched opening (as in a wall)

**ALLEY:** A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

**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.

**AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)**

**ANCILLARY STRUCTURE (WCF)** means, for the purposes of this ordinance, any form of development associated with a wireless communications facility, including but not limited to: buildings, foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

**ANNUAL OPERATING PERMIT (WCF)** means the permit required every year to continue operating a wireless telecommunication facility.

**ANTI-CLIMBING DEVICE (WCF)** means a piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excludes the use of barbed or razor wire.

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**ANTENNA** means any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

**ANTENNA ARRAY (WCF)** means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**ANTENNA ELEMENT** means any antenna or antenna array.

**ANTENNA SUPPORT STRUCTURE (WCF)** means a vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building or structure unless the device extends above the highest point of the building or structure by more than fifteen (15) feet. Types of support structures include the following:

1. **Guyed Structure** means a style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guyed wires that are connected to anchors placed in the ground or on a building.
2. **Lattice Structure** means a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
3. **Monopole Structure** means a style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

**APIARY:** bees. Comb, hives, appliances or bee colonies wherever they are kept, located or found. See G.S. 106-635(1)

**APPEAL:** A request for a review of any interpretation of any provision of this ordinance or a request for a variance.

**APPROVED:** Certified as correct or otherwise meeting the requirements of this Ordinance by a Village official or other authority having jurisdiction.

**AREA OF SHALLOW FLOODING:** A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from 1 to 3 feet. These

areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD:** See SPECIAL FLOOD HAZARD AREA (SFHA)

**AS-BUILT PLAN:** A reproducible plan showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property.

**ASR** means the Antenna Structure Registration Number as required by the FAA and FCC.

### **ASSISTED CARE LIVING**

A facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee.

- a. A “nursing home is a home for chronic or convalescent patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities and obstetrical facilities. A “nursing home” provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is the primary need, but they will require continuing medical supervision. (North Carolina General Statute 131E-101(6)). They include the following:
  - (a) **Adult Care Home:** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Designated, trained staff may administer medication in an adult care home. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. (North Carolina General Statute 131D-2 (a) (1b), 8/30/04);
  - (b) **Assisted Living Residence:** Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. The Village may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of G.S. 131E-102. Effective October 1, 1995, there are two types of assisted living

- residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multiunit assisted housing with services. (North Carolina General Statute 131D-2 (a) (1d), 8/30/04);
- (c) Continuing Care Retirement Community: A building or group of buildings which provides to individuals lodging together with nursing services, medical services, or other health related services, pursuant to an agreement effective for the life of the individual(s), or for a period in excess of one (1) year. Care must be provided by persons who are not related by blood, marriage, or adoption of the individuals who are residents/patients;
  - (d) Hospice: Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families that are experienced during the final stages of terminal illness and during dying and bereavement;
  - (e) Hospice Inpatient Facility: A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting;
  - (f) Hospice Residential Care Facility: A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting;
  - (g) Intermediate Care Facility for the Mentally Retarded: Facilities licensed pursuant to Article 2 of Chapter 122C of the General Statutes for the purpose of providing health and rehabilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions;
  - (h) Multi-Unit Independent Housing With Services: An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when

delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register with the Division of Facility Services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements: a.) Emergency response system; b.) Charges for services offered; c.) Limitations of tenancy; d.) Limitations of services; e.) Resident responsibilities; f.) Financial/legal relationship between housing management and home care or hospice agencies; g.) A listing of all home care or hospice agencies and other community services in the area; h.) An appeals process; and i.) Procedures for required initial and annual resident screening and referrals for services. Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, are exempt from the regulatory requirements for multiunit assisted housing with services programs. (North Carolina General Statute 131D-2(a) (7a) 8/30/04);

- (i) Respite Care, Institutional: Provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time. The insured receives care for the respite period in an institutional setting, such as a nursing home, family care home, rest home, or other appropriate setting;
- (j) Respite Care, Non-Institutional: Provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time in the home of the insured or other appropriate community location.

**ATTACHED DWELLING:** A building which contains two (2) or more dwelling units which share one (1) or more common walls for fifty percent (50%) or more of their length, with each dwelling unit located on a separate Lot.

**AUTOMOTIVE REPAIR:** The automotive repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

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

**B**

**BALUSTRADE:** A rail and the row of balusters or posts that support it

**BANK (SAVINGS AND LOAN):** A business whose purpose is to accept deposits and provide services to the public for the custody, loan, exchange and issue of money or extension of credit.

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**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 the building having its floor subgrade (below ground level) on all sides.

**BASE STATION** means the electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.

**BAY WINDOW:** An exterior wall projection at an angle to the wall with windows.

**BEEKEEPER:** A person who owns or has charge of one or more colonies of bees

**BEEKEEPING:** The cultivation of bees for the production of honey

**BEEKEEPING EQUIPMENT:** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top boards, bottom boards and extractors

**BEE(S):** insects of the superfamily Apoidea; in particular, the honeybees, *Apis mellifera* (L). It includes all life stages of such insects, their genetic material and dead remains. See GS 106-635(2).

**BEING CONDUCTED:** Means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

**BELVEDERES** - a structure (as a cupola or a summerhouse) designed to command a view.

**BERM:** Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

**BEST MANAGEMENT PRACTICES (BMP) - WATER QUALITY:** A structural or non-structural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

**BLIGHTING FACTORS** — conditions of deterioration or inadequate maintenance Canopy — An ornamental roof-like structure projecting from a wall or supporting pillars.

**BLOCK:** A tract of land or a Lot or group of Lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the



Village of Whispering Pines or its extraterritorial zoning jurisdiction or any combination of the above.

**BORROW:** Fill material which is required for on-site construction and is obtained from other locations.

**BOX WINDOW:** An exterior wall projection at a ninety (90) degree angle to the wall with windows.

**BOW WINDOW:** A curved bay window.

**BRACKET:** A decorative element supporting a wall projection, cornice or other exterior feature.

**BREAKPOINT TECHNOLOGY (WCF)** Breakpoint Technology means the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

**BREEZEWAYS** - a roofed often open passage connecting two buildings (as a house and garage) or halves of a building

**BUFFER:** An area of natural or planted vegetation which is used to separate land uses as required by this Ordinance.

**BUFFER ZONE:** the strip of land adjacent to a lake or natural watercourse.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING ENVELOPE:** An area of land upon which a principal and/or an accessory building may be erected as defined by the building setbacks on a Lot of record.

**BUILDING FOOTPRINT:** The portion of a Lot's area, which is enclosed by the foundations of buildings, plus any, cantilevered upper floors.

**BUILDING HEIGHT:** The vertical distance of the median average grade plane from the front of the building to the rear of the building to the height of the highest roof assembly or deck.

**BUILDING INSPECTOR:** An officer or other designated authority charged with the administration of the State Building Code and other duties described within this Ordinance.

**BUILDING PERMIT:** A permit that allows the commencement of construction of a structure or building, after being issued by the Moore County Inspections Department pursuant to the State Building Code.

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**BUILDING SETBACK:** The minimum horizontal distance from the property line or right of way line to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right of way.

**BUILDING SETBACK LINE(S):** Lines parallel to and inside of the Lot lines, at the setback distances prescribed by this Ordinance.

**BUILT-UPON AREA:** (See also Impervious Surface Area.) Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover which allows little or no infiltration into the soil. This includes areas paved with concrete, asphalt or brick, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks, golf courses, and the water area of a swimming pool are not considered built-upon area).

**BULKHEAD:** A vertical wall structure designed to retain shoreline material.

### C

**CALIPER:** The total cross-sectional diameter of the trunk or trunks of a tree measured six (6) inches above ground for trees up to four (4) inches in diameter and twelve (12) inches above ground for larger trees.

