

Article 18: DEFINITIONS

18.1 Intent

For the purpose of interpreting this Code, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Code shall have their everyday meaning as determined by their dictionary definition.

18.2 Interpretation

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or "parcel" or "tract".
- F. The word "shall" is always mandatory and not merely directory.
- G. The word "structure" shall include the word "building."
- H. The word "District Map," "Fletcher Zoning Map," or "Official Zoning Map" shall mean the Official Zoning Map of Fletcher, North Carolina.
- I. The term "Administrator" shall mean "Planning Director of the Town of Fletcher, North Carolina" or "Designee."
- J. The term "Town Council" shall mean the "Town Council of the Town of Fletcher, North Carolina."
- K. The terms "Zoning Board" or "Board of Adjustment" shall mean the "Zoning Board of Adjustment of the Town of Fletcher, NC."
- L. The term "Planning Board" shall mean the "Planning Board of the Town of Fletcher, North Carolina."
- M. The term "Planning Department" shall mean the "Planning Department of the Town of Fletcher, North Carolina."
- N. The terms "Ordinance", "Code", and "Land Development Code" shall be synonymous and refer to the "Town of Fletcher Land Development Code."

18.3 Definitions

A

Abandonment: A property, use, or structure which has been physically and objectively discontinued, ceased, relinquished, vacated, or not maintained for a consecutive period of one-hundred eighty (180) or more days and regardless of any condition or circumstance beyond the control of such parties that prevent a continuation of the use or occupancy of the structure or property.

Abutting: *See Adjacent.*

Access Management: Generally the control of the spacing, location, and design of driveways, medians/median openings, intersections, traffic signals, and freeway interchanges. [Reference: M. Meyer, *A Toolbox for Alleviating Traffic Congestion and Enhancing Mobility* (Institute of Transportation Engineers, 1997)]

Accessory Building/Structure and Use: A structure subordinate or incidental in square footage and primary use to the principal structure. Accessory structures include detached garages (with or without rental units), storage buildings, pool houses and accessory uses include, pools and material storage areas, piers and other water related structures, etc. In no event shall “accessory use” or “accessory structure” be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

Addition:

- (1) A structure added to the original structure after the completion of the original;
- (2) An extension or increase in floor area or height of a building or structure.

Adjacent, Adjoining Lot or Land: A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

Adult Care Center: *See Child/ Adult Day Care Center.*

Adult Care Home: *See Child/ Adult Day Care Home.*

Adult Establishment: Any place defined as an “Adult Establishment” or “Sexually Oriented Establishment” as defined by G.S. § 14-202.10 as

such statute may be amended from time to time, including Adult Cabarets, except that the definition of “Massage Business” shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult Establishments specifically include any Massage Business where “massages” are rendered by any person exhibiting “Specified Anatomical Areas” and/or where “massages” are performed on any client’s “Specified Anatomical Areas”. “Specified Anatomical Areas” are those defined by G.S. § 14-202.10 as such statute may be amended from time to time. Adult establishment may consist of, include, or have the characteristics of any or all of the following:

1. Adult or Sexually Oriented Bookstore Sales and Distribution
2. Adult or Sexually Oriented Paraphernalia Sales and Distribution
3. Adult or Sexually Oriented Cabaret
4. Adult or Sexually Oriented Mini Motion Picture Theater
5. Adult or Sexually Oriented Motion Picture Theater
6. Adult Retail

Agribusiness: These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. (*LBCS F9000 and S8000*)

Agricultural Products (Agri-Tourism): Uses or enterprises in support of any existing bona fide farming or agribusiness use. Agri-tourism uses may include, but are not limited to, corn mazes, petting zoo related to farm animals, hayrides, and educational programs. Accessory uses to the agri-tourism enterprise may include refreshments and concessions being served, entertainment on a scale not to exceed intent of other districts under this article, sale of farm or agricultural related products not produced on site.

Airport: Establishments providing air traffic control to regulate the flow of air traffic; establishments that operate international, national, or civil airports or public flying fields, or that support airport operations (such as rental of hangar spaces, and cargo handling services); and establishments providing specialty air transportation or flying services (not included in air freight or passenger transportation). *(LBCS F4113)*

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

Alteration: Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

Amendment: Any change by the Town Council to the text of these regulations or the official Zoning maps.

Amusements, Indoor: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades, movie theaters, skating rinks, roller rinks, and bowling alleys. *(LBCS F5320, F5380, F5390 and S3200)*

Amusements, Outdoor: Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides. *(LBCS F5310 and S4440)*

Animal Services: Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. *(LBCS F2418 and F2720)*

Antenna: Any apparatus or group of apparatus, designed for the transmitting and/or receiving of electromagnetic waves that includes, but is not limited to: telephonic, radio or television communications. Antennas include omnidirectional (whip) antennas, sectorized (panel) antennas, microwave dish antennas, multi or single bay (FM & TV), yagie, or parabolic (dish) antennas, but do not include satellite earth stations.

Antenna Supporting Structure: A vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself. Antenna-supporting structures do not include stealth wireless communications facilities, but does include roof-mounted antenna supporting structures that extend above the rooflines by more than twenty (20) feet, or that have an overall height of greater than fifty (50) feet. Antenna-supporting structures are not considered utility equipment.

Arborist: An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

Arborist, Consulting: A registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice about trees and other woody plants, their care, safety, preservation and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate proficiency and credibility through evidence of the following:

1. Documentation of substantial experience in arboricultural practice;
2. Documentation of degree acquisition and/or other forms of certified training.
3. Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem solving situations.
4. Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, and Society of Municipal Arborists.

