

ARTICLE 16: DEFINITIONS**Section 16.1 General Interpretation**

For the purpose of interpreting this ordinance, certain words or terms are defined in this Article. Except as defined herein or in other Sections of the ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meanings indicated below:

Section 16.2 Interpretation of Commonly Used Terms and Words

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.

Words used in the masculine gender include the feminine gender.

“Person” includes a firm, association, organization, partnership, corporation, trust and company, as well as an individual.

The word “lot” includes the words “plot”, “parcel”, and “tract”.

The word “structure” includes the word “building”.

The work “shall” is always mandatory and not merely directory.

The work “will” is always mandatory and not merely directory.

“Used” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used”.

“Map”, “zoning map”, or “Rolesville Zoning Map” shall mean the Official Zoning Map, Rolesville, North Carolina.

The words “town board”, “governing body”, and “Rolesville Town Council” shall refer to the Board of Commissioners of the Town of Rolesville, North Carolina.

The words “planning board” shall refer to the planning board of the Town of Rolesville, North Carolina.

The words “board of adjustment” shall refer to the board of adjustment of the Town of Rolesville, North Carolina, established by this ordinance.

Section 16.3 Definition of Commonly Used Terms and Words

“Abutting”: means that the property directly touches another piece of property.

“Accessory building, structure, or use”: A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. Garages, carports and storage shed are common urban accessory structures. Pole barns, hay shed and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)”: An extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is proved between the addition and the exiting building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

“Agricultural use”: The use of waters for stock watering, irrigation, and other farm purposes.

“Agriculture”: The raising and harvesting of vines, seeds, plants, trees (except *silviculture* as specified in this section) and crops, as well as the keeping, grazing, or feeding of animals (including fish) for animal products, animal propagation, or value increase.

“Alley”: A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

“Animal Service Facility”: Any facility (other than a dedicated animal hospital or veterinary clinic) that may provide services including, but not limited to: training, boarding, grooming, and daycare of animals either for profit or for humane purposes.

“Appeal”: A request for a review of the administrator’s interpretation of any provision of this ordinance.

“Architectural compatibility”: Quality of visual agreement, complement and/or balance based on elements of proportion, scale, use of materials and siting between structures or parts of the same structure.

“Area of special flood hazard”: The land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

“Balance of watershed”: That portion of the watershed within the planning jurisdiction of a municipality that has not been identified for a Special Intensity Allocations (SIA).

“Bar/Tavern/Nightclub”: A business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant, and where any food service is subordinate to the sale of

alcoholic beverages. Beer brewing as part of a microbrewery or other similar beverage tasting facilities should be considered as similar uses. Entertainment such as live music, dancing, comedy, etc. may also be permissible, but only in appropriate circumstances.

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

“Basement”: For floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.

“Berm”: An undulating mound of soil designed to provide visual interest, aid in screening undesirable views and/or reduce noise. The berm must be within four (4) to six (6) feet in height, and approximately double its height in width, and must be planted with sufficient vegetation to meet the opacity desired. The surface of the berm must be covered with mulch or pin straw, or landscaped vegetation, including grass, or a combination thereof.

“Best Management Practices (BMP)”: A structural or nonstructural 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.

“Block”: A piece of land bounded on one or more sides by streets or roads.

“Bona fide farm”: Property used for bona fide farm purposes as defined by G.S. 160A-36.

“Buffer”: [also known as a **“landscape buffer”**]: A combination of physical space and vertical elements such as plants, berms, fences or walls, the purpose of which are to separate and screen land uses from each other.

“Buffer, base”: An area of land with existing vegetation which includes trees with a minimum tree size of two and one-half (2 ½) inch caliper for buffer reforestation. This is the threshold to determine if the existing vegetation is mature enough to be considered as the base buffer. If the buffer is inferior to the base buffer requirements, the buffer may be graded. In either instance, the buffer must be upgraded to meet the opacity requirements specified during site or subdivision plan approval.

“Buffer, drainageway”: See **“Drainageway buffer”**.

“Buffer, riparian” [also known as **“stream buffer, “vegetative buffer”, or “water supply buffer”**]: An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

“Buffer, streetfront”: See **“Streetfront buffer”**.

