
Section 11 Definitions.

11.01 Interpretation of Terms or Words

The language of this Ordinance shall be interpreted in accordance with the following regulations:

- A. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;
- C. The word "shall" is mandatory, the word "may" is permissive;
- D. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied;
- E. The word "lot" includes the words "plot", "tract", or "parcel"; and
- F. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
- G. "And" indicates that all the connected items, conditions, provisions or events shall apply.
- H. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- I. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
- J. The terms "more intense" and "less intense" are terms used herein to describe relationships between particular zoning Districts. This relationship is based upon the uses permitted within each District. A "more intense" District permits more uses or a greater density of uses than a "less intense" District. District intensity groupings progress from Agricultural, to Residential, to Commercial, to Industrial Districts, in the sequence listed within each group of Districts from least intense to the most intense.

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The following terms or words used in the text of this Ordinance shall have the following meanings, unless a contrary meaning is: (i) required by the context of a particular sentence or phrase; or (ii) specifically prescribed in a particular sentence or phrase:

Access: The way in which vehicles ingress and egress a *lot* from a *street* fronting along said *lot*.

Access Drive: That area within the *right-of-way* between the pavement edge or curb and the *right-of-way* line to provide ingress and egress to and from a *lot*.

Accessory (*Structure, Building or Use*): A subordinate *structure, building or use* that is customarily associated with, and is appropriately and clearly incidental and subordinate in *use, size, bulk, area and height* to the *primary structure, building, or use*, and is located on the same *lot* as the *primary building, structure, or use*.

Agricultural Use: An operation which consists of the following *uses*, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; *uses accessory* to agricultural operations on the site; or, *uses accessory* to agricultural operations in the area.

Agritourism: An *accessory use* carried out on a *bona fide farm* or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including *farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions*. A *building or structure* used in *agritourism* includes any *building or structure* used for public or private events that are held out for rental to the general public, including but not limited to, weddings, receptions, meetings, demonstrations of *farm activities, meals, and other events that are taking place on a farm* because of its *farm or rural setting*. [Added Ordinance #18-03]*

Alley, Private: A *private right-of-way* for public use as a secondary means of public *access* to a *lot* otherwise abutting upon a *public street* or *private street* and not intended for traffic other than public services and circulation to and from said *lot*.

Alley, Public: Any *public right-of-way* which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public *access* to a *lot* otherwise abutting upon a *public street* and not intended for traffic other than public services and circulation to and from said *lot*.

Allowable: A term used in the Table of Approved Uses for Zones CFB 1, CFB 2 and NRB 3, meaning use that shall be accepted pending the use meets all Federal, State and Town regulations. All allowable uses require Construction Drawing Approval prior to starting the construction of that specific use. [Amended Ordinance #03-03]

Allowable with Mitigation: A term used in the Table of Approved Uses for Zones CFB 1, CFB 2 and NRB 3, meaning use that shall be accepted pending the use meets all Federal, State and Town regulations. All allowable with Mitigation uses require Construction Drawing Approval prior to starting the construction of that specific use. [Amended Ordinance #03-03]

Antenna: Any *structure* or device designed and used to:

- (a) receive direct broadcast satellite service, including direct-to-home satellite services;
- (b) receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services;
- (c) receive television broadcast signals; or,
- (d) collect or radiate electromagnetic waves, including both directional *antennas*, such as *panel antenna*, and *dish antenna*, and omni-directional *antennas*, such as *whip antennas*, but no including satellite earth stations.

Antenna Array: A *structure* attached to a *telecommunications tower* that supports a *telecommunications antenna*.

Antenna, Dish: A dish shaped device which may be free standing or mounted on a *building* or *structure* and is designed to receive direct broadcast satellite service.

Antenna, Flagpole: A *telecommunications tower* designed to appear and function as a large diameter flagpole where *panel antenna* are integrally designed into and located inside of a *telecommunications tower* and are not visible from the exterior. A *flagpole antenna* may or may not include flying of a flag. *Flagpole antenna* may be ground mounted or *roof-mounted*.

Antenna, Non-Whip: An *antenna* which is not a *whip antenna*, such as *dish antennas*, *panel antennas*, etc.

Antenna, Panel: A flat, rectangular *antenna* or *antenna array* designed to concentrate a radio signal in a particular area. *Panel antenna* are also known as directional *antenna* or *sectored antenna*.