Arcade: A walkway adjacent to a building which is covered by a roof yet is not fully enclosed.

Architectural Feature: A prominent or significant part or element of a building, structure, or site.

Architectural Style: The characteristic form and detail of buildings. Common styles include Colonial, Neo-Classical, Federal, American Victorian, and Arts & Crafts.

Area of Shallow Flooding: A designated AO Zone in a community's Flood Insurance Rate Map (FIRM) with base flood depths determined from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: See *Special Flood Hazard Area, SFHA*

At or Above Grade: Grade shall mean the elevation of the land or land level at a specific point.

Automated Teller Machines (ATM): Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Auto Parts Sales: Establishments selling new, used, or rebuilt automotive parts and accessories, not to include vehicle service and repair facilities. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops. (*LBCS F2115*)

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

B

Banks, Credit Unions, Financial Services: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing

agencies, and investment companies. (*LBCS F2200 and F2210*)

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation's applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations attached to the building.

Bar/Tavern/Nightclub: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

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

Bed and Breakfast Inn: Establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in a room rate. (*LBCS F1310*)

Bedroom Unit: A private room for sleeping quarters separated from other rooms, and accessible to a bathroom without crossing another bedroom. Closet space required.

Berm: A raised earth mound which is planted with ornamental vegetation

Best Management Practices (BMPs): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals. Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers. Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Block: A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.

Board of Adjustment: *see Zoning Board of Adjustment*

Buffer (Wetland, stream): An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the full pond_elevation of impounded structures and from the bank of each side of streams or rivers.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the *Land Development Code* has been met.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

Building Face: The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

Building Footprint: The land area on which a building is located or proposed for location.

Building Line: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building Mass: The height, width, and depth of a structure.

Building Permit: A permit obtained from Henderson County Inspection Department as the Town's agent for the construction, repair, alteration, or addition to structure, which sets the inspection schedule and construction techniques for a particular project and specified use in accordance with adopted building codes and other prevailing standards for construction, and includes the Town's necessary zoning approval.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Build-to Line: The line at which construction of a building is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even building façade line on a street.

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 Support Services: These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales. (*LBCS 2424*)

C

Caliper: The size of tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches.

Campground: Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services such as cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities may be available.

Canopy: A structure constructed of rigid materials which is attached to a building that serves as an overhang intended to shield persons from the elements.

Canopy, Gas Station: A structure constructed of rigid materials which is either free-standing or attached to a building that serves as an overhang intended to shield persons from the elements while using the gas station.

Cemetery: A parcel of land used for internment of the dead in the ground or in mausoleums. (LBCS S4700)

Certificate of Occupancy (CO): A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Code and all other applicable regulations.

Change of Use: The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

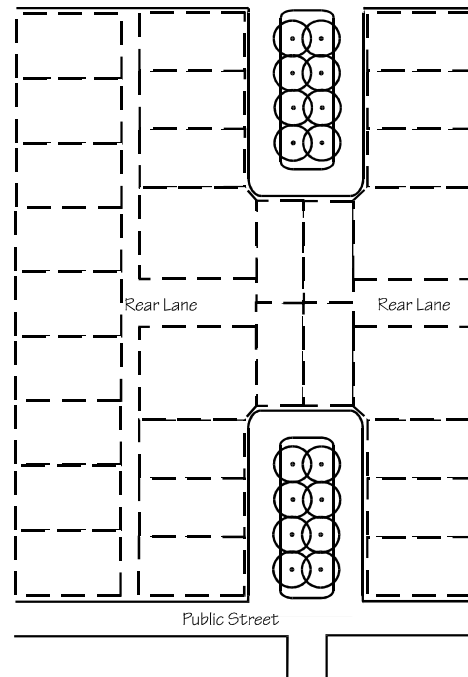
Child/Adult Day Care Home (6-15 persons): Supervision or care provided on a regular basis as a primary or principal use for 6 to 15 persons who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A Child/Adult Day Care Home for fewer than 6 persons may be operated as a secondary or accessory use to a residential use.

Child/Adult Day Care Center (16 or more persons): An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; designed and approved to accommodate 16 or more

children at a time; not an accessory to residential use.

Civic Uses: Uses intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, post offices, and non-profit or charitable clubs and organizations.

Clear-Cutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural development purposes.



Close (example above):

A close is a front space for buildings interior to the block. It may be pedestrian or it may have a roadway loop around a green area. Its minimum width must coincide with emergency vehicle turning radii. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving. The close provides additional frontage for deep squares and organic blocks.

Cluster Development: The grouping of development on a portion of land in order to conserve land resources and minimize stormwater runoff impacts. This term includes both residential and non-residential development.

Colleges/Universities: Comprise junior colleges, colleges, universities, and professional schools. These establishments furnish academic or

technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. (*LBCS F6130*)

Co-Location: A situation in which two or more providers place an antenna on a common antenna-supporting structure, or the addition or replacement of antennas on an existing structure. The term collocation includes combined antennas, but does not include roof-mounted or surface mounted wireless communications facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.

Community Service Organization: A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged such as counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment, but does not include any services providing on-site residential or accommodation services. (*LBCS F6560*)

Conditional District: The purpose of the Conditional Districts is to provide a procedure for the rezoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

Connection: Any ditch, pipe, or other device for the diversion or transmission of storm drainage, which will in any way affect the operation or maintenance of the drainageways.

Conservatory: A greenhouse for raising plants.

Contiguous: Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

Conveyance: Any feature of the landscape or earth, manmade or natural, that carries water in a concentrated flow.

