



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Planning Board
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for August 17, 2023
Date: August 4, 2023

The **Town of Black Mountain Planning Board** will meet on **Thursday, August 17, 2023, at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. UDO Work Session for STR's, multi-family, infill standards, definitions, and duplexes.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@tobm.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@tobm.org.

CC: Jessica Trotman, Planning Director
Russell Cate, Planner 1/Zoning Administrator
Brian Gulden, Town Attorney



PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN PLANNING BOARD

WORKSHOP
TALLER

Thursday, August 17, 2023, at 6:00 p.m.
Jueves 17 de agosto de 2023, a las 6:00 p.m.

The Black Mountain Planning Board will meet for a workshop to review the next sections of the Unified Development Ordinance (UDO) on **Thursday, August 17, 2023, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

La Junta de Planificación de Black Mountain se reunirá para un taller para revisar las próximas secciones de la Ordenanza de Desarrollo Unificado (UDO) el **jueves 17 de agosto de 2023 a las 6:00 p.m.** en el Ayuntamiento, 160 Midland Avenue, Black Mountain, N. C.

The meeting is open to the public.
La reunión está abierta al público.

Jennifer Tipton
Senior Admin

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La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 07/28/2023
www.townofblackmountain.org



**Planning Board Workshop
August 17, 2023**

PROPOSED AGENDA

I. CALL TO ORDER

- **Welcome**
- **Determination of Quorum**

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- No minutes to adopt

IV. OLD BUSINESS

V. NEW BUSINESS

- UDO Review of STR's, multi-family, infill standards, definitions, and duplexes

VI. PUBLIC COMMENT

VII. COMMUNICATION FROM PLANNING BOARD

VIII. COMMUNICATION FROM STAFF

IX. ADJOURNMENT

Short Term Rental Draft Language

1. *Short Term Rental.*

- a. **Terms of Rental.** Any short-term rental not operated by a professional property management company or booked through an online rental service is required to complete an occupancy and sales tax remittance form, with fees payable to the Buncombe County Tourism Development Authority.
- b. **Life and Safety.**
 - a. All short-term rentals are required to get an annual fire safety inspection as required by North Carolina General Statute. These inspections will include:
 - (A) Functioning smoke detectors
 - (B) Functioning CO2 detectors if the home has gas appliances or an attached garage
 - (C) Emergency escape ladder in second story and higher bedrooms
 - (D) Require public safety and non-emergency numbers to be posted as follows:
 - (1) Fire Department
 - (2) Police Non-emergency number
 - (3) Physical address of the property
 - c. **Posted Information.** A local contact (within 60 miles and functioning as owner or property manager) must be posted in the unit and on file with the Town on the zoning permit.
 - d. **Neighborhood Character.** In order to maintain neighborhood character, all short-term rentals must:
 - a. Post information about garbage and recycling for management of wildlife, including bears.
 - b. Post information about the Town noise ordinance requirements.
 - c. Have bear-proof outdoor trashcans.
 - d. Have sufficient parking for guests on site in driveways and garages.

Multi-family Draft Language

3.02.04 Multiplexes and Apartments

- A. **Purpose.** Neighborhood-scale multi-family design standards apply to all multi-family developments in Black Mountain and are intended to be compatible with the character of residential neighborhoods.
- B. **Applicability.** These design standards shall apply to all new multi-family construction and building expansions resulting in structures with a minimum of three but up to a maximum of 8 dwelling units as a use by right and/or expansion of parking lots. These regulations apply in UR-8, TR-4, SR-2, CR-1, NMU-8, CBD, and HB-8. Multi-family projects with a greater number of proposed units require a special use permit.
- C.
- D. **Design Standards.**
1. **Density Standards .** Two units are allowed per parcel meeting the minimum lot size for the zoning district. For each 1,000 square feet above the minimum lot size for the district, one additional unit in a multi-family housing structure is allowed with a maximum of 8 units per parcel. A multi-family application seeking 9 or more units requires a special use permit.
 2. **Entrances.** There shall be no more than one ground level entrance per street-facing façade. An entrance may be in the form of a recessed foyer and include multiple doors.
 3. **Windows.** A minimum of two windows are required per building façade, making up at least 15 percent of the area of any street-facing façade.
 4. **Design Planes.** No street-facing façade shall exceed 50 feet in length without at least a two-foot change in the horizontal wall plane.
 5. **Roofs.** Street-facing roofs that exceed 50 feet in length shall be subject to the following standards based on the type of roof provided:
 - a. Sloped roofs shall provide one or more of the following:
 - i. A two-foot horizontal variation in the roofline, or
 - ii. A roof element, that includes one of the following: dormer, cupola, gable, hip detail, or roof projections.
 - b. Flat roofs shall provide a cornice or other decorative band shall be provided to serve as a building cap for the entire roof. In addition, a minimum two-foot vertical variation shall be provided for at least 15 percent of the length of the façade.
 6. **Parking.** Parking shall be provided to the side or rear and not closer to the street than the street-facing facade of the structure.
 7. **Parking Screening.** Parking lots with more than four spaces shall be screened when adjacent to a singlefamily use. Screening shall include:
 - a. A mix of evergreen and deciduous trees and shrubs to result in a vegetative screen that is 75 percent opaque year-round and planted in a minimum five-foot-wide planting strip, or
 - b. A fence or wall with a minimum height of six feet with the finished side of the fence facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50 percent of the fence or wall. Placement of such fence shall be on the development side of the required five-foot planting area.

Commented [JT1]: @Jennifer Tipton I think this works. What do you think? This formatting is how Asheville does it. We'd need to update the table of permitted uses to reflect this change.

Commented [JT2R1]: I think this is good and achieves what we want at this moment.

Multi-family Draft Language

8. *Side Setbacks.* For structures with more than four units, the side setback shall be at least ten feet.
9. *Front Orientation.* The front of the structure shall be oriented to face the primary access street.
10. *Height.* The height shall not exceed three stories or the maximum permitted height of the zoning district, whichever is less.

Infill Draft Language

3.02.08 Infill and Redevelopment Sites

A. **Description.** An infill or redevelopment project consists of smaller lots and greater densities than conventional developments that make efficient use of land and infrastructure on vacant or underutilized lots in already developed areas.