“Buffer strip”: A planted strip of land which shall be a minimum of sixteen (16) feet in width, and shall be composed of evergreen bushes, trees, and/or shrubs such that at least two rows are provided

from the ground to a height of six (6) feet within six (6) years and foliage overlaps within six (6) years.

“Building”: Any structure built for support, shelter or enclosure for any occupancy or storage.

“Building, height of”: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip or gambrel roof.

“Building setback line”: A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

“Built-upon area”: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths) recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

“Caliper”: The diameter of a tree trunk measured in inches to determine the graded size. The caliper of the trunk is measured six (6) inches above the ground for trees up to and including four (4) inch caliper trees, and 12 inches above the ground for trees larger than four-inch caliper.

“Cluster Development”: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing storm water runoff impacts. This term includes non-residential development as well as single-family residential and multi-family development. For the purpose of this ordinance, conservation subdivisions, planned unit developments, and mixed use developments are considered cluster development.

“Collector street”: A street that serves as the connecting street between local residential subdivision streets and the thoroughfare system. Collector streets carry traffic between neighborhoods. [Note: Consider revising this definition with the above changes included in the *Rolesville Transportation Plan*]

“Commercial Commissary”: A nonresidential facility used by food trucks, mobile food units, and food carts in accordance with any and all applicable Wake County Environmental Health regulations of the same. Commercial commissary uses include, but are not limited to, refrigerator, freezer, dry storage, potable water, dishwashing, and wastewater facilities used in association with a food truck or mobile food unit.

“Compatible uses”: Land uses that are not substantially different and are to be used for activities that are not extremely dissimilar in nature.

“Condominium”: A project meeting the requirements of the North Carolina General Statutes, Chapter 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

“Corner lot”: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

“Critical area”: The area adjacent to a water intake of reservoir where risk associated with pollution is greater than from remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

“Cul-de-sac”: A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

“Cultural or Community Facility”: Facilities designed to promote cultural advancement and serve the community such as art galleries; non-profit civic or fraternal organizations; museums, exhibition, or similar facilities; libraries; and community centers.

“Cut-off light fixture”: An artificial outdoor lighting fixture designed to ensure that no light is emitted above a horizontal line parallel to the ground.

“Deciduous trees”: Trees and other plants whose leaves fall off at certain seasons.

“Dedication”: A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because of a transfer or property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

“Development”: The division of land into two (2) or more parcels, the construction, reconstruction, structural alteration, relocation, or enlargement of any structure; any excavation or land disturbance; and any use or the extension of the use of land. For Section 6.1 Watershed Districts, the definition of **“Development”** shall be the following: “Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration or precipitation into the soil.” For Section 7.2 Flood Damage Prevention Standards, the definition of **“Development”** shall be: “For floodplain management purposes, 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.”

“Diameter at Breast Height (DBH)”: Diameter of a tree measured at four and one-half (4 ½) feet from the ground.

“Discharging Landfill”: A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

“Dish antenna (or earth station)”: An accessory structure and shall mean a combination of (1) antenna or dish antenna whose purpose is to receive communication or \other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to carry the signals into the interior of the building.

“Dish antenna (or earth station) height”: That distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

“Dish antenna (or earth station) setback”: The distance measured from the center mounting post supporting the antenna.

“Double frontage lot”: A continuous (through) lot which is accessible from both streets upon which it fronts.

“Drainageway buffer”: A recorded easement or unrecording portion of land that shall remain undisturbed except as may be necessary to accommodate.

- (1) Road, provided they cross at a horizontal angle of at least sixty (60) degrees
- (2) Utilities and their easements
- (3) Greenway, pedestrian paths, and their easements as part of a group housing project, mobile home park, or subdivision if permitted by the Town Board of Commissioners upon finding that the buffers is the most appropriate location for the greenway or pedestrian path.

Drainageway buffers shall be measured perpendicular to the flow of the drainage and from the edge of the drainageway banks, except when no drainageway swale shall be used. Homeowners shall be encouraged to help maintain drainageway buffers and streams and stream banks so that maximum stream protection is achieved.

“Dwelling, multi-family”: A building arranged to be occupied by more than two (2) families, the building having more than two (20 dwelling units, but excluding mobile homes and townhouses.