Antenna, Radio/Television: A wire or combination of wires and support *structures* designed for directly transmitting electric waves (broadcast radio or television) into space, or receiving them therefrom.

Antenna, Slick: *Panel antennas* that are mounted directly to tapering monopole *telecommunications tower* where the furthest point of the *panel antenna* is no greater than eighteen (18) inches from the exterior of the tapering monopole *telecommunications tower*.
Antenna, Telecommunication: An *antenna* used to provide a *telecommunications service*.

Antenna, Stealth: An *antenna* or *antenna array* placed on or in an existing or proposed *building*, *structure*, or *telecommunications tower* and designed or placed in a manner intended to disguise, hide, or minimize the appearance of such *antenna* or *antenna array*. A *stealth antenna* may or may not have a secondary function (e.g., bell tower, church steeple, spire, flagpole, clock tower, cupola, etc.). *Stealth antenna* may include, but are not limited to: (a) *flagpole antenna*; (b) *slick antenna*; or, (c) a *surface-mount antenna* with a color and

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appearance that is compatible with or blends with the color and materials of the surface of the *building* or *structure* to which the *surface-mount antenna* is attached. **Antenna, Whip:** An omni-directional dipole *antenna* of cylindrical shape which is no more than six (6) inches in diameter.

Antenna, Whip: An antenna which transmits signals in 360 degrees. [Added Ordinance #08-02]

Apartment: A *building*, or portion thereof, designed for occupancy by three (3) or more individuals or families living independently of each other. [Added Ordinance #09-02]

Approval Authority: The Town of Holly Springs *Town Council, Planning Board, or Board of Adjustment*. The term *approval authority* is applicable to *zoning vested rights*.

Artificial Lake: Either: (a) an artificially created body of water which is not required in connection with a storm water management system; or, (b) that portion of an artificially created body of water developed in connection with a storm water management system which exceeds the capacity required to manage the 100 year storm event.

Artisan Food and Beverage Producer: An establishment that engages in commercial on-site production of food and/or beverage products to a final form employing batch-processing or hand-crafting using traditional methods and ingredients, and distributes to customers onsite via product tasting and direct sales and/or off-site to retailers and wholesalers. Typical products may include, but are not limited to coffee roasting, ice cream, baked goods, confectioneries, and other foodstuffs, and any craft beverage manufacturing that does not create excessive noise, odor, smoke, dust, or other objectionable external impacts that might be detrimental to surrounding neighbors or other uses. [Added Ordinance #15-10]

Assembly (when used in reference to an industrial operation): The fitting together of previously manufactured parts or sub-assemblies that do not require additional manufacturing or machining, into a finished item or unit.

Assisted Living: A special combination of housing, supportive services, personalized assistance designed to respond to the individual needs of those in full-time residence at the facility who need help with activities of daily living. Such a facility will typically have a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, including attached and detached *dwelling units*, where the emphasis of the facility remains residential. [Added Ordinance #09-13]

Athletic Facility: A facility devoted to learning and/or recreational environment in which programs of practice and hands-on experiences are provided with instruction to help reach a standard of proficiency. [Added Ordinance #13-04]

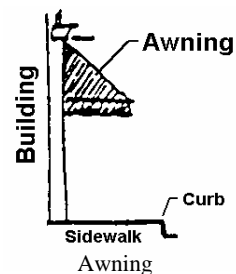
Authorized Agent: Any party duly authorized in writing by the Owner of a subject parcel to act on the Owner's behalf with respect to any *development petition*, including but not limited to a petition for zoning map change, platting of a *subdivision, development plan* approval, *variance* or vacation of land in a plat.

Automotive Repair - Major: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including paint, body and

fender, and major engine and engine part overhaul and transmission work (not including the dismantling or wrecking of motor vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair). [Amended Ordinance #08-13]

Automotive Repair - Minor: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission maintenance. [Amended Ordinance #08-13]

Awning: A roof-like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a *building* or *structure* over a window, door, *sidewalk*, *walkway* or the like.



Bakery, Commercial: A place where products such as bread, cakes, and pastries are baked and intended to be sold to a mass market for a profit. [Added Ordinance #06-15]

Banner: See *Sign, Banner*.