~~B. **Eligibility for Infill Applicability.** The standards described in this section are minimum, Town-wide standards. These standards are to be applied unless otherwise duplicative standards are addressed within otherwise existing standards (applicable to locations or situations) elsewhere in this UDO. An infill development type may be located on any parcel that is:~~

~~1. **Vacant or Unoccupied.** That is surrounded by existing developed properties and has been vacant or unoccupied for more than one year;~~

~~2. **Utility Easements.** Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are utility easements that create a substantial break in development or redevelopment potential;~~

~~3. **Environmental Constraints.** Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are encumbered by environmentally sensitive or constrained areas such as floodplains; or~~

~~4-B. **Existing Development.** Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are developed with single-family dwellings of higher density or intensity uses.~~

~~C. **Appearance-Generally.** A lot is considered an infill lot if it is on a stretch of roadway (a block, for example) that is at least 50 percent developed. More specifically, a lot is considered an infill site if 50 percent of the block face (measured linearly) is composed of parcels containing structures. Infill development shall be constructed to be generally compatible in appearance with other existing structures in the developed areathat comply with this ordinance. This provision shall be satisfied by constructing the proposed building(s) so that at least three of the following features are substantially similar to the majority of other buildings in the developed area:~~

~~1. **Roof pitch and overhang;**~~

~~2. **Shape, size, and alignment of windows and doors;**~~

~~3. **Front porches or porticos;**~~

~~4. **Exterior building color; or**~~

~~C. **Location and style of garage or carport.**~~

~~5. **All structures shall not vary from the established building setback line by more than five feet in either direction.**~~

~~D. **Alternative Standards.** In place of the traditional standards in this UDO, the applicant may utilize the following alternative standards.~~

~~1. **Lot Area and Width.** The minimum lot area may be that of the smallest lot in the developed area, as defined below. The minimum lot width may be that of the narrowest lot in the developed area. Refer to plattting requirements related to replatting existing lots.~~

~~2. **Maximum Building Height.** The maximum building height may be that of the tallest building in the developed area, plus 15 percent of the height.~~

~~3. **Minimum / Maximum Setbacks.**~~

~~a. **The minimum front or street side setback may be that of 80 percent of the average front or street side setbacks in the developed area.**~~

Commented [JT1]: This was supposed to have better standards - if we have an example we like, I can add those in

Commented [JT2R1]: @Jennifer Tipton Did Chris Collins make a suggestion of one he likes?

Commented [3R1]: Not yet. I don't think anyone gave a specific example. If they want to do that on Monday night, then I can get those incorporated.

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Commented [JT4]: I had a comment on where these were - check to see if they are in Chapter 5 for subdivisions

Commented [JT5]: This either needs to be a number that can be measured or needs to be deleted.

Infill Draft Language

- ~~b. The maximum front and street side setback, where applicable, may be that of the average of the front and street side setbacks of the developed area, plus 10 percent.~~
- ~~c. The minimum side and rear setbacks may be that of 80 percent of the average side or rear setbacks in the developed area.~~
- ~~4. *Buffering.* Except where a buffer is required along a street or parking area, or between zoning districts, the buffer width and planting materials per 100 feet may be reduced by 50%.~~
- ~~5. *Parking.* The development must meet parking standards.~~

CHAPTER 11: WORD USAGE

Contents:

§ 11.01 Rules of Construction

§ 11.02 Definitions

§ 11.01 Rules of Construction

11.01.01 Rules of Construction

- A. **"Shall," "will," "should," "may," and "must."**
 - 1. The words "shall," "must," and "will" are always mandatory.
 - 2. The words "should" and "may" are discretionary.
- B. **Representative of the Town.** Any office referred to in this UDO by title means the person employed or appointed by the Town in that position, or their duly authorized representative or designee, and includes any person designated to perform the duties of such office.
- C. **Customary Usage.** Definitions not expressly prescribed in this UDO are to be construed in accordance with customary usage in municipal planning, engineering, and architectural practices.
- D. **Most Recent Version.** All references to other county, state, or federal regulations in this UDO refer to the most current version and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
- E. **Tense and Number.** Words in the present tense include the future and vice-versa. Words in the singular number include the plural number and vice-versa.
- F. **Building and Structure.** The word "building" includes the word "structure."
- G. **District.** The word "district" means zoning district.
- H. **Town.** The word "Town" means Black Mountain, NC.
- I. **Administrator/Director.** The words "Administrator", "Director", "Public Works Director", and "Planning Director" shall mean anyone authorized by the Town Manager to enforce this UDO or any provision therein.
- J. **Gender.** If a feminine term is used, the masculine also applies and vice-versa. All gender terms shall have no binary meaning.
- K. **Conjunctions.**
 - 1. **And.** The word "and" shall be construed to include all connected items in a series or set of conditions or provisions.
 - 2. **Or.** The word "or" shall be construed to include one or more of the items in a series or set of conditions or provisions unless the context clearly indicates otherwise.
- L. **Lists.** The use of terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.
- M. **Rounding.**
 - 1. **Parking.** If the application of a minimum parking ratio results in a fraction of a parking space (for example, a building requiring 20.75 parking spaces), the non-whole number shall be rounded down to the next whole number (in this case, 20).

2. All Other Formulas. If any other regulatory formula in this UDO results in a non-whole number of an indivisible object or feature (for example, a buffer yard requiring 6.33 trees), then the non-whole number shall be rounded up to the next highest whole number (in this case, 7).
- N. **Days.** All references to “days” are deemed calendar days unless expressly indicated otherwise. The time in which an act shall be completed is computed by excluding the first day and including the last day. In computing working days, if applicable, Saturdays, Sundays or holidays observed by the Town are excluded. A day concludes at the close of business for the Planning and Development Department, and any materials received after that time will be deemed to have been received the following day.
- O. **Illustrations, Tables, and Text.**
1. Text. The text material of this UDO controls over tables and illustrations in cases of inconsistency. Likewise, tables control over illustrations.
 2. Graphics. Illustrations and photographs in this UDO are provided for illustrative purposes only.
- P. **Defined and Undefined Terms.** Terms defined in Section 11.02, *Definitions*, are those having a meaning relative to the purposes of this UDO. All words not defined in Section 11.02, *Definitions*, shall be given their usual and customary meanings, according to the Planning Director or their designee, unless the context clearly indicates otherwise.

§ 11.02 Definitions

11.02.01 Definitions

Abut: Having a common boundary or lot line not separated by a street, alley, railroad, or other right-of-way (distinguished from adjacent which can include abutting property or those across a street).

Access management: Techniques for providing access to land in development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed.

Accessory dwelling, accessory apartment, or secondary dwelling: A dwelling unit located on the same lot as a detached single-family house, such as garage apartments or "granny flats," but which is smaller in size than the principal structure (see also under dwelling and refer to guidelines for secondary dwellings, Section 2.04.05 (D)(5)).

Accessory structure: A structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use which is not used as a dwelling unit.

Accessory use: A use of land or of a building or structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Acre: means 43,560 square feet.

Addition: An extension or increase in the floor area or height of a building or structure.

Additional required protection features: Fire suppression equipment that is installed in a structure and designed to lessen the exposure to potential fire damage, such as automatic fire protection and alarm systems or other features that provide increased levels of fire protection.

Adjacent: Either abutting or being directly across a street.

Administrative decision: Decision made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in these development regulations. Also known as "ministerial".

Commented [AP1]: @Jessica Trotman need to include ALL definitions from Flood Damage Prevention Ordinance. They are NOT included here. We could provide a list of the definitions from our current ordinance.

Commented [JT2R1]: @Anne Phillip @Jessica Trotman I will be adding those definitions into this section after my initial review of the chapter

Administrative hearing: A proceeding to gather facts needed to make an administrative decision.