“Dwelling, single-family”: A building arranged to be occupied by one (1) family, the building housing only one (1) dwelling unit, but excluding mobile homes and townhouses.

“Dwelling, two-family”: A building arranged to be occupied by two (2) families, the building having two (2) dwelling units, but excluding mobile homes and townhouses.

“Dwelling unit”: A building or portion thereof designed, arranged, and/or used for the living quarters for one (1) or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist homes, family or group care homes, or hotels or motels or other buildings designed for transient residence.

“Easement”: A grant by the property owner of a strip of land for specified purpose and use by the public, a corporation, or persons.

“Electronic Gaming Operation”: Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance 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. This term includes but is not limited to internet cafes, internet sweepstakes, or cyber cafes. This does not include any lottery approved by the State of North Carolina.

“Elevated building”: For floodplain management, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Event venue”: A place of assembly open to the general public without membership and operated for profit, where dances, parties, receptions, meetings, and other gatherings are held. Such facilities may provide live entertainment, and may serve catered meals, and alcoholic beverages when the owner or operator holds the appropriate licenses and permits. Prior to approval, any such venue must address noise with a proposal to minimize disturbances to surrounding properties which shall include, but not be limited to restricting activities inside the structure. If located outside, no electronically amplified sound generated shall be audible at any time beyond the boundary of the property on which the facility is located after 11:00 p.m. An event venue shall not be located within one-half mile from the boundary of another event venue of the same type. The venue may include catering services but is not a restaurant use where food is served to the general public who are not members of a group leasing or renting such facilities for a function. At a minimum, such an event venue must provide one onsite parking space for every four persons permitted occupancy at any given time.

“Evergreen Plants”: Trees or plants that retain their foliage all year.

“Existing construction”: For purposes of detaining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures”.

“Existing development”: Those projects that are built or those projects that a minimum have established a vested right under North Carolina zoning laws as of the effective date of this ordinance based on at least one of the following criteria:

- (1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having receiving a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1)

“Existing manufactured home park or manufactured home subdivision”: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete slabs) is completed before December 19, 2000.

“Expansion to an existing manufactured home park or subdivision”: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete slabs).

“Externally Oriented Land Uses”: A land use characterized by a greater degree of vehicular and pedestrian movement external to the structures on site relative to other sites.

“Exterior Lighting”: Lighting such as that used in and around buildings, recreation areas, parking lots and signs designed to illuminate certain areas for visibility.

“Family”: One (1) or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five (5) living together as a single housekeeping unit thought not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the State.

“Family care home”: A facility as defined in G.S. 168-21.

“Fence”: An artificially constructed barrier intended for protection, screening or boundary.

“Flood or flooding”: A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters; and 2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Hazard Boundary Map (FHBM)”: An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Rate Map (FIRM)”: An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study”: The engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood BOUNDary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBM)s, and/or Flood Insurance Rate Maps (FIRMs).

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

“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 on wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

“Floor area, gross”: The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies, and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly, or similar uses, and excluding off-street parking and loading areas.

“Food Cart”: Any non-motorized pushcart or other wheeled device, used expressly for the preparation and sale of food products, and without provisions for its operator to enter the unit to conduct such.

“Food Truck”: A business that serves food or beverages to the general public from a self-contained unit (either motorized or in a trailer on wheels) that conducts all or part of its operations on premises other than its own, and is readily movable, without disassembling, for transport to another location. Such a unit can be entered by its operator so as to conduct business operations. The term "food truck" shall not include food carts.

“Food Truck Uses”: All uses associated with the operation of a Food Truck.

“Freeway, expressway, or parkway”: Divided multilane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of parkline development.

“Frontage road”: A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

“Fully controlled access highway”: A divided, multi-lane major highway in which the Department of Transportation has purchased all access rights to the highway. Access to the highway is by way of interchanged.

“Functionally dependent facility”: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as 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.

“Greenway”: A linear park network left in its natural state except for the introduction of trails used by pedestrians and bicyclists.