Banquet Facility: A facility for the primary purpose of hosting a party, banquet, reception, or other social event. [Added Ordinance #11-07]

Bar: Premises used primarily for: the sale or dispensing of liquor by the drink for on-site consumption; and, where packaged liquor may be sold or food may be available for consumption on the premises as *accessory* to the *primary use*.

Basement: That portion of a *building* with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below *grade* level.

Bed and Breakfast: The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, *single family dwelling unit* or *two family dwelling unit*. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public.

Best Management Practices (BMPs): A structural or nonstructural 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 method 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. [Amended Ordinance #03-03]

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Block: A tract of land bounded by *streets*, or by a combination of *streets* and public parks, cemeteries, railroad *rights-of-way*, shorelines, or municipal boundary lines.

Block Face: The *frontage* of a *block*, which may contain one or more *lots*, along one side of a *public street* or *private street* between intersections.

Board of Adjustment: The Town of Holly Springs Board of Adjustment.

Board of Commissioners: See *Town Council*. [Amended Ordinance #08-02]

Boarding House: A *building* or part of a *building*, other than *hotels*, *motels*, restaurants, *Bed and Breakfast*, or *multifamily dwellings*, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

Brewpub: An establishment that produces beverages for public sale and consumption on-site, and where packaged beverages may be sold for consumption off-site, and may include *bar* and/or *restaurant* uses. Production shall be limited to no more than 5,000 barrels per calendar year. [Added Ordinance #12-09]

Buffer Area: An area along the edge of a *lot*, *single use site*, *integrated center*, *business park* or *industrial park* which abuts certain specified *rights-of-way*, wetlands, watersheds or other features specified in this UDO and which area is required to be set aside by a provision of this UDO as a permanent landscaped yard, *open space*, or *greenbelt* pursuant to Section 7.06, D., of this UDO. A *buffer area* may include *Best Management Practices (BMPs)*. A *buffer area* is not the same as a *bufferyard*. See also *bufferyard*. [Amended Ordinance # 09-15]

Buffer, Riparian: A natural or vegetated area through which storm water 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. [Amended Ordinance #03-03]

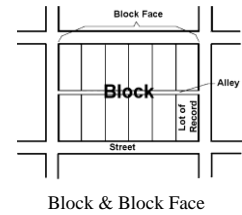
Buffer Widths, Riparian: Viewed aerially, the stream buffer width is measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream. [Amended Ordinance #03-03]

Bufferyard: A *front yard*, *side yard* or *rear yard* of a non-residential land use on a *lot* which faces or abuts a residential *district* or residential portion of a PUD *District*. A *bufferyard* may include landscape plantings, fences, walls or berms required to provide screening or buffering for adjacent residential properties, and *Best Management Practices (BMPs)*. [Amended Ordinance #09-15]

Bufferyard, Front: The *front yard* of a non-residential land use on a *lot* which faces or abuts a residential *district* or residential portion of a PUD *District*. See also *Bufferyard*.

Bufferyard, Rear: The *rear yard* of a non-residential land use on a *lot* which faces or abuts a residential *district* or residential portion of a PUD *District*. See also *Bufferyard*.

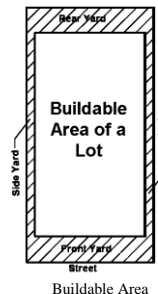
Bufferyard, Side: The *side yard* of a non-residential land use on a *lot* which faces or abuts a residential *district* or residential portion of a PUD *District*. See also *Bufferyard*.



Block & Block Face

Build-to Line: A line parallel to any *front lot line* and which represents the distance from such *front lot line* at which a *building* or *structure* must be placed.

Buildable Area: The area of a *lot* remaining after the *minimum yard* and *lot area* requirements of this UDO have been met and in which development may occur subject to compliance with all applicable *development standards*.



Building: Any *structure* having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building Height: The vertical distance measured from the average elevation of the proposed finished *grade* at the front of the *building* or *structure* to the uppermost *eave line*, provided, however, appurtenances such as chimneys, spires, cupolas, steeples, antenna attached to a building or structure shall not be included in the calculation of building height. [Amended Ordinance #05-03]

Building Line: A line parallel to any *front lot line*, *side lot line* or *rear lot line* which passes through the nearest point of any *building* or *structure*.

Building Line, Front: A line parallel to any *front lot line* which passes through the nearest point of any *building* or *structure* and terminates at the point of contact with any *side lot line*.