Critical Root Zone (CRZ): A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for the trees survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight feet.

Cul-de-sac: A street designed with a closed end and does not intersect with another street which is terminated by a vehicular turnaround.

Cultural or Community Facility: Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA. (*LBCS S3800, S4400, F5110, F5210, and FS6830*)

Cupola: A cup-shaped or domelike structure.

D

Deciduous: Shrubs and trees that lose their leaves annually.

Dedication: A fee simple transfer of land ownership to a homeowners association, governmental unit or agency, or non-profit land trust or conservancy for a specified purpose. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

DEHNR: The North Carolina Department of Environmental Health and Natural Resources.

Density, Gross: The number of dwelling units on the entire area of a tract or parcel of land.

Density, Net: The number of dwelling units on a tract or parcel of land minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

Design Manual: The stormwater design manual approved for use in Phase II jurisdictions by the *Department*. All references herein to the *Design Manual* are to the latest published edition or revision.

Detached Home: Buildings that function as a principal residential for one or two families.

Detain: To store and slowly release stormwater runoff following precipitation by means of a surface depression or tank and an outlet structure.

Detention Basin/Pond: Engineered facilities for storing or detaining rain water runoff from a site. Detention stores water on a site to allow time for

pollutants precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby surface waters (see watershed).

Developable Acreage: That portion of a tract or parcel of land which can be developed under the provisions of this Code not including public rights-of-way, streams or other water bodies, wetlands under the jurisdiction of the US Army Corps of Engineers, or areas of flood hazard.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development: 1) The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels. For flood plain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

2) Any land disturbing activity which increases the amount of *built-upon area*, adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, other than a rebuilding activity that does not qualify as redevelopment.

Development Plan: Sketch plan, site plan, or any other plan for development of property.

Diameter at Breast Height (DBH): The caliper of a semi-mature or mature tree measured at 4 feet above the existing ground level.

Discharge: The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

District: An area delineated on the Land Development Map which sets forth standards and guidelines for all development within the prescribed district.

Disturbed Ground: Any area of ground on a site which during construction is dug up, filled, graded, built on or used for storage or parking.

Drainage Basin: The area of land which drains to a given point on a body of water.

Drainage structures: Include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed or used to convey stormwater.

Drip Line: An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Drive-Thru Retail/Restaurants: A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include: fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

Drive Thru Service: A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

Driveway: A private roadway providing ingress and egress from a street or thoroughfare to a property and for the off-street travel. Parking areas are separate from driveways, though the two may be combined.

Duplex: A one family dwelling attached to one other one family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Dwelling or Dwelling Unit: A building or portion thereof, provides complete and permanent living facilities for one family. This term shall not apply to a hotel, motel, guesthouse, or other structures designed for transient residence.

Dwelling-Duplex: Generally a two-unit building that is divided horizontally, and each unit has a separate entrance from the outside or through a common vestibule. Buildings are typically under one ownership. (*LBCS F 1100 and S1121*)

Dwelling-Multifamily (4 units/bldg or fewer): A dwelling unit that is part of a structure containing more than one but less than four units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and triplexes

(buildings under one ownership with two or three dwelling units in the same structure), as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (*LBCS S1121 and S1140*)

Dwelling-Multifamily (more than 4 units/building): A dwelling unit that is part of a structure containing more than four units. Each unit has a separate entrance from the outside or through a common vestibule. These structure may include fourplexes (buildings under one ownership with four dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and, townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (*LBCS S1121 and S1140*)

Dwelling-Secondary: A dwelling unit either detached or non-detached, such as a garage apartment, cottage, or basement apartment, and located on a lot with an existing single-family dwelling. Said units shall not exceed one per lot.

Dwelling-Single Family: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974. (*LBCS F1100 and S1100*)

E

Easement: A grant by the property owner of a strip of land for a specified purposes and use by the public, a corporation, or persons, such as for utilities.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Electronic Gaming Operations/Internet Sweepstakes: Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by

predetermined odds. The term includes, but is not limited to, internet sweepstakes, video sweepstakes, electronic gaming operations, or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

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

Encroachments: Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way. Also includes developments or advancement of use into a floodplain, which may impede or alter the flow capacity of a floodplain.

Entrance, Primary: The principal, functional doorway for public or direct-entry access into a building.

Environmentally Sensitive Area: An area with one or more of the following environmental characteristics: steep slopes, flood plain, soils classified as having high water tables, soils classified as highly erodible, subject to erosion, or highly acidic, land incapable of meeting percolation requirements, stream corridors, mature stands of native vegetation, springs or aquifer recharge and discharge areas, wetlands and wetland transition areas, or habitats of endangered species.

Existing Development: Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Code based on at least one of the following being satisfactorily proven to the Planning Department for the specific development in question:

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

160A-385.1).

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

Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Code, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the Land Development Code.

Expansion: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

Extraterritorial Jurisdiction (ETJ): The area outside municipal limits where the Town of Fletcher exercises planning, zoning, and subdivision powers.

F

FAA: The Federal Aviation Administration.

Façade: The vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback lines, recess lines (a line prescribed for the full width of the facade above which the facade sets back, the location of which is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Family: An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

Family Care Home (6 or fewer residents): A home with support and supervisory personnel that provides room and board, personal care and

rehabilitation services in a family environment for not more than six resident handicapped persons. (NCGS 168-21)

Family Subdivision: Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Farm, Bona Fide: The raising of crops or livestock, including orchards, vineyards, or nurseries, along with any buildings or structures necessary to conduct such activities.

FCC: The Federal Communications Commission.