Adult day care center: A day care program for adults operated in a structure other than a single-family dwelling.

Adult day care home: A day care program for up to 16 adults operated in a single-family dwelling.

Adult establishment: An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, or adult live entertainment business as defined in NCGS § 14-202.10.

Affordable: A sales price or rent within the means of a low- or moderate-income household as defined by state or federal legislation within Buncombe County.

Agriculture: The science, art and business of cultivating the soil, producing crops and raising livestock, including the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; fisheries, trout farms, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation program. See Section 2.04.05. The term "agriculture" shall also include state NCGS definitions for "Bona fide farm". This term shall also include:

Boarding stable: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

Breeding farm: An agricultural establishment where animals are impregnated either naturally or by artificial insemination, and the principal purpose of which is to propagate the species.

Farm: A parcel of land used for agricultural activities.

Farm stand: A temporary or permanent structure established only for the display and direct sale of farm products and home-made crafts which is less than 150 square feet in total area including display tables. This term shall include the temporary use of a vehicle such as a pick-up truck for the display and sale of farm products.

Farm structures: Any building or structure used for agricultural purposes.

Feedlot: A confined area or structure, pen, or corral, used to hold and feed livestock.

Market gardening: Cultivating herbs, plants, fruits, flowers, vegetables, and home-made crafts for sale through local markets, including but not limited to tailgate markets, farmers markets, florists and produce stands, or for sale to restaurants or other establishments which serve them to the public.

Nurseries: Land or structures used to raise flowers, shrubs, and plants for sale, including greenhouses.

Airport: All airports and flight training schools, excluding those for the private use of an individual.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Amusements: Establishments engaged in providing entertainment for a fee, including arcades, bowling alleys, billiard or pool halls, miniature golf and any coin-operated machines or devices whether mechanical or electronic for use as a game; entertainment or amusement.

Animal boarding or kennel services: A commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, for a fee or compensation.

Animal grooming services: Establishments primarily engaged in providing grooming services to domesticated animals.

Animal hospital: Establishment of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners.

Animal processing: Processing livestock into meat products or processing meat products for sale commercially.

Animal or veterinary clinic: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Apartment unit: One or more rooms with a private bath and kitchen facilities comprising an independent self-contained dwelling in a building containing three or more dwelling units.

Area of special flood hazard: See "special flood hazard area (SFHA)".

Art studio: The workshop of an artist, sculptor, photographer, or craftsperson.

Asphalt and concrete mixing plant: A plant for the manufacture or mixing of concrete, cement, asphalt, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Assisted living facility: A facility offering a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living.

Automobile parking: Parking of operational and street legal motor vehicles on a temporary basis within an off-street parking area.

Automobile services or stations: Any building, garage, land area, or other premises or portion thereof, used for dispensing or selling vehicular fuels, or servicing and repair of automobiles. (also see "neighborhood fueling facility" which is distinct from this category). This term shall also include:

Automobile wash, car wash or detail shop: Any building or premises or portions thereof used for cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers.

Automobile body shop: Any premises which repairs, paints, or works on the exterior of vehicles, including window repair and tinting.

Audio installation: Any premise which installs or repairs vehicle audio systems.

Automobile rentals: Establishments primarily engaged in renting passenger cars without drivers, generally for short periods of time.

Automobile sales: The use of any building, land area, or other premises for the display and sale of new or used automobiles, light trucks, vans, trailers, or recreational vehicles.

Automobile towing and temporary storage: A lot or building used for the storage of damaged, wrecked, or impounded motor vehicles for a limited period of time, usually awaiting insurance adjustment, transport to a repair shop, or recovery by the owner operator.

Automobile wrecking/salvage: An establishment that cuts up, compresses, or otherwise disposes of motor vehicles.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that it shades windows or doors below but is not a constructed canopy.

Bakery, retail: An establishment primarily engaged in the sale of bakery products. The products may be purchased from others or made on the premises.

Bakery, wholesale: Establishments primarily engaged in manufacturing fresh or frozen bread and bread-type rolls and fresh cakes, pies, pastries, and other similar "perishable" bakery products for wholesale.

Bank: A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Bar: Premises used primarily for the sale or dispensing of alcoholic beverages in accordance with state and local laws for on-site consumption and where food is not necessarily provided.

Barber/beauty services: An establishment primarily engaged in furnishing beauty or hairdressing services which will include those providing tanning services, facials, pedicures, and manicures.

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: A building story where the floor level is more than four feet on average below the finished grade.

Bed and breakfast home: A private, owner-occupied residence with one to four guest rooms where overnight accommodations and a morning meal are provided to transients for compensation, and where the bed and breakfast use is subordinate and incidental to the main residential use of the building. The homeowner shall reside on site and employment shall not exceed the equivalent of one full-time employee in addition to the owner.

Bed and breakfast inn: A private, owner-occupied business with five to 12 guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business. The homeowner shall reside on site and employment shall not exceed the equivalent of three full-time employees in addition to the owner.

Bedroom: See *sleeping room*.

Boarding house or rooming house: A dwelling unit or part thereof in which, for compensation, lodging and meals are provided on a minimum of a weekly basis for at least three, but less than ten, unrelated individuals and where the owner or manager is a full-time resident of said establishment. Excludes hotels, motels, bed and breakfast homes and bed and breakfast inns.

Brewery: An establishment engaged in the production and distribution of beer and other fermented malt beverages. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

Brew pub restaurant: An establishment in which beer, ale, porter, and other fermented malt beverages are produced and sold onsite as part of a restaurant.

Broadcasting services: An establishment engaged in transmitting audio and visual programs to the public, and includes a studio, transmitter, or antennas.

Buffer: A strip of land. The term buffer may include natural or planted vegetation, the area located between a structure or use and a side or rear property line, or any area intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another, or any required screening, landscaping or stormwater that protect surface waters from runoff.

Buildable area: That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard requirements for the district and any open space requirements have been subtracted from the total area.

Building: A structure with a roof and walls built for permanent use. When used in reference to a residential structure, any one- or two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for habitation for living, sleeping, cooking, or eating purposes or any combination thereof, including accessory structures.

Building, height of: The height of a building or structure as measured according to the guidelines of this code (see Section 2.01.04 (F)).

Building permit: Written permission issued by the Building Official for the construction, repair, alteration, or addition to a structure.

Building materials sales: Establishments engaged in selling primarily lumber, or other general building materials, including flooring, molding, doors, sashes, frames, roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel, and other building hardware, materials, and supplies.

Built-upon area (BUA): That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

Business service: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising, mailing, copy and duplication services, building maintenance, employment services, management consulting services, protective services, equipment rental and leasing, commercial research, development and testing, and personal supply.

Camp, summer or seasonal: Establishments engaged in seasonal or overnight, recreational housing and conducting a variety of educational and athletic activities. These establishments provide accommodation facilities, such as cabins or fixed campsites, food services, on-site recreational facilities, and equipment, or organized recreational activities.