“Group Care Home, Non-Protected”: A non-protected group care home as used throughout this ordinance means a residential use for six or fewer residents who are not handicapped or otherwise protected by the Fair Housing Act. Examples may include homes for battered individuals, homeless individuals, abused children, pregnant teenagers, or runaway children. Non-protected group care homes shall not house non-handicapped individuals who are mentally ill, alcoholics, drug addicts, or ex-offenders in transition between release from incarceration and return to freedom. All non-protected group care homes must comply with applicable federal, state, and local licensing requirements and health regulations. The limit of six residents applies to non-protected home located in the residential zoning districts. Non-protected group homes located in O&P zoning district may house up to 10 residents, to the extent applicable.

“Group Care Home, Protected”: A protected group care home as used throughout this ordinance means a “family care home” as defined in Chapter 168, Article 3, of the North Carolina General Statutes. A protected group care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. In addition, a protected group home shall mean a residential use provided in a residential environment for no more than six residents protected by the Fair Housing Act, even if such use does not conform to the language above. All protected group homes must comply with applicable federal, state, and local licensing requirements and health regulations. The limit of six residents applies to protected group homes located in R-IS, R-I, R-ID, R-II, and R-IID zoning districts. Protected group homes located in the R-MH, O&P, C, and C-MU zoning districts may house up to 10 residents.

“Half street”: A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

“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 N.C.G.S. 122C-3(11)b.

“Highest adjacent grade”: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

“Historic structure”: Any structure that is: 1) listed individually in the National Register of Historic Places; 2) certified or preliminarily determined by the Secretary of the Interior as contributing to the Secretary to qualify as a registered historic district; 3) individually listed on a State inventory of historic places; 4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior or directly by the Secretary of the Interior in states without approved programs.

“Home occupation”: An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The term “home occupation” shall not be deemed to include a tourist home.

“Industrial development”: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

“Interior lot”: A lot other than a corner lot with only one frontage on a street.

“Internal save tree area”: An area of land with existing vegetation that has been designated to be undisturbed and to be used on the design of site development.

“Internally oriented land uses”: A land use in which the majority of activity is oriented to the interior of the structures on site with minimal vehicular and pedestrian movement external to the structures.

“Junk yard”: The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

“Kennel”: An establishment for the keeping or breeding of dogs for profit.

“Land use classification”: The class or description of how land is to be used or occupied.

“Landfill”: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

“Landscape Area”: A portion of a site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, plantings, and streetscapes.

“Landscape buffer”: See “Buffer”.

“Landscape plan”: The portion of the development plan that is submitted to show existing vegetation and proposed location of plant material used to conform to site plan application requirements.

“Lighting plan”: A portion of the development plan showing the location, height above grade, fixture type, isolux diagram, foot-candles at grade and bulb wattage for each light source proposed. The plan shall conform to the applicable policies contained herein.

“Limited controlled access highway”: A multi-lane major artery for through traffic that can be accessed at stoplights or specific curb cuts. The Department of Transportation has purchased partial access rights to such roads.

“Live-work unit”: A single-family house or townhouse with the first floor available as a commercial space, either independently leased or in conjunction with the residential unit above.

“Loading area”: A completely off-street space (or) berth on the same lot for the loading or unloading of freight carriers with ingress and egress to a public street or alley.

“Local residential street”: Cul-de-sacs, loop streets less than 2500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

“Local road”: A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

“Local street”: A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

“Lot”: A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership for development or both. This shall include a single lot of record, or more than one (1) contiguous lot for record in the same ownership, which lot or lots of records are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when served from the contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this ordinance.

“Lot coverage, maximum in percent”: The maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

“Lot depth”: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points for the side lot lines in the rear. ON lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 9.2 of this ordinance, the foremost point of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

“Lot of record”: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wake County prior to the adoption of this ordinance. Or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

“Lot width”: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 9.2 of this ordinance, at the place where the access strip joins the main portion of the lot) shall not be less than eighty percent (80%) of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty percent (80%) requirement shall not apply.

“Lowest floor”: For floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not

considered a building's 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.

“Major collector”: A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

“Major thoroughfare”: A roadway that carries traffic from one city to another, often through several other cities. These include interstate, other freeways, expressways, or parkway roads and major streets that provide for expeditious movement of high volumes of traffic within and through urbanized areas. Examples include Main Street in Rolesville and Capital Boulevard in Raleigh.