**CANDELA:** A measure of luminous or light intensity in a certain direction. Useful in determining how much light is shining out of the fixture and in what direction.

**CANOPY:** An architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.

**CANOPY TREE:** Large trees whose total height at maturity is greater than thirty (30) feet.

**CARPORT:** A structure attached to a residential dwelling covered by a roof and supported by pillars or cantilevered which is primarily designed to shelter one or more motor vehicles.

**CEMETERY:** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, columbariums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CERTIFICATE OF COMPLIANCE:** That document issued pursuant to the conclusion of all work done under the development permit following inspection(s) by the Zoning Administrator, showing that all completed work complies with this ordinance and the terms of the development permit.

**CERTIFICATE OF OCCUPANCY:** That document issued pursuant to the conclusion of all construction work done under all permits following inspection(s) by the Moore County Building Inspections Department, showing that all completed work complies with the applicable state and local laws and the terms of all permits.

**CHANNEL:** A natural or man-made depression, drainage way or low area with a path or course where a stream of water is collected and runs, is conveyed or is directed through, during rainfall events.

**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.

**CHILD DAY CARE:** A program or arrangement where children less than thirteen years old who do not reside where the care is provided receive care on a regular basis (at least once per week for more than two but less than twenty-four hours per day) from persons other than their guardians, full-time custodians or persons related to them by birth, marriage or adoption. Not included in this definition are those arrangements specified in G.S. 110-86(2), subsections b, c, d1, e, f, g, h and i.

**CHILD DAY CARE CENTER:** A child day care program or arrangement other than one that qualifies as an accessory use or a child day care home.

**CHILD DAY CARE HOME:** A child day care program or arrangement where care is provided in a residence for not more than eight children (not counting those who reside where the care is provided or whose care is provided by their guardian, full-time custodians or persons related to them by birth, marriage or adoption), not more than five of whom may be of preschool age.

**CLAPBOARD** - a narrow board used for siding usually thicker at one edge than the other.

**CLINIC:** Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, optometrist, podiatrist, chiropractor or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities. See also **MEDICAL LABORATORY** and **MEDICAL OFFICE**.

**CLUBS AND LODGES, CIVIC OR FRATERNAL:** Private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.

**CLUSTER HOUSING:** A housing development technique that concentrates dwellings on a part of the site to allow a significant amount of open space on the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLOCATION (WCF)** means the practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

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**COLONNADES** - a series of columns set at regular intervals and usually supporting the base of a roof structure.

**COLONY:** one hive and its contents, including bees, comb and appliances. See GS 106-635(6).

**COLUMN:** Square, rectangular, or cylindrical roof or ceiling support composed of base, shaft, and capital.

**COMBINED ANTENNA** means an antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

**COMMERCIAL MOTOR VEHICLE:** As set forth in G.S. 20-4.01, any of the following motor vehicles that are designed or used to transport passengers or property:

- A. A Class A motor vehicle that has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds
- B. A Class B motor vehicle
- C. A Class C motor vehicle that meets either of the following descriptions:
  1. Is designed to transport 16 or more passengers, including the driver.
  2. Is transporting hazardous materials and is required to be placarded in accordance with 49 C. F. R. Part 172, Subpart F

**COMMISSION:** In relation to Soil Erosion and Sedimentation Control, the North Carolina Sedimentation Control Commission.

**COMMUNITY CENTER:** Structures and/or facilities which accommodate gatherings, indoor/outdoor cooking, picnicking, recreation, and administration of homeowner associations, neighborhood groups, or other persons having permission to use such facilities.

**COMPLETION OF CONSTRUCTION OR DEVELOPMENT:** Means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

**COMPREHENSIVE PLAN:** Plans of the Village including but not limited to the land development ordinance and any other officially adopted plan(s).

**CONDOMINIUM:** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property. (See also the North Carolina Unit Ownership Act (North Carolina General Statute Chapter 47A) and/or the North Carolina Condominium Act (North Carolina General Statute Chapter 47C).

**CONTIGUOUS:** Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.

**CORNER BOARD:** Boards at the exterior corners of a structure, larger than four (4) inches nominal.

**CORNER LOT:** A corner Lot is either a parcel bounded entirely by streets, or a parcel that adjoins the point of intersection of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the directions they take at their intersections with Lot lines other than street lines forms an angle of one hundred and thirty-five (135) degrees or less.

**COTTAGE STYLE:** Type of architectural style resembling a small-scale, detached single-family dwelling.

**COUNTRY CLUB:** A voluntary group of persons formed for common purposes of a social and athletic nature. The definition also applies to the buildings and grounds devoted to the club's purposes.

**COVERED ENTRY:** A covered platform, covered with eave overhang, pediment, or roof over the main entrance.

**COW** means Cell On Wheels, a temporary wireless facility intended for special or emergency uses

**CRITICAL AREA:** Any portion of a lot that is:

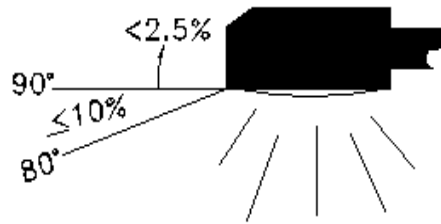
- (a) within one hundred fifty (150) feet of a watercourse, intermittent stream or wetland; or
- (b) has a slope of 3/1 or greater; or
- (c) is identified on a map entitled "Erosion Control Critical Areas"

**CRITICAL ROOT ZONE:** A circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of five (5) feet below surface ground level.

**CUL-DE-SAC:** A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

**CUPOLA** — a small structure built on top of a roof.

**CUTOFF:** A fixture light distribution where no more than 2.5% of the lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and not more than 10% of the lamp's light intensity is emitted at over above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.



D

**DAY:** Day shall mean calendar day unless otherwise noted or when governed by the NCGS

**DECK:** An exterior floor supported on at least two (2) opposing sides by an adjacent structure and/or posts, piers or other independent supports.

**DEMOLITION:** The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the character of the resource, for whatever purpose, including new construction or reconstruction.

**DEPARTMENT :** In relation to Soil Erosion and Sedimentation Control, the North Carolina Department of Environment and Natural Resources.

**DESIGN FLOOD:** See Regulatory Flood Protection Elevation.

**DETENTION POND:** a detention pond is a low lying area that is designed to temporarily hold a set amount of water while slowly draining to another location. They are more or less around for flood control when large amounts of rain could cause flash flooding if not dealt with properly.

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

**DEVELOPMENT 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.

**DEVELOPMENT AREA (WCF)** means the area occupied by a wireless communications facility including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, ancillary structures and access ways.

**DEVELOPMENT PERMIT:** A permit issued by the Administrator that authorizes the commencement of development provided all of the other necessary permits have been obtained.

**DIAMETER AT BREAST HEIGHT (DBH):** The total cross-sectional diameter of the trunk or trunks of a tree measured four and one half (4½) feet from the ground at the center of the tree.

**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.

**DIRECTOR:** In relation to Soil Erosion and Sedimentation Control, the Director of the Division of Land Resources of the Department of Environment and Natural Resources.

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

**DISPOSAL:** As defined in NCGS 130-A-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 in to the air or discharged into any waters, including groundwater.

**DISTRICT:** A mapped area, (otherwise known as a “Zoning District”), to which a uniform set of regulations applies as established by this Ordinance. District also means the Moore County Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.

**DITCH:** Any open passage or trench, as a natural channel or waterway

**DOCK:** A platform constructed beyond the shoreline to which boats may be secured.

**DORMER WINDOW:** A window, and window structure, that projects out from the slope of a roof.

**DRAINAGE WAY:** An area of natural or planted vegetation through which stormwater runoff flows overland.

**DRIVE-THROUGH FACILITY (exists as “drive-through window”):** A facility designed or intended to enable a customer inside a motor vehicle, to transact business with a person outside the motor vehicle.