FEMA (Federal Emergency Management Authority): The agency responsible for the promulgation and maintenance of official Flood Hazard Boundary Map and/or Flood Insurance Rate Maps.

Fence: A structure used to delineate, enclose, screen, separate or define a boundary, particularly for privacy or to delineate the public or private realm of a property.

Flag: *See signs*

Floodplain Management: The operation of an overall program of corrective and preventative 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.

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Foot-candle (FC): A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Frontage: The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street.

Funeral Homes and Services: Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). (*LBCS F6700-6702*)

G

Garage: An attached or detached structure to a residential building which may serve as an equipment storage building, parking enclosure, artist studio, or workshop. Detached garages may also be used as rental cottages.

Gas Station: Establishment that primarily retails automotive fuels. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included, but not vehicle service and repair facilities. This definition includes Gas stations with or without convenience stores. (*LBCS F2116 and S2270*)

Gazebo: A free standing, roofed, open sided structure providing a shady resting place.

General Retail-10,000 sf or less: A use category allowing premises to be available for the commercial sale or rental of merchandise and prepared foods, but excluding manufacturing. Ranging in size of 10,000 square feet or less. (*LBCS F2100*)

General Retail-10,001 sf – 50,000 sf: A use category allowing premises to be available for the commercial sale or rental of merchandise and prepared foods, but excluding manufacturing. Ranging in size between 10,001 square feet and 50,000 square feet. (*LBCS F2100*)

General Retail-Greater than 50,000 sf: A use category allowing premises to be available for the commercial sale or rental of merchandise and prepared foods, but excluding manufacturing. Greater than 50,000 square feet.

Government Services: Includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority. (*LBCS F6200*)

Grade: The elevation of the land or land level at a specific point.

Grade, Street: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel.

Greenway: (1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) locally, certain strip or linear parks designated as a parkway or greenbelt.

Greenway Master Plan: Adopted by the Fletcher Town Council on 7/10/00. Copies of the Greenway Master Plan Map and Document are available in Town Hall in the office of the Town Clerk.

Ground Cover: A prostrate plant grown less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Group Care Facility (more than 6 residents): A facility that provides resident services to six or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes. (*LBCS F6520*)

H

Hazardous Material: Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Waste Management Facility: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials;
2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to

construction, immediately next to the proposed walls of the structure.

Historic Structure: Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

Home Occupation: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include day care homes where daytime care is provided to less than 6 persons who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

Hospital: A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. (*LBCS F6530 and S4110*)

Hotels/Motels/Inns: Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. (*LBCS F1300 and F1330*)

Housing Services for the Elderly:

Establishments that offer a wide range of housing services for those who cannot care for themselves, such as the elderly such as retirement housing, congregate living services, assisted living services, continuing care retirement centers, and skilled nursing services. (*LBCS F1200*)

I

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

Illicit Connection: Any physical connection, actual or potential flow discharge, or other condition which could permit non-stormwater to enter the stormwater system.

Impervious surface: Any surface that, in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but are not limited to, gravel, concrete, asphalt or other paving material, and all areas covered by the footprint of buildings or structures. Wooden slatted decks and pool surfaces are exempt.

Infill Development: The development of new housing or other buildings on scattered vacant sites in a built-up area.

Interstate Highway: A controlled access highway which is part of the Federal Interstate Highway System.

Island, Landscape: In parking lot design, built-up structures, usually curbed, placed at the end or middle of parking rows as a guide to traffic and for landscaping, signage, or lighting.

L

Laboratory-Medical, Analytical, Research, & Development: A facility for testing, analysis, and/or research. Examples of this include medical labs, soils and materials testing labs, and forensic labs.

Land Disturbing Activity: Any use of land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction that affects the critical root zone.

Landscaped Areas: Any portion of a site or property containing vegetation following construction activity completion.

Larger common plan of development or sale:

Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Laundry, Dry Cleaning Plant: A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

Light, Cutoff: Artificial exterior lighting fixture designed to ensure that no light is emitted above the fixture or below a horizontal plane parallel to the ground.

Light, Non-Cutoff: Artificial exterior light fixture designed to emit light directly above the fixture or above a horizontal plane to the ground.

Live-Work Unit: An attached residential building type with small commercial enterprises on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot, Flag: A large lot not meeting minimum frontage requirements and where access to the

ARTICLE 18: DEFINITIONS

public road is by a narrow, private right-of-way or driveway.

Lot of Record: A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types:

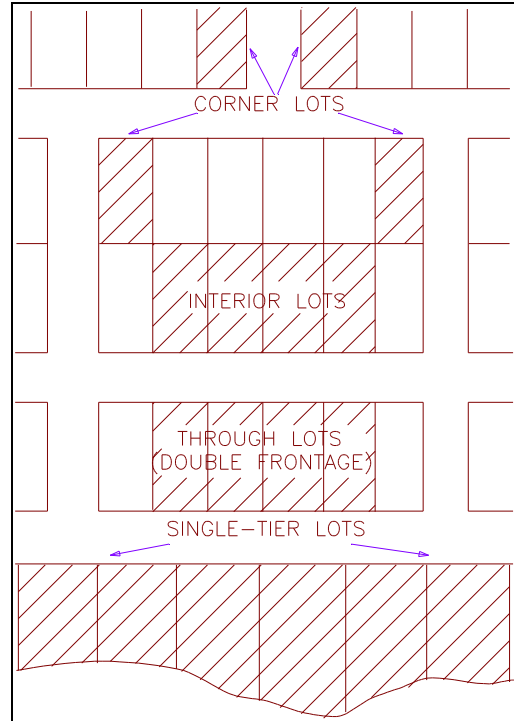
Corner Lot: A lot located at the intersection of 2 or more streets.