Campground: A plot of ground upon which two or more campsites are located, established, and maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Campus: The grounds and buildings of a public or private college, university, school, or institution.

Carnival: Any aggregation of shows or riding devices, games of skill or chance, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments, or riding devices, whether carried on or engaged in or conducted in any field, park, or in a building or enclosure, and whether carried on, engaged in, or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

CBD dispensary: A business that sells various products made from CBD containing less than 0.2% THC.

Ceiling height: The vertical distance from the finished floor to the finished ceiling.

Cemetery: A designated parcel of land used for the interment of the dead in the ground or in memorial structures such as mausoleums or columbariums. See also "Columbarium."

Certificate of appropriateness: Document certifying compliance with historic district guidelines.

Certificate of occupancy (CO): Document allowing occupancy or use of a building and certifying that the structure or use is compliant with local and state codes and ordinances.

Certificate of zoning compliance: A certification that a use or completed structure conforms to the provisions of the unified development ordinance and may be used or occupied. Also, a certification that plans for land development or construction conforms to the provisions of the Town's regulations.

Certified local government (CLG) programs: Approved by the U.S. 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.

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.

Chemical treatment: A process and technology that uses chemicals or chemical processes to alter the existing condition of materials, wastes, or environments.

Childcare or day care center: An establishment providing for the care, supervision and protection of children that meets the North Carolina Licensing Standards for Day Care Centers. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

Code enforcement official: Any employee of the Town whose assigned duties include the enforcement of one or more of the provisions of the code.

Columbarium: A structure for placement of cremated remains which may be outdoors or part of a mausoleum or memorial but is not necessarily associated with a cemetery.

Commercial use: Activity involving the sale of goods or services carried out for profit.

Communication tower: A structure intended to furnish radio, cellular or television or other point-to-point communication services, whether by wire or radio, but not including amateur radio antennas affected and controlled by FCC regulations codified in, Chapter 47, Section 97, of the Code of Federal Regulations.

Community center: A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

Community facility: A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

Community garden: A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Composting: A controlled process of degrading organic matter by micro-organisms.

Condominium: A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. (As distinct from a town home.)

Conference center: A facility used for conferences, retreats, and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities and meeting rooms.

Congregate care facility: A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly. Congregate care facilities do not include nursing care institutions or similar institutions devoted similarly to the care of the chronically ill or incurable.

Conservation easement: A designation that grants one or more property rights to and for the public, a corporation, or other entity for the purpose of protecting environmentally sensitive or culturally or historically significant areas in perpetuity unless otherwise specified.

Convenience store: Any retail establishment consisting of no more than 3,500 square feet, offering for sale prepackaged food items, household items, newspapers, magazines, sandwiches, or freshly prepared food for off-site consumption.

Convention center/visitors bureau: A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating, and recreation.

Cottage housing developments: A cluster of detached structures which are no larger than 1,100 square feet and which share common driveways, yards, and other exterior facilities.

Country club and golf course: A recreational facility whose principal use is for playing the game of golf and whose ancillary uses and structures may typically include a pro-shop, swimming and tennis, dining and food-service, and maintenance buildings.

Crematory: Establishments primarily engaged in operating sites or structures reserved for cremating the dead.

Cul-de-sac: A bulb-end design located on a short, dead-end street for the purpose of providing a turnaround for vehicular traffic.

Cultural or community facilities: Facilities designed to promote cultural advancement and serve the community such as art galleries, libraries, museums, art centers, community centers or facilities to house civic or fraternal organizations (provided that such facilities are not operated for profit).

Culvert: A conduit used to enclose a flowing body of water and is frequently used to carry drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Curb: An improved boundary usually marking the edge of the roadway or paved area.

Curb cut: The opening along the curb line at which point stormwater, or motorized and non-motorized vehicles may enter or leave the roadway.

Demolish: The tearing down and disposal of an entire structure, leaving the property free and clear of any debris and without holes.

Demolition: The tearing down and disposal of an entire structure in a lawful manner, leaving the property free and clear of any debris or environmental hazards.

Density: The number of dwelling units per acre of residential land.

Deteriorated dwelling: A dwelling unit that can be repaired, altered, or improved to comply with the minimum standards of the Town's minimum housing code at a cost not in excess of 50 percent of its fair market value.

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

Developer: A person who undertakes any development and who is the owner of the property to be developed or who has been authorized by the owner to undertake development on that property.

Development: The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site or demolition of any structure; excavation, grading, filling, clearing or alteration of land; the subdivision of land as defined in NCGS §160D-802; the mitigation or substantial use of land or the intensity of use of land.

Development approval: An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including but not limited to zoning permits, site plan approvals, special use permits, variances, and certificates of occupancy.

Development permit: A development approval in writing that is required prior to commencing development or undertaking any activity, project, or development, including any of the following: zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision plat approvals, driveway permits, and sign permits.

Development regulation: A zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, steep slope protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, minimum housing code regulation, state building code enforcement, or any other regulation that regulates land use or development.

Diameter at breast height (DBH), or caliper: The tree trunk diameter measured in inches at a height of 4.5 feet above the ground. Generally used for measuring existing trees.

Dilapidated dwelling: Any structure of dwelling unit that cannot be repaired or improved in order to comply with the minimum standards of the Town's minimum housing code at a cost less than 50 percent of its fair market value.

Discharge: The introduction, either directly or indirectly, of any effluent, whether illicit or non-illicit, into North Carolina surface waters. (See Section 6.04, Phase II Stormwater Ordinance).

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

Distillery: An establishment engaged in the production and distribution of spirituous beverages. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

Distribution: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dormitory: A building which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

Drainage system: Pipes, swales, natural features, and man-made improvements which convey drainage.

Drip line: An imaginary vertical line extending from the outermost edge of a tree canopy or shrub branch to the ground.

Driveway: A private roadway providing access to a street or highway and serving less than four lots.

Driving range: A limited area on which golf players drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

Dry cleaning: Establishments primarily engaged in providing dry cleaning, laundering, drop-off and pick-up sites or windows for laundry, or specialty cleaning services, without coin-operated machines.

Dumpster: Container designed to receive, transport and dump waste in conjunction with a hauling vehicle or truck. This definition includes containers used for recycling, oil containment, construction waste, or other materials and may be of varying size and design. This definition does not include containers used for waste or recyclable materials which may be wheeled or carried by hand, nor does it include temporary off-loaded dumpsters used for construction or yard waste which are removed after work is completed.

Duplex or two-family residence: A detached building which includes two individual dwelling units. A duplex may be held in single ownership or may be subdivided as a town home or condominium. It is a building designed as a single structure with two residential units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling: Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied or that are occupied for living purposes.

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, including the following types:

Accessory dwelling or accessory apartment: A dwelling unit located on the same lot as a detached single-family house such as garage apartments or "granny flats," but which is smaller in size than the principal structure.