**DRIVEWAY:** A private roadway located on a parcel or Lot used for vehicle access, use or parking. (Amended 2/26/14)

**DUPLEX DWELLING:** A building which contains two (2) dwelling units (other than a single-family dwelling with an accessory dwelling) which share a common wall or ceiling/floor and sit on the same Lot, with open yards on all sides and not being attached to any other building.

**DWELLING:** A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

## Chapter 16: Definitions

**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.

### E

**EASEMENT:** A grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Moore County Register of Deeds by an appropriate instrument.

**EAVE:** Lower edge of a roof extending beyond the exterior wall.

**ELECTRONIC GAMING OPERATIONS:** 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 of chance, including sweepstakes, and where cash, 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. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).(Amended 5/2/12)

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

**ENCROACHMENT:** The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**ENERGY DISSIPATOR:** A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

**ENGINEER:** A professional engineer registered by the State of North Carolina.

**EQUIPMENT CABINET (WCF)** means any structure above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

**EQUIPMENT COMPOUND (WCF)** means the fenced area surrounding the ground-based wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and ether similar structures.



**EROSION:** The wearing away of a surface by the action of wind, water, or any combination thereof.

**EXISTING BUILDING:** Any building or structure erected prior to the adoption of this Ordinance, or one for which a valid building permit has been issued.

**EXISTING DEVELOPMENT:** Those projects that are built as of July 1, 1993 or those projects that at a minimum have established a vested right under North Carolina zoning law as of July 1, 1993 based on at least one of the following criteria:

- (a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (b) having an outstanding valid building permit in compliance with G.S. 153A-344.1 or G.S. 160A-385.1; or
- (c) having an approved site specific or phased development plan in compliance with G.S. 153A-344.1 or G.S. 160A-385.1.

**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 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.

**EXTRATERRITORIAL JURISDICTION (ETJ):** the unincorporated territory surrounding the Village in which the provisions of this Ordinance apply and described on the Village's Zoning Map.

**F**

**FAA** means the Federal Aviation Administration.

**FAÇADE:** Exterior elevation of a building.

**FALL ZONE (WCF)** means an area around the base of a wireless telecommunication tower required to be kept clear of buildings, other than equipment enclosures associated with the wireless telecommunication facility, to contain debris in the event of a tower structural failure. The fall zone is measured by a circular radius around the tower that equals the tower's height.

**FAMILY:**

## Chapter 16: Definitions

- (a) An individual or two or more persons related by blood, marriage, or adoption living together in a dwelling unit. Such a family may include not more than two unrelated persons in addition to the persons related by blood, marriage or adoption; or
- (b) A group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit. Domestic employees having common housekeeping facilities with a family are considered to be a part of the family for the purposes of this Ordinance.

**FAMILY CARE HOME:** A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment with no more than six (6) persons with disabilities. Persons with disabilities shall include those persons who have a “handicap” as defined in the Fair Housing Act (42 U.S.C. § 3602). handicapped persons.

**FANLIGHT:** Fan-shaped window usually located over an entrance door.

**FARM:** A plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.

**FARMER’S MARKET:** An enterprise or association that consistently occupies a given site on a seasonal basis, operating principally as a common marketplace for the sale of locally-grown fresh produce and farm products, where the farm products sold are produced by the participating farmers who have obtained grower certification from the NC Department of Agriculture or NC Cooperative Extension. Permits shall be issued on a seasonal basis and all temporary structures shall be completely removed at the termination of the season.

**FASCIA:** A flat, horizontal board below roof eave.

**FASCIA AND RAKE BOARD (STEPPED):** A multiple-piece band beneath the roof eave that is paired with a smaller band (usually one inch by two inch) at the top.

**FCC** means the Federal Communications Commission.

**FEED LINES (WCF)** means cables used as the interconnecting media between the transmission / receiving base station and the antenna.

**FENCE:** A structure used to delineate a boundary or as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

**FENCE FOR PERSONS WITH SPECIAL NEEDS:** A fence erected on a lot used for single-family residential purposes that is designed and constructed for the primary purpose of preventing persons (whether children or adults) who are mentally impaired or challenged from wandering away from the fenced in area. (11/14/12)

**FENCING (WCF)** means a fence or wall that completely surrounds the WCF, and shall be located coterminous with the setback lines. Landscaping shall be located between the property line and the fence/setback line.

**FENESTRATION** - the arrangement, proportioning, and design of windows and doors in a building.

**FINANCIAL INSTITUTION:** A business whose primary purpose is to provide financial management or investment services such as stocks, bonds, and capital funds programs to the public.

**FIRM, Post:** Construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

**FIRM, Pre:** Construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map for the area

**FIXTURE:** An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**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, which does not meet the minimum lot width and street frontage standards.

**FLAT ROOF** - Any roof pitch below four (4) feet of rise for every twelve (12) feet of run 3:12.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD FRINGE:** That part of an area of special flood hazard that is not located in the floodway.

**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:** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of Special Flood Hazard Areas have been designated as Zone A.

**FLOOD HAZARD OVERLAY DISTRICT:** That portion of one or more of the Districts listed in Chapter 5 in which the area of special flood hazard has been determined. The permitted uses and the construction requirements of this ordinance preempt those of the district for that area within the special flood hazard area.

## Chapter 16: Definitions

**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 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 LAMP:** A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor lighting.

**FLOOD LIGHT:** A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

**FLOOD PRONE AREA:** see FLOODPLAIN

**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 lumbers 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.

**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.

**FLOODPLAIN:** Any land area susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR:** The individual appointed to administer and enforce the floodplain management regulations.

**FLOODPLAIN DEVELOPMENT PERMIT:** Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible,

natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS:** 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.

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

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by 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.

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

**FLOOR AREA:** The gross total horizontal area of: 1.) All floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; 2.) The centerlines of a party wall separating such buildings or portions thereof; 3.) Within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

**FLORIST:** A retail business, which sells flowers and ornamental plants, other decorative items, and plant materials for temporary or interior uses.

**FLUSH MOUNTED (WCF)** means any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

## Chapter 16: Definitions

**FLUSH MOUNTED SOLAR PANEL:** A solar panel that is attached to the roof of a structure on the same plane as the roof and not projecting more than 6.5 inches from the roof plane.

**FOOTCANDLE (FC):** A quantitative unit measuring the amount of light (illumination) falling onto a given point. One (1) footcandle equals one (1) lumen per square foot.

**FOREST MANAGEMENT PLAN:** A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A forest management plan shall include silvicultural practices that both ensure optimal forest productivity and environmental protection of land by either commercially growing timber through the establishment of forest stands or by ensuring the proper regeneration of forest stands to commercial levels of production after the harvest of timber.

**FORESTLAND:** Land that is devoted to growing trees for the production of timber, wood, and other forest products.

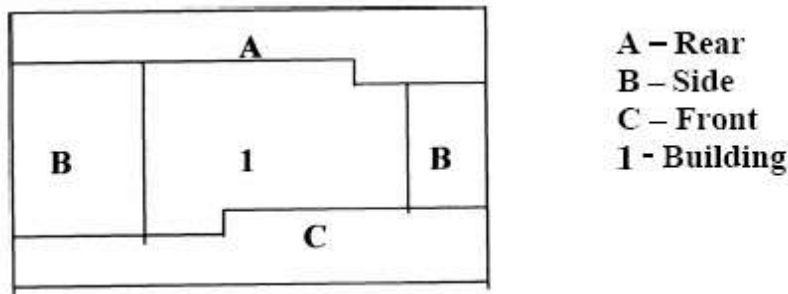
**FORESTRY ACTIVITY:** Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber. The term also includes any clear cutting or removal of more than ten non-diseased trees or ten percent of the non-diseased trees on a lot (whichever is greater), when such clear cutting or removal is not done pursuant to the issuance of a development permit under this ordinance

**FREEBOARD:** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard established the **REGULATORY FLOOD PROTECTION ELEVATION**.