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

Through Lot (Also Double Frontage): A lot other than a corner lot with frontage on more than one street. Through lots abutting 2 streets may be referred to as double frontage lots.

Reverse Frontage Lot: Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Single-Tier Lot: A lot which backs up to a limited access highway, a railroad, a water body, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.



Lot Width:

1. The distance between the side lot lines measured along a setback line; or
2. If no setback is required for a lot according to this Code, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Low Impact Development (LID): The integration of site ecology environmental goals and requirements into all phases of urban planning and design from the individual residential lot level to the entire watershed.

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

Lumen: A quantitative unit measuring the amount of light emitted by a light source.

M

Maintained Easement: A recorded or legally established right of way or easement made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by all vehicles.

Manufactured Home Park: Any premises where two or more manufactured homes are parked for living and sleeping purposes, or any premises uses or set apart for the purpose of supplying to the public parking space for two or more manufactured homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as part of such manufactured home park.

Manufactured Housing: A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (*LBCS S1150*)

Manufacturing, Heavy: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community which have complex operations, some of which may be continuous (24 hours a day/ 7 days per week). (*LBCS S2620*)

Manufacturing, Light: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor,

dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. (*LBCS S2613*)

Manufacturing, Neighborhood: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This includes medical and testing laboratories but shall not include uses that require frequent deliveries by truck with more than one axle. (*LBCS S2610*)

Massing: The shape and form a building takes on through architectural design.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Henderson County are referenced.

Mechanical Equipment: All HVAC (heating, ventilation, and air conditioning) equipment located on the roof of a building or outside a home or building.

Media Production: Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Back lots/outdoor facilities:
2. Indoor support facilities:
3. Soundstages: Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Medical Clinic: Facilities that provide ambulatory or outpatient health care such as physician offices and dentists; emergency medical clinics; outpatient family planning services; and blood and organ banks. (*LBCS F6510, F6512, and F6514*)

Meeting Facilities: Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including fraternal halls (VFW lodges, etc) and banquet facilities. (*LBCS S3800*)

Metal Products Fabrication, Machine or Welding Shop: An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and

enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products.

Examples of these include:

1. Blacksmith and welding shops
2. Plating, stripping, and coating shops
3. Sheet metal shops
4. Machine shops and boiler shops

Mitigation: Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

Mixed Use: The presence of residential and nonresidential complementary and integrated uses within the same complex or same building. Mixed use can also refer to different categories of nonresidential uses such as institutional, retail, and office within the same complex of building. The advantage of mixed uses is the promotion of architectural compatibility and pedestrian scaled environments.

Mixed-Use Building: A building containing two or more distinct uses.

Manufactured Home: A structure, transportable in one (1) or more sections which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and which meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code. A residential dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. This term does not include a recreational vehicle but includes mobile homes.

Mini-Warehouses: A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Modular Home: A dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monopole: A style of free-standing antenna-supporting structure that is composed of a single shaft that is attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

N

New Construction: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

Nonconforming Sign, Lot, Structure, Building, Use: Any sign, lot, structure, building, or use lawfully existing on the effective date of an ordinance, or amendment thereto, that does not conform to all the standards and regulations of the adopted or amended ordinance.

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

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

Non-Stormwater: Any flow that is not composed entirely of natural precipitation.

NPDES (National Pollutant Discharge Elimination System): Permit issued pursuant to Section 402 of the Clean Water Act for the purpose of controlling discharges of pollutants to surface waters and protecting water quality. In North Carolina, NPDES Permits are issued by the N.C. Department of Environment and Natural Resources.

Nuisance: An interference with the enjoyment and use of property.

O

Off-Street Parking: Parking which occurs on a lot and not on a street or other public right of way.

On Site, Off Site: Located on the lot relative to a use, or structure; or located off the lot relative to a use, or structure.

Open Decks and Patios: Permanent uncovered accessory structures that project from an existing principal use.

Open Space: Any area which does not consist of buildings, streets, right of ways, parking, or easements, and serves as a passive or active recreational area, as conservation land for important vistas and topographic features, or as pervious cover for watershed requirements.

Ordinance: A document of regulations enforceable as municipal law.

Ornamental Tree, Shrub: A deciduous or evergreen tree or shrub planted primarily for its ornamental value or for screening purposes.

Outdoor Kennels: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (*LBCS F2700*)

Outdoor Lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outparcel: A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Overlay District: A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

Owner: 1) Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

2) The legal or beneficial owner of land, including but not limited to a mortgagee or vendee

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

P

Parapet: A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park (Public): Land owned by the Town of Fletcher or another unit of government, which is used or intended for use for active or passive public recreation.

Parking Area or Parking Lot: All the area in square footage of land designated for the storage of cars. The parking area also includes all areas for storage and trash facilities. Any public or private area, under or outside of a building or structure, designed and used for parking or storing motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Space: A space which is designed for the parking or temporary storage of an automobile or bicycle as prescribed by the Code.

Party Wall: A common shared wall between two separate structures, buildings or dwelling units and lacking cross access between structures without exiting each structure.

Paved: Any surface area covered by crushed compacted gravel, concrete, asphalt, brick or stone pavers, or similar material in durability, appearance, and permeability.

Perennial Stream: Streams which flow year round and are identified on United States Geological Survey (USGS) maps or identified through local government studies.

Performance Guarantee: Any security that may be accepted by the Town or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, commission, institution, utility, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representative, agents or assigns.

Pervious Surface: Any material that permits full or partial absorption of stormwater into previously unimproved land.