Apartment unit: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

Condominium: A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Detached dwelling or single-family unit: A dwelling unit on its own lot, designed for one household and developed with no party walls and with open yards on all sides including modular homes, but not including manufactured homes, recreational vehicles, campers, or motor vehicles.

Townhouse or townhome: A single household dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical, common fire-resistant walls. A subdivision of property within a townhome development, duplex or special use permit shall include the footprint of the structure directly underneath the dwelling unit plus any yard area designated to that unit as part of an approved master plan or building permit.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Education facility: A facility for the education of children and adults including public and private elementary and secondary schools, colleges, technical institutes, and universities, but excluding specialized trade schools and nursery schools.

Egress: An exit from a parcel, lot, or area of property.

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.

Emergency services: Buildings or facilities used to house, station, provide or support emergency services including fire departments, police departments, ambulance and EMS stations, fire and police substations and training facilities.

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. *Erosion:* The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

Evergreen: Those plants that retain foliage throughout the year.

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

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof.

Existing 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 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.

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

Exit: A clear and unobstructed way of departure from the interior of a dwelling or commercial building to the exterior of the building at street or grade level.

Exterior features: The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Extermination: The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food, or by poisoning, spraying, fumigating, trapping or other recognized and legal pest elimination method.

Extractive use/mining: Establishments that extract naturally occurring mineral solids, such as rock, coal, and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparations customarily performed at the mine site, or as a part of mining activity.

Family or household: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit under a single housekeeping unit.

Family care home: A home that provides room and board and personal care and rehabilitation and habitation services for no more than six resident persons with disabilities or handicapped persons. Handicapped persons are those with physical, emotional, and mental disabilities (as distinct from group home).

Farm: see "Agriculture."

Farm supply: Establishments primarily engaged in the merchant wholesale distribution of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.

Fence: A structural barrier intended to provide screening, prevent escape or intrusion, or to mark a boundary.

Fertilizer manufacturing: A plant that manufactures a substance or a mixture of substances that contains one or more compounds of nitrogen, phosphorous, potassium, or other plant food and is sold or represented for use as a plant nutrient.

Financial and insurance services: Establishments engaged in financial services and transactions including banks, credit unions or agencies, savings and loans, check-cashing, brokerages, or other financial institutions.

Fire apparatus access road: A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Firearms and ammunition sales: A business selling firearms and ammunition as a primary business. This term does not apply to home occupations that allow for the sale of firearms as permitted and regulated by the ATF.

Flag lot or interior lot: A lot meeting the minimum lot requirements of the underlying zoning district but where access to the public road is by a portion of land adjacent to the lot between the "flag lot" known as a frontage lot and the street in a way that creates a private driveway. The driveway area therefore looks somewhat like a "pole" or "staff" connecting the lot to the street and can be referred to as the flagpole or flag staff of the flag lot.

Flea market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

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/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

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

Flood insurance rate map (FIRM): An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood insurance study (FIS): An examination, evaluation, and determination of flood hazards, corresponding with 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 prone: See "floodplain".

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 regulations, subdivision regulations, building codes, health regulations, special purpose regulations, 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 to 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 more than one foot.

Forestry and logging: The growing or harvesting of forest trees used for commercial or related purposes.

Fortune telling/palm reading: An establishment for a business that offers the services of predicting someone's future.

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 establishes the “regulatory flood protection elevation”.

Freight handling facility: A facility providing terminals with the capability of handling a large variety of goods involving various forms of transportation such as rail to truck, truck to truck, or truck to air.

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

Funeral home: A building used for the preparation of the deceased for burial or cremation, the display of the deceased and rituals connected therewith before burial or cremation.

Garage: Deck or other structure, or part thereof, used or intended to be used for parking and storage of vehicles.

Garbage: Waste produced by the handling, processing, preparation, cooking, packaging and/or consumption of animal or vegetable products or other consumable goods, or other matter subject to decay or decomposition which generates noxious gases or offensive odors or that may serve as breeding or food material for rodents or other pests. This term does not include materials composting in closed containers or loose yard waste which is gathered into a windrow or collected into a contained space.

Garden market: A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Golf course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

Governmental facilities: Buildings, facilities and complexes used for the provision of governmental services, including solid waste, recycling, building maintenance, vehicle maintenance, administrative offices, warehousing, and storage.

Green building: Buildings sited, designed, constructed, and operated to enhance the well-being of occupants and to minimize negative impacts on the community and natural environment.

Greenhouse, accessory structure: An accessory structure constructed of rigid materials for both the roof and sides is permitted under accessory structure guidelines in this unified development ordinance.

Greenhouse, commercial: A building whose roof and sides are made largely of glass or other translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for sale.

Greenway: A dedicated and accepted public right-of-way for non-motorized transportation or as a linear open space established for conservation (usually along a natural corridor such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route identified in the Town's greenway master plan).

Greywater: Also known as sullage, is non-industrial wastewater generated from domestic processes such as dish washing, laundry and bathing. Greywater comprises wastewater generated from all of the house's sanitation equipment except for the septic tank (water from toilets is blackwater, or sewage).

Grocery or supermarket: An establishment which primarily sells a variety of food and general supplies for the table and other household uses.

Group home: A facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals are provided services to meet their needs such as halfway houses and foster homes so long as they house seven or more individuals and are distinct from group homes from developmentally disabled adults or adult care homes. Similar facilities providing care for less than seven individuals shall be treated as a single-family residence under zoning district regulations.

Habitable space: Any room or enclosed floor space used or intended for use for living, sleeping, cooking, or eating, including kitchens, but not including bathrooms, halls, corridors, pantries, storage space, or closets.

Hazardous waste management facility: As defined in NCGS §130A, art. 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Health care services: Facilities whether public or private, principally engaged in providing health maintenance and treatment of mental or physical conditions, including medical or dental clinics, or doctors' offices. This definition shall also include certified massage therapists, acupuncture specialists and chiropractors who are licensed by the State of North Carolina.

Health club/fitness center: An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, or lockers.

Heavy timber construction: A type of construction in which the exterior walls are made of noncombustible materials and the interior structural building elements are of solid or laminated wood. To be considered heavy timber construction, supporting wood columns and roof framing shall not be less than six inches in width and eight inches in depth while floor framing members shall not be less than six inches in width and ten inches in depth. (See fire district overlay, Section 2.03).

Heritage crafts: An enterprise that involves the production, sale, demonstration or teaching of a handcraft such as pottery, instrument making, spinning and dyeing yarn, hand weaving or woodworking using traditional methods.

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

Historic site: A structure or place of historic and cultural significance and designated as such by the Town of Black Mountain or by state or federal historic preservation agencies.

Historic structure: Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a local inventory of historic landmarks in communities with a "certified local government (CLG) program"; or

(d) Certified as contributing to the historical significance of a historic district designated by a community with a "certified local government (CLG) program".

Home occupation: An occupation conducted in a dwelling unit or accessory building that is incidental and subordinate to its use for residential purposes by its occupants and causes no change in the exterior of the dwelling.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and included related facilities such as laboratories, out-patient facilities, and staff offices which are in an integral part of the facility. This term includes sanitorium.