“Major variance”: A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- (1) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- (2) the relaxation, by factor greater than five (5) percent of any buffer, density or built-upon area requirement under the high density;
- (3) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved storm water management.

“Manufactured home”: A structure, transportable in one or more section, that is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured home park or subdivision”: A parcel (or contiguous) of land divided into two or more manufactured home lots for rent or sale.

“Market and sales of produce and seasonal goods”: A business, usually held outdoors, where a vendor can sell produce, such as vegetables and fruits; perishables; and seasonal goods, such as crafts and agriculturally related products, directly to consumers.

“Mean sea level”: For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.

“Minor arterial”: A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interface to through movement. This network would primarily serve traffic.

“Minor Changes (to an approved site plan)”: Changes that will not alter the basic relationship of the proposed property to adjacent property, will not alter the uses permitted or increase the density or intensity or development, or will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site.

“Minor collector”: A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

“Minor Thoroughfare”: A roadway that carries traffic from one part of a town to another. It performs the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating minor through movements and may also serve abutting property.

“Minor variance”: A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10)percent, of any management requirement under the low density option.

“Mobile/manufactured home”: A dwelling unit that (i) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings; and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. A dwelling meeting the above definition shall be considered a mobile home, even if placed on a permanent foundation.

“Mobile/manufactured home, class A”: A mobile/manufactured home that meets the standards of the National Mobile Home Construction and Safety Standards Act of 1974 and which is certified by the zoning administrator as meeting the following appearance criteria:

- (a) The mobile/manufactured home shall have a length not exceeding four times its width.\
- (b) The pitch of the mobile/manufactured home’s roof shall have a minimum vertical rise of one foot for each five feet of horizontal run.
- (c) The exterior materials and color shall be compatible with structures in the immediate vicinity.
- (d) The underpinning for the mobile home shall be of solid masonry construction.

“Mobile/manufactured home, class B”: A mobile/manufactured home that meets the standards of the National Mobile Home Construction and Safety Standards Act of 1974, but which does not meet the criteria for a class A mobile/manufactured home.

“Mobile/manufactured home, class C”: A mobile/manufactured home that does not meet the standards for a class A or B mobile/manufactured home.

“Mobile home park”: Any plot of ground of at least ten (10)acres in size upon which ten (10)or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

“Mobile home subdivision”: A subdivision designed or intended primarily for sale of lots for residential occupancy by mobile homes.

“Mobile Vendor”: Any person who exhibits, displays, sells, or offers for sale goods or products from a wagon, handcart, pushcart, motor vehicle, conveyance, stand, lunch cart or from his person in the

Town of Rolesville corporate limits and extraterrestrial jurisdiction. This definition does not include door-to-door peddler or solicitor as defined under Section 111.01.

“Modular home”: A self-contained assembly is transported to a building site in section or panels and erected thereon. The term shall not be construed to include extra-wide or double-wide mobile/manufactured homes. Modular homes are constructed in conformance with the North Carolina State Building Code. For the purpose of this ordinance, a modular home shall be considered a single family dwelling.

“Net acreage, acres, land area, square footage of land area”: Land area with streets, right-of-ways, driveways which serve as access to more than two (2) units or uses, and major transmission line easements not included in its measurement.

“New construction”: For floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of this ordinance 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 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after December 19, 2000.

“Nonconforming building or use”: Any legally existing building or use that fails to comply with the provisions of this ordinance.

“Nonconforming Lot of Record”: A lot described by a plat or a deed that was recording prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

“Non-cutoff Light Fixture”: An outdoor lighting fixture designed to allow light to be directly emitted above a horizontal line parallel to the ground.

“Non-residential Development”: All development other than residential development, agriculture and silviculture.

“Official Maps or Plans”: Any maps or plans officially adopted by the Board of Commissioners of the Town of Rolesville.

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

“Ornamental Trees”: Usually refers to flowering trees such as dogwoods, flowering pear and flowering plum trees. Ornamental trees typically are smaller, understory trees (see “Understory,” below).

“Park”: See “Recreation area”.

“Planned Unit Development (PUD)”: As defined in Section 6.2. In general, PUDs allow for a mix of residential and commercial uses and for a variety of housing densities within the development, controlled by an overall density limit.