**FRIEZE:** A decorative, horizontal band located just below the eave.

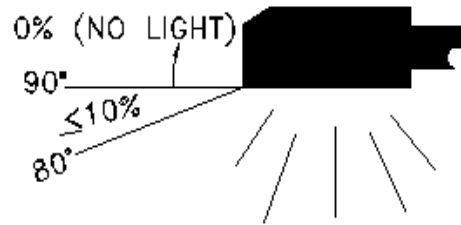
**FRONTAGE:** All of the real property abutting a street line measured along the street line.

**FRONT YARD:** A yard across the full width of the Lot, extending from the nearest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.



**FULL CUTOFF:** A fixture light distribution where no light intensity is emitted at or above a

horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around 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, ship repair, or seafood processing facilities. The term does not include long term storage, manufacture, sales or service facilities.

### G

**GABLE ROOF:** A double sloping roof with a ridge and gables at each end.

**GAMBREL ROOF:** A double sloped barn-like roof.

**GARAGE:** A fully enclosed building or indoor space primarily designed to park or store one or more motor vehicles and attached or detached to a residential structure.

**GEOGRAPHIC SEARCH RING (WCF)** means an area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**GEOHERMAL HEATING AND COOLING CLOSED LOOP SYSTEM:** A Closed loop system that circulates a water-based solution through a "loop" of small diameter underground pipes. The system consists of an indoor unit and a buried earth loop. In the winter, fluid circulating through the system's earth loop absorbs stored heat and carries it indoors. The indoor unit compresses the heat to a higher temperature and distributes it throughout the building. In the summer, the system reverses, pulling heat from the building, carrying it through the earth loop and depositing it in the cooler earth. Geothermal closed loop systems may not extend into any Village owned waterbody or any waterbody tributary to a Village owned waterbody.

**GLARE:** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

**GOLF COURSE:** A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not

## Chapter 16: Definitions

include miniature golf courses as a principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

**GOVERNMENT:** Any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Moore County, any regional government, or the Village of Whispering Pines.

**GRADE PLANE:** A reference plane representing the average of the finished ground level adjoining the building at exterior walls.

**GRADING PERMIT:** The approved document allowing land-disturbing activity to be initiated.

**GREENWAY or GREENWAY PARK:** A linear or combination of open space, either privately-owned or owned by the Village or another unit of government, or any combination thereof, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

**GROSS DENSITY:** The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, taking into account the entire area of that tract or parcel.

**GROUND COVER:** Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

**GUYED STRUCTURE (WCF)** (see Antenna Support Structure)

## H

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

**HANDOFF CANDIDATE (WCF)** means a wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**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).

**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.



**HIGH INTENSITY DISCHARGE LIGHTING (HID):** A bulb type including mercury vapor, metal halide, high pressure or low pressure sodium, which glow when an electric current is passed through a gas mixture inside the bulb.

**HIGH QUALITY WATERS:** Those classified as such in 15A NCAC 2B.0101 (e) (5) – General Procedures, which is incorporated herein by reference to include further amendments pursuant to G.S. 150B-14(c).

High Quality Water (HQW) Zones –means areas within one mile and draining to HQW’s.

**HIGHEST ADJACENT GRADE (HAG):** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**HIP ROOF:** A roof with slopes in the direction of each elevation, commonly with roof slopes in four directions.

**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 in 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 places with a Certified Local Government (CLG) Program; or 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 Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**HIVE:** any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees. See GS 106-635(15).

**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.

**HOME OCCUPATION:** An occupation or profession that involves the rendering of a service in exchange for monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home occupation shall not include guesthouses, day care centers, or day care homes.

**HONEY BEE:** All life stages of the common domestic honey bee, *Apis mellifera*.

## Chapter 16: Definitions

**HORSE FARM:** A tract of land, in excess of four (4) acres, on which horses are sheltered and fed.

### I

**ILLEGAL SIGN:** Any sign erected, maintained altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

**ILLUMINANCE:** The amount of light falling on a surface-measured in lux or footcandles.

**ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA):** A non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

**IMPERVIOUS SURFACE AREA:** (See also Built Upon Area.) Impervious Surface Areas are Built Upon Areas which shall include that portion of a development project that is covered by impervious or partially impervious cover which allows little or no infiltration into the soil. This includes areas paved with concrete, asphalt or brick, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks, golf courses, and the water area of a swimming pool are not considered built-upon area).

**INTEGRAL SOLAR PANEL:** A form of roofing in which solar cells are integrated into the roofing material.

**INTERIOR LOT:** An interior lot is any zoning lot that is neither a corner lot nor a through lot.

**INTERMITTENT STREAM:** A stream which has flowing water during certain time of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water flow.

**INTERNAL REFRACTIVE LENS:** A glass or plastic lens installed between the lamp and sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

**INTERNALLY ILLUMINATED SIGNS** are signs in which illumination is provided by an artificial source of light which is contained within the sign itself and the light is transmitted through the sign panel, letters, or logo.

### J

**JUNK YARD:** Any land or area used, in whole or in part, for purchases, storage and/or sale of waste paper, rags, scrap metal, vehicle or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

### L

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

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

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

**LANDSCAPE ARCHITECT:** A professional landscape architect registered by the State of North Carolina.

**LANDSCAPED AREA:** A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.

**LANDSCAPE PROTECTION PLAN:** A plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as set forth in this Ordinance.

**LARGE TREES:** Large deciduous or evergreen trees with a mature height of thirty (30) feet or greater.

**LATTICE STRUCTURE (WCF)** (see Antenna Support Structure)

**LEAST VISUALLY OBTRUSIVE PROFILE (WCF)** means the design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

**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.

## Chapter 16: Definitions

- 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.

**LEVEE:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert with the flow of water so as to provide protection from temporary flooding.

**LICENSED COMMERCIAL SERVICES (WCF)** is the purchase of a radio frequency spectrum in a specific geographic area purchased from the FCC.

**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 SOURCE:** The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

**LIGHT TRESPASS:** Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. This has adverse effects on residents, vehicle operators, pedestrians, and the natural environment.

**LOCAL GOVERNMENT:** Any county, incorporated town, village, or city, or any combination of counties, incorporated towns, villages, and cities, acting through a joint program pursuant to the provisions of the Act.

**LOT:** A parcel of land in undivided ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this Ordinance.

**LOT COVERAGE:** Determined by dividing that area of the Lot that is occupied or covered by impervious surface.

**LOT DEPTH:** The depth of a Lot is the average distance between the front and back Lot lines measured at right angles to its frontage.

**LOT FRONT:** In the case of an interior Lot, the Lot line along the street right-of-way.

**LOT LINES:** The lines bounding a Lot. Where a Lot of record includes a right(s)-of-way, the Lot lines shall not to extend into the right(s)-of-way.

**LOT OF RECORD (EXISTING LOT):** A Lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance, a plat of which has been recorded by the owner in the office of the Moore County Register of Deeds or a Lot described by metes and bounds, the description of which has been recorded by the owner in the office of the Moore County Register of Deeds.

**LOT WIDTH:** The distance between the side Lot lines measured along the setback line.

**LOUVER:** An opening fitted with slanting, fixed, or movable slats that may admit air, but exclude rain and snow and provide privacy. For purposes of this document, it may be operational or non-operational and is found in an upper gable end.