Hotel or inn: A facility offering lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Hunting, fishing, and game preserve (commercial): A parcel or parcels of land licensed by their respective states to offer hunting for a fee.

Increased fire hazard: An increase in the volume of combustible material contained in an erected, repaired, altered or moved structure that is not offset by the installation of additional protection features; or changes in the building features that can increase fire movement from one building to another such as increasing the number of openings in exterior walls.

Industrial park: A tract of land, used primarily for industrial and related uses, that is under unified control and is planned, and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open space, and other site features and improvements.

Infestation: The presence within or around a dwelling of any insects, rodents, or other pests in such a manner as to threaten the health, safety, or welfare of the occupants or public, or to undermine the integrity of the structure.

Ingress: Access or entry.

Instructional services or studios: Businesses with the function to provide classes and instruction, including, but not limited to, the martial arts, music, dance, specialized trade schools or visual arts and which are not subject to state licensing as public or non-public educational facilities (see educational facility).

Junkyard or salvage yard: The use of any lot, parcel, building, or structure, or part thereof, used primarily for the storage, collection, processing, purchase, sale, salvage, or disposal of discarded items including recyclable or non-recyclable material such as paper, scrap metal, and machine parts. (See also automobile wrecking/salvage.)

Laboratories and research facilities: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Land, vacant: A lot or parcel of land that is partially or fully prepared for development (i.e., graded, utilities installed, access drive installed) on which no improvements that have been permitted or require permitting have been constructed.

Landfill: A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

Landscape: Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

Laundromat: Establishments primarily engaged in operating facilities with coin-operated or similar self-service laundry for customer use on the premises. (Does not include dry-cleaning.)

LEED ("Leadership in Energy and Environmental Design"): A voluntary, consensus-based national standard for developing high-performance, sustainable buildings. This program is sponsored by the U.S. Green Building Council.

Legislative decision: The adoption, amendment, or repeal of a regulation, including the decision to approve, amend, or rescind a development agreement.

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

Library: A public, nonprofit facility in which literary, musical, artistic, or reference material such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Loading zone or space: Space designated for pickups and deliveries and scaled to delivery vehicles, including tractor-trailers.

Lot: A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development.

Lot, corner: A lot located at the intersection of two or more streets or located where one street makes an angle greater than 80 degrees.

Lot depth: The mean horizontal distance between the front and rear lines.

Lot line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot width: The mean horizontal distance between the two side lot lines.

Low-density project: A project that has no more than two dwelling units per acre or 24 percent built-upon areas (BUA) for all residential and nonresidential development.

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

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

Lumber yard: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

Manufactured home or manufactured housing: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein, or for which the manufacturer has voluntarily filed a certification required by the Secretary of HUD and which complies with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park: Three or more manufactured homes on a parcel of land or a site containing spaces with improvements and utilities that are leased for the placement of manufactured homes for residential purposes and that may include services and facilities for the residents.

Manufacturing or manufacturing assembly: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the fabrication of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors and which may take place indoors or out.

Manufacturing, light: Manufacturing activities taking place entirely indoors, including storage, and which do not emit any odor, noise, vibrations, or chemicals outside of the building in which it is located.

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

Master plan: A comprehensive, long-range plan guiding the development of a tract of land or subdivision.

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 FIRM are referenced. Refer to each FIRM panel to determine datum used.

Medical clinic: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Meeting hall: A building designed for public assembly containing at least one room of at least 2,400 gross square feet.

Micro-brewery: An establishment engaged in the production and distribution of beer and other fermented malt beverages with a capacity not to exceed 5,000 barrels per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district in accordance with state and local laws.

Micro-distillery: An establishment engaged in the production and distribution of spirituous beverages with a capacity not to exceed 30,000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

Micro-winery/cidery: An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages with a capacity not to exceed 30,000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

Mixed-use structure: A building containing residential in addition to nonresidential uses.

Mobile food court/food vendor court: A plot of ground upon which two or more spaces and associated amenities are regularly provided for use by mobile food vendors to offer food or beverages for sale to the public.

Mobile food vendor: Any mobile food unit, pushcart, or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages.

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Multi-family dwelling: A single building containing three or more dwelling units.

Multi-use building: A building containing two or more distinct uses.

Mural: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic but excluding any commercial name, brand, or message.

Neighborhood fueling facility: A facility for fueling vehicles be it gas, electric, or other fuel, which serves adjacent residential areas and accessory to a convenience store, which is designed to be compatible within a residential area in terms of design, lighting, and hours of operation. It may also have additional accessory uses that provide neighborhood services.

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

Newsrack: A self-service, coin-operated or free dispenser installed, used, or maintained for the display and sale of newspapers, periodicals, or other published material, including real-estate, arts, or other journals.

Nonconforming: The state of not complying with the current ordinance. This term may apply to a lot, structure, or use which was lawful prior to the adoption, revision, or amendment of the ordinance but that now fails by reason of such adoption, revision, or amendment, to conform to current development regulations.

Non-encroachment area: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.

Nursing care institution: A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six or more non-related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specific for mentally ill persons who are dangerous to others as defined in NCGS §122C-3(11)(b).

Occupant: Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling.

One-year, twenty-four-hour storm (1-year, 24-hour storm): A 24-hour rainfall of intensity expected to be equaled or exceeded, on average, once in 12 months.

Open space: Any parcel or portion thereof or area of land essentially left in or returned to a natural state and set aside, dedicated, or reserved for ecological or recreational purposes for public or private use.

Outdoor theater: An establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

Owner or landowner: The holder of the title to land in fee simple. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Park: A tract of land designated and used by the public for active and passive recreation.

Park models or park homes: Recreation vehicles designed as living quarters for camping or seasonal habitation and built on a single chassis, mounted on wheels, and having a gross trailer area not exceeding 400 square feet of living area. These are typically built with modular construction and are distinct from manufactured homes.

Park-and-ride facility/transit terminal: A specially designated parking area where commuting motorists park their vehicles and ride with other commuters who have a common destination. Ridesharing from the lots may be done by carpool, van pool, or public transit.

Party of interest: Any individual, corporation or entity having interest of record in a dwelling or property.

Pawn shop: The location at which, or premises in which, a pawnbroker, as defined in NCGS §91A-2, regularly conducts business.

Pier: A post, pole or column of masonry, concrete, steel, or lumber extending from a footing to and supporting the building or portion thereof.

Place of worship: A building or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. The term includes, but is not limited to, free-standing churches, synagogues, and temples, and to places of worship located within shopping centers or other buildings. This definition does not include nor is it intended to limit the use of private homes for religious practices, prayer meetings, or other religiously oriented uses as long as the use can conform to the same restrictions on traffic, parking and neighborhood impacts as a home occupation. Childcare centers, schools, and recreational facilities developed as a part of the place of worship shall meet the standards for these individual uses as set forth for the zoning district in which they are located.