“Plat”: A map or plan of a parcel of land which is to be, or has been subdivided.

“Principal arterial”: A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterial.

“Principal building, use, or structure”: The main use of a lot or the building or structure in or on which the main use of the lot takes places.

“Private driveway”: A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

“Private street”: An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

“Protected Open Space”: Fields, forests, streams, and other lands that have been set aside for permanent protection as open space. Activities within the protected open space are restricted in perpetuity through the use of an approved legal instrument.

“Public sewage disposal system”: A system serving two (2) or more dwelling units and approved by the Wake County Health Department and/or the North Carolina Department of Natural Resources and Community Development.

“Recreation area” [also “Park”]: An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

“Recreational vehicle”: A vehicle that is: 1) built on a single chassis; 2) 4000 square feet or less when measured at the largest horizontal projection; 3) designed to be self-propelled or permanently tow-able by a light duty truck; 4) designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

“Remedy a violation”: To bring the structure or other development into compliance with State or local 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 the flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with the regard to the structure or other development.

“Reservation”: A reservation of land does not involve any transfer or property rights. If simple constitutes an obligation to keep property free from development for a stated period of time.

“Residential collector street”: A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

“Residential development”: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

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

“Restaurant”: An establishment whose primary purpose is serving meals to patrons.

“Restaurant, drive-in or take-out”: Any restaurant which makes provision for curb service, outdoors service, or a drive-in window, or any restaurant more than ten percent (10%) of whose average daily customers take their food or beverages out of the restaurant.

“Restaurant, indoor”: Any restaurant except a drive-in or take-out restaurant.

“Reversed Frontage Lot”: A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reserved frontage lot may also be a corner lot, an interior lot or a through lot.

“Right-of-way, street”: A strip of land, owned publically or privately, which affords the principal means of access to abutting property.

“Road”: See “Street”.

“Roof line”: The top edge of the roof or the top edges of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

“Save Area”: Any area of undisturbed land that has been designed to remain undisturbed within the development plan. These undisturbed areas shall contain small to significant vegetation that will be used to meet buffer requirements.

“Screen”: A method of reducing the impact of noise, visual intrusions and invasion of privacy with such elements as plants, berms, fences, walls or any appropriate combination thereof.

“Service station”: A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.

“Setback lines”: The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained, according to the district regulations.

“Shopping center”: Two (2) or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property.

“Sign”: Any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, or any of the above when placed inside a window facing out, and any background material, coloring, shapes, or other trim shall be considered a sign, unless entirely enclosed by a fence or a wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

“Sign area”: The area of the smallest regular polygon composed of eight (8) lines or less, circle, half-circle, ellipse, or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appears on them, in which case they shall be included. Where symbols, letters, or numbers are attached separately to a structure, including a sign structure or two separated surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

“Sign height”: The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

“Sign, identification”: A sign which contains any or all of the following: the name of the occupants, owner, or establishments, the type of establishment, the name of the franchise, the hours of operation, and house number, when located on the site of the establishment.

“Sign, on-site advertising”: A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

“Sign, on-site advertising” [billboard]: A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where such sign is located and not otherwise allowed in Table 11.5, and which is not specifically regulated in Table 11.5 as a directional sign to churches, meeting halls, civic clubs, or garage sales, or as a temporary sign.

“Sign, ground”: A sign erected on a free standing frame, mast, and/or pole and not attached to any building, fence, or wall.

“Sign, wall”: A sign which is attached flat to the wall or façade of a building, or to a fence or wall.

“Sign, projecting”: A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

“Sign, roof”: A sign attached to and extending upward from a roof of a structure.

“Significant vegetation”: Existing vegetation eight (8) inches in diameter and greater. This measurement is determined at breast height (Diameter at Breast height – DBH).

“Silviculture”: The growing, harvesting, and regeneration of trees, leaves, or seeds, in accordance with a forest management plan acceptable to the North Carolina Division of Forest Resources using best management practice as defined in Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101 - .0209) and all successor documents.

“Single family residential”: Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

“Single-tier lot”: A lot which backs upon a limited access highway, a railroad, a physical barrier, or the parcel of land including topography, building placement and all other pertinent site features.