Planting Area: The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planting Strip: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping.

Plat, Final: A map of all or a portion of a subdivision of land that is the legal instrument for recordation.

Plat, Preliminary: A map indicating the proposed layout of the subdivision that is submitted to the approving authority for preliminary approval.

Platted Lot: A lot surveyed and recorded at the county Register of Deeds office.

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

Plaza: An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Pollutant: A man-induced substance that alters the chemical, physical, biological, thermal, and/or radiological integrity of water.

Porch: A projection from the outside wall of a dwelling covered by a roof which can project beyond a setback. Roofed open areas may be screened, attached to or part of and with direct access to or from a building.

Post Office: Establishments conducting operations of the National Postal Service. (*LBCS F4170*).

Premises: All of a parcel of real property with a separate and distinct number and designation shown on a recorded plat, survey, parcel map, subdivision map, or a parcel legally created or established pursuant to this Code. Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.

Principal Building: A building in which the principal use of the premises is conducted.

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

Private Driveway: A privately maintained roadway serving 2 or fewer lots, building sites or other division of land and not intended to be public ingress or egress

Professional Services: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician's and dentist's offices. (*LBCS F2230, F2240, F2300, F2410-2417, and F6511*)

Property: Real property and fixtures subject to the provisions of this Code.

Provider: Any business, corporation, partnership, or other entity licensed by the FCC to provide wireless services in the Town of Fletcher, NC.

Public Hearing: A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official Town business which require public participation and input.

Public Safety Facility: A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including incarceration facilities.

Public Street: Any public right of way used for vehicular traffic that is permanently maintained by the Town or State of North Carolina and is open to all traffic.

Public Utilities: Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, stormwater drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

R

Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or field.

Recreation Facilities, Indoor: Uses or structures for active recreation including gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

Recreation Facilities, Outdoor: Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Recreation, Passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games.

Recreational Vehicle: A vehicular-type portable structure which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) primary[designed as a temporary living accommodation for recreational, camping, travel and/or seasonal use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Redevelopment: 1) The demolition and reconstruction of a building or a portion of a building

2) Any development on previously-developed land, 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*.

Religious Institution: Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores. (*LBCS F6600 and S3500*)

Research and Development (R&D): A facility for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development.

Reservation: The setting aside of parcels of land for a specific purpose. Reservations of land are encouraged for future development of streets, parks, and civic buildings.

Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an

ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). (*LBCS F2510, F2520, and F2530*)

Retain: To capture and hold stormwater runoff following precipitation by means of surface depression allowing the water to infiltrate into the soil, thus reducing the hydrologic and pollution impacts downstream.

Roof - Flat: Refers to the silhouette formed by a roof line or a particular roof system. This is separate from the roof line which can be stepped or flat in appearance through architectural elements such as cornices, mansards, and parapets; or pitched as with residential homes.

Roof Line: The highest point of a flat roof and mansard roof and the highest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Rooming or Boarding House: Short or long-term accommodations that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services. (*LBCS F1320, S 1320, and S1340*)

Root Protection Zone: Generally 18-24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

R-O-W (Right Of Way): An area of land dedicated for public or private infrastructure such as streets, sidewalks, railroads, sewer lines, water lines, electric lines, and gas lines.

S

School, Elementary & Secondary: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. (*LBCS F6100*)

School, Vocational/Technical: A public or private institution for education or learning including athletic or recreational facilities, which

does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (*LBCS F6100 and F6140*)

Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses.

Setback: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Whenever the front, side, or rear portion of a lot abuts a street right-of-way or other publicly dedicated area, setback lines shall be measured from said right-of-way or publicly dedicated area.

Shade Tree: Any large maturing tree with a mature height of 35 feet and a mature crown spread of 30 feet.

Shopfront: A business or retail use. The facade of a shopfront is aligned directly on the frontage line with the entrance at grade. This is typical for sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the signage from the facade below.

Shopping Center-Community Center: Usually configured as a strip center. Sizes vary from 100,001 to 350,000 square feet on sites ranging in size from >10 to 40 acres and have a 3- to 6-mile primary trade area radius. Serves a wider market than neighborhood and also offers wider range of goods, especially apparel goods. Anchors include supermarkets, super drug stores, and discount department stores. Some centers may also contain off-price retail stores selling toys, electronics, sporting goods, and home improvement and furnishings. (*LBCS S2520*)

Shopping-Neighborhood Center: Sizes vary from 30,000 to 100,000 square feet on sites ranging from 3 to 10 acres, and have a 3-mile primary trade area radius. Typically serves immediate neighborhood with convenience shopping. Often anchored by a supermarket or drugstore. (*LBCS S2510*)

Shrub, Large: An upright, multi-stemmed plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Medium: A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Small: A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Sign: Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Abandoned: A sign erected on property in conjunction with a particular use, which use has been discontinued for a period of one hundred eighty (180) days or more, or a temporary sign for an event which has occurred.

Sign, Arm: A sign whose face is suspended from a support arm at a right angle from a ground mounted pier, pillar, column, or pole.

Sign, Canopy or Awning: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by Code.

Sign, Changeable Copy: A sign on which message copy is changed manually or electronically in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Time and Temperature signs are not included in this definition.

Sign, Commemorative: Any sign erected in remembrance of a person or event or which is commemorative in nature. Any commemorative sign shall be approved by the Town Council.

Sign, Construction Site: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Sign, Directional, Off-Premise: Any off-premise sign indicating the location of or providing directions to a business, development, or other activity.

Sign, Flashing: A sign that incorporates flashing or blinking lights, or a sign with moving parts or parts which simulate movement, including signs or lights on signs reflecting or emitting a glaring light that could impair driver vision.