Planned unit development (PUD): A development of land under unified control that is planned and developed as a whole in a single development operation or programmed series of development stages, including developments permitted as "unified housing developments" and "unified business developments." The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements. These may include various types of residential density and may or may not include a mixture of uses where the lot may or may not be divided or retained in single ownership.

Plat, final: The final map showing the boundaries and location of individual properties and streets on which the exact subdivision plan is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recording.

Plat, preliminary: A tentative subdivision plan, in lesser detail than the final plat, indicating the approximate proposed layout of a subdivision as a basis of study and consideration prior to the installation of improvements.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Playhouse: A freestanding structure, exclusively for the use of children, with a maximum height of 12 feet and in an area not to exceed 120 square feet.

Plumbing: Any and all facilities connecting to water, sewer or gas lines.

Positive drainage: The construction of systems that slope in a way that allows for water to be directed away from the structure.

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.

Premises: A building together with its immediate and adjacent grounds.

Principal building: A building in which is conducted the principal use of the parcel on which it is situated.

Principal use: The primary purpose or function that a parcel serves or is intended to serve.

Principally above ground: At least 51 percent of the actual cash value of the structure is above ground.

Private clubs: Private organizations or business establishments using membership as a prerequisite to the purchase and consumption of alcoholic beverages on the premises or using membership as a prerequisite to admission to the activities of the business if the purchase and consumption of alcoholic beverages on the premises is a part of the business or offered in conjunction with the principal activities of the business.

Private street: A non-public road for vehicular traffic, serving four or more lots.

Professional office: The office of a member of a recognized profession maintained for the conduct of that profession, such as those providing real-estate, legal, accounting, architecture, medical or survey services.

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 of the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Quasi-judicial decision: A decision involving the findings of facts regarding a specific application of development regulations and that requires the exercise of discretion when applying the standards of the regulation.

Reasonable routine maintenance: Replacement of existing portions of a structure with like materials and design so as to avoid deterioration or further deterioration of the structure.

Reception facility: A facility used to host gatherings of people, typically within large rooms, for meetings, parties, or other events.

Recreation services, indoor: Establishments engaged in providing indoor recreation services. Indoor services may include public or private health or exercise clubs, tennis or other racquet ball courts, swimming pools, YMCA's or other similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreation services, outdoor: Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts, which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreation use is located. Outdoor recreation may include accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreational vehicle (RV): A vehicle which is:

- (a) Built on a single chassis;

- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle (RV) park: A unified development of recreational vehicle spaces, community facilities, and permitted permanent buildings which are combined to support two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made.

Redevelopment: Any rebuilding activity other than a rebuilding activity that results in no net increase in built upon area and provides equal or greater stormwater control than the previous development.

Reference level: The top of the lowest floor for structures within the special flood hazard area.

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 feet of freeboard. In “special flood hazard areas” where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

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 regulations or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repair or alteration: Repairs or alterations to a building that exceed reasonable routine maintenance; that cost more than 50 percent of the current value of the building as listed in the assessed tax value; or that change the exterior finish, exterior configuration, number of openings in exterior walls, or the footprint of the building. If the structure has been damaged and is being repaired, the value of the structure shall be interpreted to mean the value before the damage or destruction occurred. (This term does not include emergency repairs needed to secure the structure from water, storms, or unauthorized access).

Residence: A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments. Residences do not include such transient accommodations such as transient hotels, motels, tourist cabins, dormitories, and recreational vehicles.

Resident: An individual whose principle place of living and sleeping is in a particular location is a resident of that location.

Restaurant, brew pub/tavern: An establishment in which beer, ale, porter, and other fermented malt beverages are produced and sold onsite as part of a restaurant operation in accordance with state and local laws.

Restaurant, drive-thru: An establishment where food and/or beverages are sold in a form ready for consumption, where a portion of the pick-up and consumption of food may take place from an automobile. This term shall include “fast food” restaurants.

Restaurant, eat-in: An establishment where food and drink are prepared, served, and consumed primarily within the principal building, and which may also prepare food for take-out. Eat-in restaurants may or may not serve beer and wine in conjunction with their food service and in accordance with a state ABC permit.

Restaurant, walk-up: An establishment where food and/or beverages are sold in a form ready for consumption where pick up and consumption of food is designed to take place outside the confines of the structure, and which may also prepare food for take-out. Includes food vendors and stands.

Retail sales: Establishments engaged in selling goods or merchandise to the general public and rendering services incidental to the sale of such goods including tailoring or repair. This includes, but is not limited to, specialty shops and stores as well as:

Books, news, recordings retail: Establishments primarily engaged in the sale of books, magazines, or recordings for general consumption as opposed to adult entertainment use.

Clothing and personal accessories merchandise retail: Establishments engaged in the sale of personal clothing, jewelry, watches, shoes, luggage, hats, etc.

Drugstore or pharmacy: A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where non-medical products may be sold as well.

Florist: Establishments primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others and including on-site preparation.

Garden center: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

Hardware store: Establishments primarily engaged in the retail sale of a number of basic hardware lines, such as tools, hardware, paint, glass, house wares and household appliances, cutlery and other items.

Musical instruments retail and repair: Establishments engaged in the sale, re-sale and/or repair of musical instruments.

Outlet store: A retail establishment selling a single or limited number of a manufacturer's product.

Right-of-way: 1) a strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

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

Rubbish: Solid waste, combustible or noncombustible, excluding food waste, vegetation waste and ashes, which have been discarded from residences, commercial establishments, and institutions.

Salvage yard: Any nonresidential 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.

Sanitary sewage: Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescent material. (See also "greywater.")

Sanitary sewage system: Conveyance and treatment of sanitary sewage by the Metropolitan Sewage District, septic systems, or other systems compliant with state building codes.

Screening: A method of visually shielding or obscuring one abutting nearby structure from another by fencing, walls, or densely planted vegetation.

Self-service storage facility or mini-storage: A structure containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Setback: The minimum distance by which any building or structure must be separated from a street right-of-way or lot line. Where no right-of-way is delineated and where property boundaries are located underneath the footprint of an existing road, then setback will be defined as the minimum distance between a building or structure and the edge of the roadway or back of curb. On NCDOT maintained roads where roadway right-of-way is not established, setback is the minimum distance between a building or structure and the back of the maintenance ditch or maintenance area (four feet from the edge of pavement).

Shared housing arrangements/community living: Dwellings that offer communal areas and services such as housekeeping, transportation, organized social and recreational activities, and other support services for seven or more residents, but excluding assisted living facilities for the elderly or other medical facilities. (See also "group home".)

Shopping center: A group of commercial establishments planned, constructed, and managed as a total entity.

Short-term rental: Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

Sidewalk: A paved or otherwise surfaced area designed for pedestrian and wheelchair use.

Sidewalk sign: A sidewalk sign is a movable sign not secured or attached to the ground or surface upon which it is located. This sign type is typically an A-frame or spring-mounted sign.