**LOWEST ADJUSTED GRADE:** 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 of a building, including the 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, shall not be considered the 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.

**LUMEN:** A quantitative unit used to identify the amount of a light emitted by a light source. A lamp is generally rated in lumens.

**M**

**MAINTAINED FOOTCANDLES:** Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

**MAJOR SOIL EROSION AND SEDIMENTATION CONTROL PLAN:** A Plan required when 10,000 square feet or more will be disturbed

## Chapter 16: Definitions

**MAJOR WATERSHED VARIANCE:** For the purposes of the Watershed Protection Overlay District only.

- (1) The complete waiver of any requirement of this Chapter 5, Section 5.8.5;
- (2) A major variance is needed for any increase of ten percent (10%) or more of any management requirement under the low density option; or 5% of any buffer, density, or built upon area requirement under the high density option (or 5/70 provision in this case).

**MANSARD ROOF:** A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which was built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**MANUFACTURED HOME, CLASS A:** A dwelling unit constructed with one or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

**MANUFACTURED HOME, CLASS B:** A dwelling unit that:

- (a) Is constructed after June 15, 1976, and
- (b) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and
- (c) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and
- (d) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development, and
- (e) Conforms to the following appearance criteria:

The manufactured home has a minimum width, as assembled on the site, of 24 feet;

- (a) The pitch of the manufactured home’s roof has a minimum vertical rise of three inches for each 12 inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;
- (b) The exterior siding of the manufactured home is of a color, material, and scale comparable with those in the immediate vicinity, and in no case does the degree of reflectivity of the exterior finish exceed that of gloss white paint;

A continuous, permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home; and,

The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

**MANUFACTURED HOME, CLASS C:** Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home but which, at a minimum, exceeds 32 feet in length and 8 feet in width.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home Lots for rent or sale.

**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 value.

**MEAN SEA LEVEL:** The National Geodetic Vertical Datum (NGVD) as correct 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.

**MEDIAN STRIP:** The dividing area, either paved or landscaped, between opposing lanes of traffic.

**MEDICAL OFFICE:** A use or building where medical treatment, consultation and/or analysis is conducted and which does not primarily involve the sale or transfer of goods by the medical business to the customer at that location. This includes, but is not limited to: dental offices, mental health offices, and medical offices.

**MEDICAL CLINIC:** An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists, and where patients may or may not be lodged overnight

**MEDIUM BASE:** The size of lamp socket designed to accept a medium or Edison base lamp.

**METES AND BOUNDS:** A means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one or more specified points of reference.

**MINIMUM MEAN LOT WIDTH:** The sum of the distance between the side Lot lines measured along the front and rear setback lines

**MINOR DREDGING:** Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., section 10 waters)

## Chapter 16: Definitions

**MINOR SOIL EROSION AND SEDIMENTATION CONTROL PLAN:** A Soil Erosion and Sedimentation Control Compliance Form indicating minimum control measures to be installed at the site when less than 10,000 square feet will be disturbed, unless otherwise approved.

**MINOR WATERSHED VARIANCE:** For the purposes of the Watershed Protection Overlay District only, a minor variance is any variance that does not qualify as a major variance.

**MODEL HOME:** A permanent building which is typical of the dwellings in the residential development in which it is located and which is temporarily used for the purpose of display and sales associated with that residential property, but intended for ultimate use as a residential dwelling unit.

**MODIFICATION (WCF)** means a significant proposed change to any portion of a WCF from its description in a previously approved permit

**MONOPOLE STRUCTURE** (see Antenna Support Structure)

**MOVEABLE FRAME HIVE:** any hive where the frames can be removed without damaging the comb. See GS 106-635(21).

**MULTI-FAMILY DEVELOPMENT:** Two (2) or more buildings containing multi-family dwellings located on a single property.

**MULTI-FAMILY DWELLING:** A dwelling, or combination of dwellings, or portion of a building on a single Lot used for the purpose of providing more than one dwelling unit that may share means of ingress and egress.

**MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT:** A building or group of buildings under unified ownership or management that contains more than one non-residential establishment or occupant.

**MULTI-PHASED DEVELOPMENT:** A development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

**MUTED COLOR:** A color that has soft, subdued shades or hues that are not bright or reflective.

## N

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**NATURAL EROSION:** The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.



**NATURAL WATERCOURSE:** Any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

**NATURAL EROSION:** The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

**NET DENSITY:** The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not taking into account the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.

**NET LAND AREA:** The total square footage of land within a lot (gross land area), exclusive of wetlands.

**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.

**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 the minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed before the original effective date of the flood plain management regulations adopted by the community.

**NICHE** — a recess in a wall.

**NON-BUILDABLE AREA:** An area that contains United States Army Corps of Engineers (USACE) designated wetlands; off-site septic systems; or any areas upon which building is prohibited by state or federal regulations.

**NONCOMMERCIAL BASIS:** Means that products of the hive including honey, pollen, and wax, are not sold on a wholesale or retail basis

**NONCONFORMING LOT:** A Lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum Lot area or minimum Lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

**NONCONFORMING SIGN:** Any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.

## Chapter 16: Definitions

**NONCONFORMING STRUCTURE:** A building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

**NONCONFORMING USE:** Any legally existing use that met all legal requirements when it was first established which fails to comply with the provisions of this Ordinance or a subsequent amendment hereto.

**NONCONFORMITY:** Any use, building, structure, or Lot which was lawful at the time it was constructed or established but which fails to comply with one (1) or more of the applicable regulations or standards of this Ordinance or a subsequent amendment hereto.

**NON-ENCROCHMENT AREA:** 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 1 foot as designated in the Flood Insurance Study report.

**NON-RESIDENTIAL:** Used or intended for purposes other than as a dwelling unit.

**NUCLEUS COLONY:** A small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

**NURSING HOME DWELLING UNIT:** A room or other portion of a nursing home intended for no more than two (2) persons.

**OFFICE PARK:** A subdivision or planned unit development containing more than one office building.

**OFFICIAL MAPS OR ORDINANCES:** Any maps or ordinances officially adopted by the Village Council as a guide to or for required standards of development.

**OFF-SITE SIGN:** Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

**OFF-STREET PARKING SPACE:** A space which is designed for the parking or temporary storage of one automobile, and is located outside of a dedicated street right-of-way.

**OPEN SPACE:** Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include natural recreational facilities but shall not include swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowners association with responsibility for maintenance, or be publicly owned.

**OUTDOOR PERFORMANCE AREA:** An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.

**OUTDOOR RECREATION FACILITY:** A facility designed for recreation (public or privately owned). These areas include, but are not limited to baseball/softball diamonds, soccer fields, football fields, tennis courts, golf driving ranges, golf courses, racetracks, firearm shooting ranges, and swimming pools.

**OUTDOOR STORAGE YARD OPERATION (WCF)** means any commercial, industrial or institutional operation or an operation by a public authority that stores material or equipment outside of an enclosed building

**OVERLAY DISTRICT:** A district, as established in Chapter 5 of this Ordinance, which applies supplementary or replacement regulations to land which is classified into a general use district or conditional district.

**OWNER:** Any person, agent, firm, partnership or corporation having a legal or equitable fee simple interest in property.

**PALLADIAN WINDOW:** Large window unit with arched-top window in center.

**PARENT:** An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

**PARK:** Land owned by the Village of Whispering Pines, the State of North Carolina, or another unit of government, which is used or intended to be used for public recreation, including both active or passive recreation.

**PARKING AISLE:** A travel lane and the parking spaces located on each side.

**PARKING AREA:** A designated area operated as the principal use of a property either as a commercial use or an accessory use for an adjacent property.