Sign, Flag: A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Sign, Free-Standing: Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Governmental: Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building, structure or other land use, designed to identify to the public such land use. Examples of government signs include speed limit signs, town limit signs, street name signs, traffic signs. Conversely a sign placed on a public building such as library, school or public safety building which identifies said building, shall not be considered a government sign.

Sign, Monument: Any sign not attached to a building in which the entire bottom of the sign is in contact with or is flush or close to the ground, and is independent of any other structure.

Sign, Identification: A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Sign, Incidental: A single face, non-illuminated professional or announcement sign attached wholly to a building, window or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information.

Sign, Transluminous: A sign with a direct light source within the sign itself, usually of colored plastic facing

Sign, Off-Premises: A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

Sign, Off-Premise Advertising: A sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than the property on which the sign is located.

Sign, On-Premises: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign, Pole Mounted: A detached sign that is mounted on a freestanding pole or other support so that the top edge of the sign face or area is six feet or more above grade.

Sign, Political: A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town may vote.

Sign, Portable: A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. Signs painted on or attached to operational vehicles and signs defined as temporary signs are not included in this definition.

Sign, Projecting: Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Real Estate: A sign erected by the owner, or his agent, advertising real property upon which the sign is located for rent, for lease, or for sale.

Sign, Roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign Structure: A supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however, said definition shall not include a building or fence.

Sign, Support: Any structure that supports or is capable of supporting a sign.

Sign, Temporary: Any sign, whether attached to a principle structure or free standing, which is intended to be displayed for a limited time for a specific event. This definition does not include portable signs. If a sign display area is permanent but the copy displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sign, Wall: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.

Sign, Window: Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.

Site Plan, Site Specific Plan: A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

Site Survey: A map done by a surveyor accurately depicting the scale distances and measurements of all planned structures on a lot which may include topographical information and existing naturally occurring and constructed elements or structures, such as streams, wetlands, rock outcroppings, etc.

Small Maturing Tree: A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Special Use Permit: A permit for a use subject to specific conditions of this Code and which requires the approval before the issuance of a zoning permit for such use.

Square: A centrally located public open space that is urban in nature.

Storage – Outdoor Storage Yard: The open storage of various materials outside of a structure other than fencing, as a principal use.

Storage – Warehouse, Indoor Storage: Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from rainfall events.

Storm Water Runoff: Rain which falls onto impervious surfaces and is not absorbed into the ground immediately. Storm water runoff carries pollutants off of paved surfaces into streams and rivers, and causes flooding by speeding up the rate of water flow into streams and rivers.

Storm Drainage/Water System: The network of inlets, pipes, ditches, swales, ponds, streams and/or other natural or manmade facilities and appurtenances that serve to collect and convey storm water through and from a given drainage area.

Story: That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

Stream: A watercourse that collects surface runoff.

Street: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Fletcher or the State of North Carolina.

Street Link: A section of the street network, or a local street, defined by a node at each end or at one end.

Street Network: The street system within the incorporated areas and extra territorial jurisdictions of the town.

Street Orientation: The direction of the architectural front facade of a building in relation to the street.

Street, Private: A street that has not been accepted by the municipality or other governmental entity for public maintenance.

Street Right-Of-Way: Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Fletcher or Henderson County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Fletcher; or has otherwise been established as a public street prior to the adoption of this Code.

Street Tree: A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road or alley.

Street Vista: A view framed by buildings at the termination of the axis of a thoroughfare.

Street Yard: The area of land along the front property line parallel to an R-O-W reserved for tree planting and landscaping. Also known as a planting strip.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction. For floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

Structural BMP: A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-

development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms.

Studio – Art, Dance, Martial Arts, Music, etc.:

Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include: individual and group instruction and training in the arts; production rehearsal photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

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

Subdivision: A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this Code, or portions of lots platted in compliance with this Code after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this Code and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres

into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.

5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Code.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemnor.

Subdivision, Major: A major subdivision is defined as a subdivision where any one or more of the following conditions exist:

1. Dedication of public right-of-way or other public tracts; or,
2. The entire tract to be subdivided is greater than ten (10) acres; or,
3. The resultant subdivision will produce more than ten (10) lots.

Subdivision, Minor: A minor subdivision is defined as a subdivision where all of the following conditions exist:

1. No public right-of-way dedication; and,
2. The entire tract to be subdivided is ten (10) acres or less in size; and,
3. The resultant subdivision will produce ten (10) or fewer lots.

T

Temporary Structures: Buildings placed on a lot for a specific purpose which are to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classroom or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principle home renovations are done, and produce stands. The duration permitted for a temporary structure is established by this Code.

Temporary Use Permit: A permit issued by the Planning Department allowing a use which is not permitted within a district to continue as long as certain criteria are being met by the applicant.

Theater, Live Performance: Includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor. (*LBCS S3110*)

Theater, Movie: A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. (*LBCS S3120*)

Thoroughfare: Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

Thoroughfare Plan: The Official Thoroughfare Plan of the Town of Fletcher or the Official French Broad River Metropolitan Planning Organization Thoroughfare Plan.

Top of Bank: The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.

Total Suspended Solids (TSS): Total suspended matter in water, which is commonly expressed as a concentration in terms of milligrams per liter (mg/l) or parts per million (ppm).

Tract: All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

Transitional use: A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Transition Yard: The area of a property used as a buffer running along the side or rear yard of a lot when it abuts a residential lot. Transitional yards are planted with trees and landscaping to reduce noise, and other impacts on less intense property uses.