“Site plan”: A portion of the development plan that shows the existing and proposed conditions of the parcel of land including topography, building placement and all other pertinent site features.

“Small vegetation”: Existing vegetation from two and one-half (2 ½) inches in caliper to significant vegetation size of eight (8) inches in diameter at DBH.

“Special Event”: means any occasion including but not limited to fairs, shows, exhibitions, town celebrations, and festivals taking place within a specifically defined area of the Town of Rolesville.

“Specimen tree”: Any tree other than a pine tree with a caliper of 18 inches or more.

“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, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or 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.

“Stream buffer”: See **“Buffer, riparian”**.

“Street” [also “road”]: A public dedicated and accepted right-of-way for vehicular traffic (or a private road only if permitted by this ordinance) which affords the principal means of access to abutting properties.

“Street Banners”: Any one- or two-sided (faced) banner or sign suspended over public right-of-way between two or more street poles for the purpose of promoting a special event (see town code chapter 113).

“Street front buffer”: A buffer, which is located along all thoroughfares as, defined by the Thoroughfare Plan of the Town of Rolesville.

“Structure”: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs, gas or liquid storage tanks, and swimming pools.

“Subdivider”: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

“Subdivision”: A subdivision shall include all divisions of a tract of parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions is created for the purpose, whether immediate or future, or sale, legacy, partition, or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- (1) The combination or recombination of portion so previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Code.
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening of opening of streets or for public transportation system corridors.

“Substantial damage”: Damage of any origin sustained by a structure where by the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement.”

“Substantial improvement”: Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: 1) any project of improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, 2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

“Substantially improved existing manufactured home park or subdivision”: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement began.

“Thoroughfare”: See **“Major thoroughfare”** and **“Minor thoroughfare”**.

“Through lot”: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

“Townhouse”: A dwelling unit constructed in a series or group of attached units with property lines separating such units.

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

“Traditional neighborhoods”: Traditional neighborhood developments (TND) allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. TNDs provide for a variety of housing types and densities and commercial activities sized to serve the TND. Emphasis is placed on sidewalks, green space, minimal house setbacks, narrow streets, and alleys for service traffic.

“Tree canopy”: The diameter or variable radius from the tree trunk to the outermost reaches of tree branches.

“Trunk line”: Imaginary or visual line separating a cleared area from a forested area.

“Understory trees”: Understory trees are those which are smaller and usually grow under the canopy of larger trees. Examples are dogwoods, Japanese maples, and flowering red plums. Understory trees usually are selected for their ornamental.

“Variance”: A relaxation of the terms of this ordinance under the specific conditions set forth in Section 2.3.4.2, Section 6.1.14, Section 7.2.9, or Section 15.2.5.

“Vegetation buffer”: See **“Buffer, riparian”**.

“Vehicular use area”: An off-street ground level area used for temporary storage of motor vehicles or parking. Also includes drive entries, loading areas and/or other impervious surface areas used for transportation.

“Violation”: The failure of a structure or other development to be fully compliant with the communities’ floodplain management regulations. A structure or other development without the

elevation certificate, other certificates, or other evidence or compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“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.

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

“WS-II Waters Class”: Sources of water supply for drinking, culinary, or food-processing purposes for those uses desiring maximum protection for their water supplies where a WS-I classification is not feasible and any best usage specified for Class C waters. Class WS-II waters are protected as water supplies that are in predominantly undeveloped watersheds and meet average watershed development density levels.

“Yard”: An open space on the same lot with a principal structure of use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this ordinance.

“Yard, front”: A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 9.2 of this ordinance shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by this ordinance to be placed in a front yard. Front and rear yard lines shall be parallel.

“Yard, rear”: A yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

“Yard, side”: A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

“Zoning Administrator”: The official charged with the enforcement of this ordinance.

Amendments

10/04/04 to entire document; 02/19/05 with TA05-01; 7/10/06 with TA06-03; 9/5/06 with TA06-07; 9/22/09 with TA09-08; 4/20/10 with TA09-13; 10/19/10 with TA10-04; 01/03/12 with TA 11-09; 07/02/12 with TA12-02; 08/05/13 with TA13-05; 4/22/14 with TA14-05; 1/4/16 with TA15-09; 06/21/16 with TA16-05.