**PARKING GARAGE:** Any building or facility used as an accessory to or a part of the main building(s), and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

**PARKING SPACE:** A dedicated area for vehicular parking.

**PATIO DWELLING:** A multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls.

**PAVERS** - a type of indoor or outdoor flooring material

## Chapter 16: Definitions

**PEDIMENTS** - a triangular space that forms the gable of a low-pitched roof and that is usually filled with relief sculpture in classical architecture.

**PEDESTRIAN PATH:** A cleared way for pedestrians or bicycles that may or may not paved or otherwise improved.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

**PERMIT:** An official document or certificate issued by the Village or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.

**PERMITTED USE:** A land use listed in Chapter 5 of this Ordinance as a permitted use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Chapter 3 of this Ordinance.

**PERSON:** 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.

**PERSON CONDUCTING LAND-DISTURBING ACTIVITY:** Any person who may be held responsible for a violation unless expressly provided otherwise by this ordinance, the Act, or any order adopted pursuant to this ordinance or the Act.

**PERSON RESPONSIBLE FOR THE VIOLATION:** As used in this ordinance, and G.S. 113A-64, means:

- A. The developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; or
- B. The landowner or person in possession or control of the land that has directly or indirectly allowed the land-disturbing activity, or benefited from it or failed to comply with a duty imposed by any provision of this ordinance, the Act, or any order adopted pursuant to this ordinance or the Act.

**PERSONAL SERVICE ESTABLISHMENT:** A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at that location or another location. This includes, but is not limited to: travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, tanning salons, postal stations, package delivery drop-off and pick-up stations, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, dance and martial arts studios, and domestic pet services. This shall not include automobile service stations.

**PERSONAL WIRELESS SERVICE (WCF)** means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996

**PET RUN:** An enclosed area or space where a dog can stay without a leash

**PHASE OF GRADING:** One of two types of grading, rough or fine.

**PILASTERS** - an upright architectural member that is rectangular in plan and is structurally a pier but architecturally treated as a column and that usually projects a third of its width or less from the wall.

**PITCH OF ROOF:** The angle of the roof slope, expressed in ratio of vertical to horizontal.

**PITCHED ROOF--** A roof that has no less than a six (6) feet of rise for every twelve (12) feet of run (6:12).

**PLAN:** In relation to soil erosion and sedimentation control, an erosion and sedimentation control plan.

**PLANTED BUFFER:** A unit of land containing sufficient quality and quantity of vegetation to meet the requirements of this Ordinance. Such buffer shall normally not be graded, nor shall any development occur within such buffer.

**PLAT:** A map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, Lot line, easement boundary line and other boundary line and meeting the required standards of this Ordinance.

**PLAYHOUSE (includes treehouse):** a small structure for children to play in. This definition includes structures built on the ground, elevated or in a tree(s). Per the NC State Building Code, any such structure with a wall span or height of twelve (12) feet or greater requires a building permit. Any structure solely supported by trees is exempt from the building code requirement.

**POLITICAL SIGN:** A sign attracting attention to political candidates or political issues.

**POND:** A permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension and which could be damaged by the accumulation of sediment.

**PORCH:** A projection from an outside wall of a dwelling that is covered by a roof and/or side walls (other than the sides of the building to which the porch is attached).

**PORTABLE STORAGE CONTAINER:** A container designed for the storage of personal property and for transport by commercial vehicle. Portable storage units are typically rented for household moving or temporary storage at a central, secure location.

## Chapter 16: Definitions

**PORTABLE SIGN:** Any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.

**PORTICO:** A porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building. A covered porch attached to the main facade of a building, 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.

**PRIMARY LEVEL:** The level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be a primary level.

**PRIMARY MATERIAL --** Material or treatments used on the exterior of the building that consists of no less than 70% of the building face.

**PRINCIPAL BUILDING:** The main structure on a Lot in which the principal use of that Lot is conducted.

**PRINCIPALLY ABOVE GROUND:** At least 51% of the actual cash value of the structure is above ground.

**PRIVATE GARAGE:** Any building or space used as an accessory to or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

**PRIVATE ROAD OR STREET:** Any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.

**PRODUCE STAND:** A temporary open air stand or place for the seasonal selling of agricultural produce.

**PROFESSIONAL OFFICE:** A use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes, but is not limited to: general business offices, government offices, insurance offices, law offices, and realtors and property management offices, the office of a physician or other licensed health care professional, accountants, investment brokers, engineers, or architects.

**PROPERTY:** All real property subject to the provisions of this Ordinance.

**PUBLIC SEWAGE DISPOSAL SYSTEM:** A waste disposal system serving two (2) or more dwellings or business units, or any combination thereof.

**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.

**PUBLIC SAFETY COMMUNICATION EQUIPMENT (WCF)** means all communications equipment owned and utilized by a public entity for the purpose of ensuring the safety of the citizens of Whispering Pines

**PUBLIC SAFETY STATION:** A police, fire, or paramedic station operated or franchised by a government agency. Also see: Emergency Services Facilities.

**PUBLIC SIDEWALK:** An improved surface paralleling a street, road or alley that is used as a public pedestrian walkway. This sidewalk shall not include any privately installed and maintained areas located adjacent to the public sidewalk that is used primarily to provide a pedestrian linkage between the abutting property and the public sidewalk.

**PUBLIC SPACE:** An area that is open to the public use and is designed for public enjoyment, usually in the form of outdoor seating areas or public plazas.

**PUBLIC STREET:** A street consisting of a publicly dedicated right-of-way and a roadway maintained by the Village of Whispering Pines or the State of North Carolina.

**PUBLIC UTILITIES:** Any Village, County or other public entity approved water and/or sanitary sewer system, including collection and distribution lines that are constructed to public utility standards, sizes, specifications, conform to the requirements of this Ordinance, and have been dedicated to and accepted by the public for operation and maintenance.

**PUBLIC UTILITY FACILITIES:** A building or structure, other than a transportation facility that houses or contains facilities for the operation of publicly-owned or publicly-licensed water, waste water, waste disposal, electricity or communication services. This includes, but is not limited to: water pumping stations and filtration plants, waste water and stormwater treatment facilities, electrical transformer stations, landfills, solid waste transfer stations, wells, well houses, and water towers. This does not include recycling and salvage operations, communication towers or public safety stations.

**PUBLIC WATER SUPPLY:** A system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.

**PUBLIC WATER SUPPLY SYSTEM:** Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

**Q**

## Chapter 16: Definitions

**QUOIN:** An architectural element at the corner of a structure consisting of large stones or projecting courses of brick so as to form a decorative contrast with the adjoining walls.

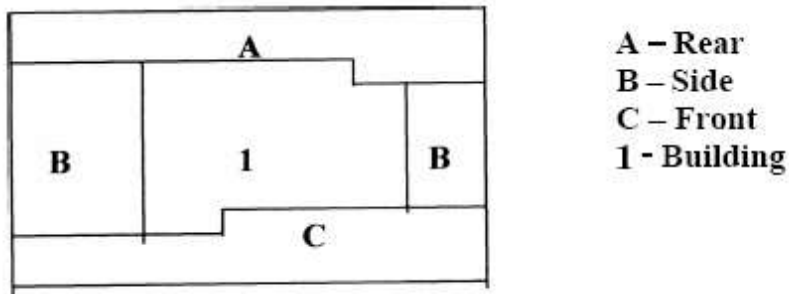
### R

**RADIO FREQUENCY EMISSIONS (WCF)** means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building or other vertical projection

**RAKE:** Continuation of fascia, upwards along the roof line, below the eave.

**REAL ESTATE SALES OFFICE:** A building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision.

**REAR YARD:** A yard extending across the full width of the Lot and measured between the rear line of the Lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.



**RECREATION AREA:** An area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include, but are not limited to: golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.