Tree and Root Protection Area: The tree and root protection zone is that area of a lot which is not needed for building and driveway construction excluding the construction activity area, (an area 20 feet around the building foot print), any street right-of-way, utility easements, drainage ways, and soil absorption waste disposal areas. No construction activity, movement and placement of equipment, or material storage shall be permitted on the tree and root protection area. The root protection area includes an area, generally, 18-24 inches deep and a distance from the trunk of a tree equal to 1/2 its height or its drip line, whichever is greater.

Tree Survey: A description of the existing trees, understory vegetation, and topographical features on a site prior to development for the purpose of identification.

Tree, Canopy: A tree with a height at maturity greater than 30 ft. and which produces significant shade due to the shape of the canopy tree.

Tree, Small: A tree with an expected height at maturity no greater than 30 ft.

Tree, Large Maturing: A tree, usually deciduous, whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" in caliper. *See also Canopy Tree.*

Tree, Small Maturing: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8" in caliper.

Tree, Specimen: A tree that is unusually large or well shaped or provides a focal point or point of interest.

Tree, Understory: A small to medium tree, growing 15 feet to 40 feet in height at maturity,

which is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree Topping: An unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and cause decay and spout reduction from the cut ends, resulting in a potentially hazardous situation.

U

Underpinning The skirting around the base of a manufactured home or temporary structure which forms a continuous wall around the structure from the foundation or grade level, to the base, or bottom floor level, of the structure. Underpinning material is prescribed by this Code.

Utilities: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceed 180 ft in height. Utilities are divided into 3 classes:

- Class 1 Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).
- Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.
- Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.
- Class 4 Alternative energy facilities such as solar farms or wind turbines.

V

Variance: Permission granted on the basis of proof of physical hardship by the Planning Board as the Board of Adjustment following quasi-

judicial proceedings to depart from or relax the literal requirements of this Code relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. For floodplain management regulation purposes, a grant of relief to a person from the requirements of this code where specific enforcement would result in unnecessary hardship.

Vehicle/Heavy Equipment Sales, Service & Rental:

Establishments which may have showrooms or open lots for selling or renting vehicles or heavy equipment. May include car dealers for automobiles and light trucks, bus, truck, mobile homes, bicycle, motorcycle, ATV, or boat and marine craft dealers. (*LBCS F2110, F2111, F2112, F2113 and F2114*)

Vehicle Services – Major Repair/Body Work:

The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work, painting services, engine rebuilding and/or replacement, and tire recapping.

Vehicle Services-Minor Maintenance & Repair:

Any establishment servicing motor vehicles with fuel, oil, lubrication services, and other service work and vehicle maintenance supplies and parts and equipment not requiring extensive or prolonged mechanical work for installation.

Velocity: The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest.

Vested Right: The right to undertake and complete a development or use of property under the terms and conditions of an approved Site Specific Plan currently in effect or as otherwise allowed by law.

Volume (Traffic): The number of vehicles to pass a predetermined location during a specified period of time.

W

Wall Pack: A type of light fixture typically flush-mounted on a vertical wall surface.

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

Wetlands: Areas defined as wetlands under the jurisdiction of the US Army Corps of Engineers and subject to State and Federal regulation and protection. Wetlands generally include swamps, marshes, bogs, and similar areas characterized by alluvial soils, plants, or hydrology from a satellite earth station.

Wholesaling and Distribution: Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;
4. Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

Wireless Telecommunication Facility:

Equipment constructed in accordance with Section 332(c)(7) of the Communications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

Stealth: Equipment that is unobtrusive in its appearance such as the co-location on existing tower facilities; and the placement of equipment on flagpoles,

buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

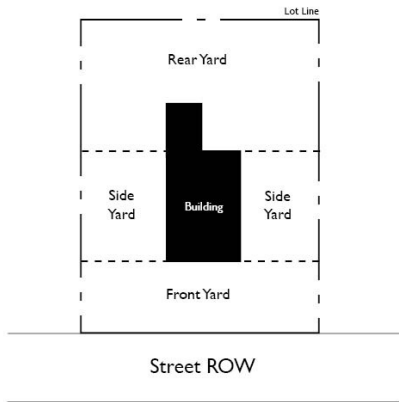
Tower: The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:

- Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or,
- Commercial or industrial satellite dishes that are less than 20 feet in height.

Y

Yard: Open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Code.-Yards are further classified as front, rear, and side. Yard configuration establishes building typologies. Uses and structures that may be permitted in required yards include accessory structures, patios, decks and open porches, bay windows, open steps, driveways, fences, and permitted signs, underground utilities, existing vegetation, required landscaping and lighting.

Yard, Front: A space extending the full width of the lot between the architectural front of a building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping. For aesthetic purposes, parking is not permitted to be located in the front yard regardless of whether the principal structure is set farther back than required.



Yard, Rear: A space extending across the full width of the lot between the architectural rear of the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Rear yards extend from the back of a building to a property line. Generally, accessory structures are permitted within this yard.

Yard, Required: The open space between a lot line and the yard line and the façade of a building within which no structure may be located except as permitted in this Code.

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

point of the principal building facade. Side yards extend from the sides of a building to a street R-O-W or property line.

Z

Zoning Board of Adjustment: A quasi-judicial Board appointed by the Fletcher Town Council and Henderson County Commissioners which hears and decides on variances to the Land Development Code of the Town of Fletcher. The Board can only grant variances according to strict interpretation of the Code as adopted by the Town Council.

Zoning District: *See District*

Zoning Permit: Written permission issued by the Town of Fletcher Planning Department for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.