Sign: Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of attracting attention or communicating a readable, comprehensive, legible message.

Site plan: A scaled drawing and supporting documents showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on a parcel or parcels of land, which may include site-specific details such as building areas, building height, floor area, setbacks and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control measures that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Sketch plan: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or development plan for use in technical review and plan development prior to the submittal of a master plan or preliminary plat.

Sleeping room, sleeping unit, or bedroom: A room designated as sleeping or bedroom on the plans and permit application. When no plan or permit application is available, a sleeping room, sleeping unit, or bedroom shall be defined as a room with a closet set up to act as a space for a person to sleep.

Solar farm: A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption.

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

Solid waste disposal site: As defined in NCGS §130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special flood hazard area (SFHA): The land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in Section 6.01.03.

Special use permit: A permit issued by the Board of Adjustment in accordance with the principles, conditions, safeguards, and procedures specified in these regulations to authorize a specific use of land as required by these regulations.

Start of construction: 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 state 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 sewer or stormwater sewer: Pipe or conduit used to collect and carry away sewage or stormwater from generating sources to treatment plants, SCMs or receiving streams.

Stormwater: Stormwater from rainfall or snowmelt that runs off the ground or impervious surfaces like buildings, roads, parking lots, etc.

Street: A dedicated and accepted public right-of-way for vehicular traffic. This also includes the terms "roads" or "roadway".

Structure: Anything constructed, installed or portable, the use of which requires a location on a parcel of land, this includes a fixed or moveable building which can be used for residential, business, commercial, agriculture, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, above ground, below ground and permanent swimming pools, cisterns, sewage treatment plants, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculptures, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

Subdivider: Any person who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: All divisions of a lot, tract, or parcel of land into two or more lots, tracts, parcels, building sites or other divisions when any one of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of new streets or a change in existing streets.

Subdivision, conservation: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located and permanent open space is provided.

Subdivision, exempt: The types of land divisions or combinations that are exempt from state and local subdivision regulations (per NCGS §160D-802).

Subdivision, family: A division of land solely among direct lineal descendants (parent to child only) and direct lineal ascendants (child to parent only).

Subdivision, major: A subdivision, other than an exempt subdivision, which requires the extension of public right-of-way and/or public streets, or where the entire tract to be subdivided is greater than five acres, or where the subdivision will result in five or more lots after the subdivision is complete.

Subdivision, minor: A subdivision, other than an exempt subdivision, which involves no new public streets or roads, and where the entire tract to be subdivided is five acres or less in size, and where four or fewer lots will result after the subdivision is complete.

Substantial damage: Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Also means flood-related damaged sustained by a structure on two separate occasions during a ten-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 market 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 market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the 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.

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

Summer camp: A recreation and residential center for children or adults that specializes in outdoor activities and programs, and which is accredited or seeking accreditation from the American Camp Association (ACA) or other recognized accreditation service.

System development fee: A charge imposed on each new customer or development that generally offsets the incremental cost of replacing existing and/or constructing new capital assets to provide capacity that will continue to meet the demands placed on the system by each new customer or development.

Tattoo parlor/body piercing studio: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.

Taxi and transportation services: A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

Temporary sign: A sign with or without a structural frame, not permanently attached to a building, structure, or ground and intended for a limited period of display.

Tenant: Any person who occupies a dwelling unit under a verbal or written lease or holds a legal tenancy in a dwelling.

Theater or music hall: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances. Areas for retail sale of food and beverages, including beer and wine in accordance with state ABC permits, are included in this definition as incidental to the primary use.

Townhome: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Additionally, ownership of a townhome includes the footprint of the unit itself as well as any common areas established as part of the development plan.

Traffic impact study (TIS): A report analyzing anticipated roadway conditions with and without an applicant's development and recommending appropriate mitigation measures.

Transient: Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

Truck stop, travel plaza: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. It may also include overnight accommodations or restaurant facilities primarily for truck crew use.

Truck, tractor trailer, or bus storage: A parcel of land in which two or more spaces are designed, occupied, or intended for occupancy by trucks, tractor trailers, or buses and not for transient dwelling purposes.

Undeveloped land: Land in its natural state.

Unfit for human habitation: Conditions exist within a dwelling or dwelling unit which violate or do not comply with the minimum housing standards established by the Town.

Unsafe: State of a structure deemed dangerous because of unstable conditions of walls, overloaded floors, defective construction, dangerous wiring or heating systems, inadequate means of egress, susceptibility to fire or other cause or conditions that make the building unsafe for people to enter or live.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Vaping and tobacco shop: A retail establishment with an entrance door opening directly to the outside, with greater than 90% of the shop's gross revenue obtained from the sale of licensed products, and which prohibits persons under 21 from entering at all times.

Violation: The failure of a structure, use, or other development to be fully compliant with this ordinance, other applicable provisions of the Town of Black Mountain Code of Ordinances, other applicable laws and regulations, or any conditions attached to any permit or approval issued by the Town of Black Mountain. A structure, use, or other development without a valid and current land development permit, zoning permit, zoning permit, subdivision approval, or any other form of approval as required by this ordinance, the Town of Black Mountain Code of Ordinances, and other applicable state and federal regulations.

Violation, flood management: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 6.01.04 and Section 6.01.05 is presumed to be in violation until such time as that documentation is provided.

Warehouse or distribution center: A building used primarily for the storage of goods and materials, or an establishment engaged in the receipt, storage and distribution of goods, products, cargo or materials, including shipment by boat, rail, air or motor vehicle.

Warehouse, mini: Establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods.

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

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

Watershed or natural drainage: The drainage basin, catchments, or area of land that drains water, sediment, and dissolved materials to a common outlet along a stream channel.

Wholesale establishment: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Winery/cidery: An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district in accordance with state and local laws.

Wood or frame structure: A type of construction whose primary structural elements are formed by a system of repetitive wood framing members, not including heavy timber, metal frame, or masonry construction where the exterior walls are composed of noncombustible materials that support the roof load. (See fire district overlay, Section 2.03).

Wood and yard waste facility: An operation which collects, stores and/or processes waste and accumulation of tree branches, tree limbs, bushes, shrubbery, cuttings, or clippings usually created as refuse in the trimming or cutting of trees, shrubs or bushes, including parts of trees, plant clippings, prunings, leaves and other discarded vegetative material from yards and gardens. Processing may include chipping or mulching to reduce woody material by mechanical means into small pieces to be used for mulch or fuel.

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the ordinance.

Yard, front: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at closest point to the rear lot line.

Yard, side: A space extending from the front yard to the rear yard between the principal building and side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zero-lot line lot: A lot created by the division of property along a shared wall of a single structure, with independent ownership for each unit.

Zone: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings. The terms "district" "zone" and "zoning district" are synonymous and are used interchangeably throughout these regulations.

Zoo: A place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term "zoo" does not include uses that sell live animals.

Duplex Draft Language

- A. **Duplexes.** Duplexes may be subdivided as a townhome or as a zero lot line if the residual lot meets the zoning district requirements.