**RECREATIONAL CENTER:** A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.

**RECREATIONAL EQUIPMENT:** includes but is not limited to a swing set, jungle gym, monkey bars, climbing wall, trampoline, soccer net / goal, work-put equipment and playhouse / treehouse.

**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;



- d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- 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.

**REFERENCE LEVEL:** The top of the lowest floor, within Special Flood Hazard Areas designated as Zones A and AE excluding the foundation system, for structures.

**REGULATORY FLOOD PROTECTION ELEVATION:** The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In the Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

**RELIGIOUS INSTITUTION:** a facility such as a church, temple, monastery, synagogue or mosque used for worship by a non-profit organization and their customary accessory uses including space for religious education, kitchens activity rooms and offices.

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

**REQUIRED SETBACK:** The minimum distance between the property line and the closest portion building required by the zoning district and measured from the property line.

**RESIDENTIAL DEVELOPMENT:** Buildings for residence such as attached and detached single-family dwellings, multifamily dwellings, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.

**RESIDENTIAL ZONING DISTRICT:** An RA, RS, RS-1A, RS/H, or RM District established under this Ordinance, or any conditional district corresponding thereto.

**RESOURCE CONSERVATION FACILITIES:** Fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered stormwater control devices and dams.

**RESTAURANT:** Any establishment (including a cafeteria) whose principal business is the preparation and service of food and beverages (including those allowed under ABC Permits) as a ready-to-eat meal.

## Chapter 16: Definitions

**RETENTION POND:** A retention Pond is designed to hold a specific amount of water indefinitely. Usually the pond is designed to have drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.

**RETAIL STORE:** A single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to: antiques, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

**RIGHT-OF-WAY:** An area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

**RIPARIAN AREAS:** Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects water bodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality.

**RIPARIAN BUFFER:** Lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines- of-green containing native grasses, flowers, shrubs and trees that line the stream banks.

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

**ROOF ASSEMBLY:** A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and roof deck. A roof assembly includes the roof deck, vapor retarder, substrate or thermal barrier, insulation, and roof covering.

## 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.

**SATELLITE DISH ANTENNA:** Any antenna of any size, including any supporting structure, designed to receive signals from orbiting satellites or similar sources.

**SATELLITE DISH ANTENNA HEIGHT:** The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its operating angle, to ground level at the bottom of the base which supports the antenna.

**SATELLITE DISH ANTENNA SETBACK:** The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

**SATELLITE EARTH STATION (WCF)** means a single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

**SCHOOL:** A privately owned or publicly owned elementary school, middle school, junior high school, or high school accredited by the North Carolina Department of Education that does not provide lodging for students, including any accessory athletic fields and recreational facilities.

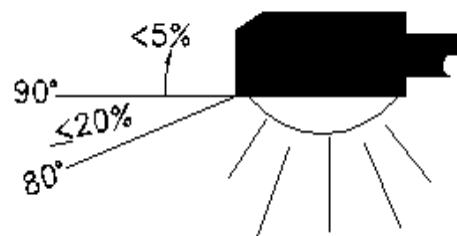
**SECONDARY MATERIAL** — Material or treatments used on the exterior of the building which consists of no more than 30% of the building face.

**SECURED:** Placed in a concrete footing, holes with compacted earth or gravel, or other approved support, so as to be adequately affixed to the ground as a permanent structure.

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

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

**SEMI-CUTOFF:** A fixture light distribution where no more than five percent (5%) of a lamp's light intensity is emitted at or above a horizontal plan drawn through the bottom of the fixture and no more than twenty percent (20%) of the lamp's light intensity is emitted at or above an angle ten degrees (10%) below that horizontal plane, at all lateral angles around the fixture.



**SEMI-DETACHED DWELLING:** Two single-family dwellings connected on one side by a common dividing wall. Each single-family dwelling is to be situated on its own Lot with a zero Lot line between units.

**SERVICE COURT:** Enclosed area attached to, or on the same Lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.

## Chapter 16: Definitions

**SERVICE STATION:** Use primarily engaged in one of the following: (1) retailing automotive fuels (e.g. diesel fuel, gasohol, gasoline) or (2) retailing these fuels in combination with in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

**SETBACK:** See BUILDING SETBACK.

**SEXUALLY ORIENTED BUSINESS:** Use that sells or distributes material or provides activities with sexually explicit content, including the display of specified anatomical areas or specified sexual activities as defined by North Carolina General Statute 14-202.10.

**SHED ROOF:** A single-pitched roof, often over a room attached to the main structure.

**SHOPPING CENTER:** A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed and has been approved by the Village as a shopping center with common parking, pedestrian movement, ingress and egress, and its uses are limited to banks, medical offices, public utility facilities, restaurants, personal service establishments, florist shops, retail stores, variety stores, and financial institutions.

**SHORELINE:** The line made by the natural intersection of the water on the shore.

**SHUTTER:** A decorative cover for a window, fit to actual height of window.

**SIDE YARD:** A space extending from the front yard to the rear yard between the principal structure façade and the side Lot line measured perpendicular from the side Lot line to the closest point of the principal structure facade. Side yards extend from the sides of a structure to a Lot line.

**SIDELIGHT:** Narrow windows located immediately adjacent to an entrance door.

**SIGHT TRIANGLE (or HORIZONTAL SIGHT DISTANCE):** The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

**SIGN:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention.

**SIGN HEIGHT:** The measurement from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not exceed more than two (2) feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

**SIGN SURFACE AREA:** The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that rectangular area encompassing the individual letters themselves, including any trim or border and excluding the background behind the letters.

**SILTATION:** Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

**SILT FENCE:** A temporary sediment control measure consisting of wire-backed fabric, conforming to ASTM D 6461 requirements, that is buried at the bottom, stretched, and supported by steel posts, and used to retain sediment on the site from small disturbed areas and construction sites. (Amended 4/13/11)

**SINGLE-FAMILY DWELLING:** A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

**SINGLE FAMILY RESIDENTIAL:** Any development where:

- (a) No building contains more than one dwelling unit;
- (b) Every dwelling unit is on a separate Lot; and
- (c) Where no Lot contains more than one dwelling unit.

**SITE PLAN:** A plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.

**SMALL TREES/LARGE SHRUBS:** Deciduous or evergreen trees or shrubs with a mature height of ten (10) to thirty (30) feet.

**SOIL DRAINAGE -** The natural movement of water to the subsoil.

**SOIL EROSION AND SEDIMENTATION CONTROL COMPLIANCE FORM:** A form showing placement of minimum control measures that will be installed at a site where less than 10,000 square feet will be disturbed.

**SOIL SCIENTIST:** An individual licensed or authorized to practice soil science under GS 89F, and By the NC Board for Licensing Soil Scientists.

## Chapter 16: Definitions

**SOLAR FARM:** An installation or area of land in which solar panels are set up to generate electricity and/ or thermal energy for commercial purposes. A solar farm also includes any other property for which the primary use is the operation of solar panels, even if the operation is not commercial in nature. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A solar farm is sometimes referred to as a solar energy system (SES).

**SOLAR PANEL:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy. (Amended 10/9/13)

**SOLDIER COURSE:** Brick laid vertically with the longer face edge exposed in a continuous course.

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

**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 EVENT:** Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

**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.

**SPECIAL USE:** A land use listed in Chapter 5 of this Ordinance as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Chapter 3 of this Ordinance.

**STABLE:** A building in which horses are sheltered and fed; such a building having stalls or compartments on a Lot not less than four (4) acres in size.

**START OF CONSTRUCTION:** Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor

does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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

**STORM DRAINAGE PLAN:** The plan for storm drainage facilities.

**STORMWATER COLLECTION SYSTEM:** means any conduit, pipe, channel, curb or gutter for the primary purpose of transporting (not treating) runoff. A stormwater collection system does not include vegetated swales, swales stabilized with armoring or alternative methods where natural topography or other physical constraints prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems, or pipes used to carry drainage underneath built-upon surfaces that are associated with development.

**STORMWATER MANAGEMENT FACILITIES:** Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

**STORMWATER MANAGEMENT PLAN:** The plan for which stormwater is managed throughout the site.

**STORMWATER RUNOFF:** The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

**STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**STREAM:** A body of concentrated flowing water in a natural low area or natural channel on the land surface.

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

## Chapter 16: Definitions

**STREET:** A right-of-way for vehicular traffic abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

**STREET LINE:** The line between the street right-of-way and abutting property.

**STRUCTURE:** For Floodplain purposes, means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. For all other purposes of this Ordinance structure means that which is built or constructed.

**STUCCO** – (a) a fine plaster used in decoration and ornamentation (as on interior walls) or (b) a material usually made of portland cement, sand, and a small percentage of lime and applied in a plastic state to form a hard covering for exterior walls.

**SUBDIVIDER:** Any person, firm, or corporation who divides or develops any land in a subdivision.

**SUBDIVISION:** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

- (1) 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 municipality as shown in its subdivision regulations;
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; or
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

**SUBDIVISION PLAT:** See PLAT.

**SUBSIDIARY:** An affiliate that is directly or indirectly through one or more intermediaries, controlled by another person.

**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 tax value of the structure before the damage occurred. By adding the following text for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses: Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such



flood event, on the average, equals or exceeds 25 percent of the tax value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the tax value of the structure before the “start of construction” of the improvement, as determined by the current Tax Value of the property. The property owner also has the option to submit a private appraisal report in lieu of the tax value. 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 Section 16.9 (Floodplain Variance) of this Ordinance.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads sent before the repair, reconstruction, or improvement commenced.

**SURVEYOR:** A person whose occupation is surveying land, and is a registered professional in the State of North Carolina as a land surveyor.

**SWALE:** A gentle man-made or natural depression in grade for drainage of surface water.

**SWIMMING POOL:** A swimming pool is any man made structure capable of holding water over twenty (20) inches in depth and over thirty-six (36) square feet of surface area (6 ft x 6 ft square or a 6.77 ft diameter round pool).

**T**

**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.

## Chapter 16: Definitions

**TEMPERATURE CONTROLLED:** Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

**TEMPORARY LIGHTING:** Lighting use for a limited duration, but in no case longer than thirty (30) days.

**TEMPORARY PORTABLE BUILDING:** A portable structure that is designed to be taken to a site and left for a short duration and then moved to another location or storage facility.

**TEMPORARY SIGN:** A sign which is not permanently affixed to a structure or built upon a foundation.

**TEN-YEAR STORM:** The stormwater runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**TERNE PLATE:** Sheet iron or steel plated with an alloy of three or four parts of lead to one part of tin, used as a roofing material.

**TEXTURE** - the visual or tactile quality of a surface.

**THROUGH LOT:** A through Lot is any zoning Lot, not a corner Lot, that adjoins two (2) street lines opposite to each other and parallel or within 45 degrees of being parallel to each other. Any portion of a through Lot that is not or could not be bounded by two (2) such opposite street lines, and two straight lines intersecting such street lines, shall be subject to the regulation for an interior Lot.

**TOWER:** (See COMMUNICATION TOWER or ANTENNA SUPPORT STRUCTURE)

**TOWNHOUSE UNIT DEVELOPMENT:** A type of subdivision utilizing a development design technique, which enables substantial modification of Lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the townhouse development.

**TRACT:** All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**TRAFFIC SIGN:** A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

**TRANSOM:** A small window located immediately above a door or window.

**TREE:** Any upright existing plant whose trunk Diameter at Breast Height (DBH) measures a minimum of three (3) inches.

TREEHOUSE: See playhouse

TURNAROUND - a space permitting the turning around of a vehicle.

TWENTY-FIVE YEAR STORM: The stormwater runoff resulting from precipitation of intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

U

UNCOVERED: The removal of ground cover from, on, or above the soil surface.

UNDER ROOF: the footprint in square feet of the principal building together with the footprint of one accessory use building.

UNDERSTORY TREE: Trees whose total height at maturity is less than thirty feet.

UNDERTAKEN: The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

UNLICENSED COMMERCIAL SERVICES (WCF) is the authorized use of a commercial radio frequency spectrum in a specific geographic area authorized by the FCC on a first-come-first-serve basis.

V

VARIANCE: The permission to depart from the explicit requirements of this Ordinance, granted by the Board of Adjustment to a property owner in accordance with Chapter 12 of this Ordinance.

VEGETATIVE RIPARIAN BUFFER (See also Riparian Buffer): a buffer along all perennial waters indicated on the most recent versions of U.S. Geologic Survey 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies located within the Watershed Protection Districts in which the use of an Impervious Surface is restricted.

VEHICULAR CANOPY: A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of business' services.

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

## Chapter 16: Definitions

**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 as defined in N.C. General Statute 160A-385.1

**VILLAGE:** The Village of Whispering Pines, a municipal corporation in the State of North Carolina.

**VIOLATION:** The failure of a structure or other development to be fully compliant with the regulations of this ordinance.

### W

**WALL:** An erection of stone, brick, wood, metal or other material intended to delineate a boundary or serve as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

**WALL PACK:** A type of light fixture typically flush-mounted on a vertical wall surface.

**WALL, PARAPET:** That portion of a building wall that extends above the level of the roofline.

**WALL, PARTY:** A firewall on an interior Lot line used or adapted for separation or joint service between two buildings.

**WALL, RETAINING:** A wall designed to prevent the lateral displacement or movement of soil or other material.

**WASTE:** Surplus material resulting from on-site land-disturbing activities and being disposed of at other locations.

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

**WASTE DISPOSAL SYSTEM:** Any public or private sewage system or public or private septic system.

**WATER SURFACE ELEVATION (WSE):** The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**WATERCOURSE:** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated area in which substantial flood damage may occur.

**WATERTABLE (on gable roof):** For purposes of this document, a watertable is the return of the fascia line with roof shingles at the base of a gable end.

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

**WATERSHED ADMINISTRATOR:** An official or designated person of the Village responsible for administration and enforcement of this Ordinance.

**WETLANDS:** Those areas that are defined as wetlands by the United States Army Corps of Engineers.

**WIDE-BODY REFRACTIVE GLOBE:** A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). “Wide-body” refers to a wider than average size globe (greater than 15.75” in diameter). “Refractive” refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

**WIRELESS COMMUNICATIONS** means any commercial or private wireless licensed and unlicensed service(s), which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), Microwave, Paging, Microwave, unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services).

**WIRELESS COMMUNICATION FACILITY (WCF)** means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are amateur radio and citizen band antennas, satellite earth stations and antenna support structures.

**WINDOW:** An opening in a wall with transparent material which admits light into a structure.

**WOODLANDS:** Land that is undeveloped except for roads and utilities, and contains stands of native trees.

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

**Y**

**YARD:** An open space on the same Lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.

**YARD LINE:** A line in a Lot parallel to the Lot line along that of an applicable yard or setback requirement extends, and which is at no point nearer to such Lot line that the required width or depth of the applicable yard or setback.

**YARD SALE:** Any sale open to the public conducted from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea,” “rummage,” and similar names.

**Z**

**ZERO LOT LINE:** A Lot that includes a principal structure that is located directly atop one or more Lot lines. The Lot must conform to the following conditions:

- (a) Minimum Lot area and width are non-applicable;
- (b) Must have open space on all sides not connected to a building;
- (c) Units within a patio home, duplex or multifamily structure using the zero Lot line must be separated by an applicable fire rated wall(s).

**ZONING LOT:** See LOT