Building Line, Side: A line parallel to any *side lot line* which passes through the nearest point of any *building* or *structure* and terminates at the point of contact with any *front lot line* or *rear lot line*.

Building Line, Rear: A line parallel to any *rear lot line* which passes through the nearest point of any *building* or *structure* and terminates at the point of contact with any *side lot line*.

Building Material: Exterior surface materials, exclusive of materials used for: windows; doors; roofing; fascia; soffit; balconies; railings; handrails; stairs; foundations; vents; and, support beams or columns less than eighteen (18) inches in width.

Building Permit: A permit issued by the Town of Holly Springs in compliance with the terms and provisions of the Town of Holly Springs Building Code.

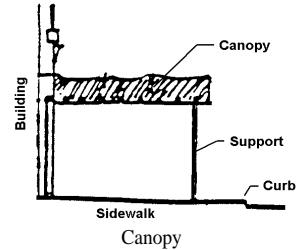
Business Day - A day when the offices of the Department of Planning and Zoning of the Town of Holly Springs are open to the public for the transaction of business for the entire period of its normal operating hours.

Business Park: An *integrated center* zoned for and primarily used by office uses. See *Integrated Center*.

Caliper: The diameter of a tree trunk, measured in inches, at six (6) inches above the ground.
[Supplement #7 corrected typographical error]

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Canopy: A roof-like cover, often of fabric, metal, plastic, fiberglass or glass on a support, which is supported in total or in part, from the ground and providing shelter over, for example, a doorway, outside walk, *interior access drive* or *parking area*.



Canopy, Vehicular: A roofed, open, drive through *structure* designed to provide temporary shelter for vehicles and vehicle occupants while receiving a business service.

Caregiver: As defined by GS § 160A-383.5. [Added Ordinance #18-03]*

Carport: A roofed *structure* designed and intended to shelter the automotive vehicle of occupant or owner of the premises, with at least one (1) side open to the weather.

Catering: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. [Added Ordinance #06-15]

Certificate of UDO Compliance: A certificate signed by the *Director* of the Department of Planning and Zoning stating that the *use* and development of land, *building* or *structure* referred to the certificate complies with the provisions of this UDO, *variance*, *special exception* or *development plan* approval.

Certificate of Occupancy: A certificate signed by the Director of the Department of Building Code Enforcement of the Town of Holly Springs, stating that the *building* or *structure* referred to the certificate complies with the all applicable building codes.

Chef, Personal: One who is contracted to make or complete a meal or meals by means of preparation or cooking privately for a person or persons. [Added Ordinance #06-05]

Child Care: A program or arrangement where three (3) or more children less than thirteen (13) years old, who do not reside where the care is provided, received care on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage or adoption. *Child care* does not include any of the programs or arrangements which are specifically listed as not included in the definition of *child care* by GS § 110-86 (2).

Child Care Center: An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. (See also Family Child Care Home.)

Child Care Home, Family: As defined by GS § 110-86. (See also Child Care Center.) [Amended Ordinance #08-02]

Child Care Ministry: A child care center operated by and in connection with a religious use that is recognized as a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

Close: An *open space* consisting of either: (a) a common area bounded by buildings on three sides and a *street right-of-way* on the fourth side; or, (b) a common area bounded by the center island of a long loop *cul-de-sac*, which provides a front space for *buildings* interior to a *block*.

Co-Location: The placement of two or more *antenna* or *antenna arrays* by *telecommunication service* providers on a common support *structure*.

Commercial Bakery: See *Bakery, Commercial*. [Added Ordinance #06-05]

Community Garden: Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group. [Added Ordinance #14-07]

Comprehensive Plan: Vision Holly Springs: Comprehensive Plan for the Town of Holly Springs or any replacement comprehensive plan subsequently recommended by the *Planning Board* and adopted by the *Town Council* of the Town of Holly Springs pursuant to North Carolina law. [Amended Ordinance #04-06, #06-05, #08-15]

Comprehensive Transportation Plan: That portion of the *Comprehensive Plan* which sets forth recommendations for major *street* alignments and *street* classifications. [Amended Ordinance #12-05]

Concept Plan: An informal site plan of a proposed *subdivision, project, planned unit development* or other development intended to convey the scope, content and nature of a proposed development, but lacking sufficient detail to determine compliance with UDO requirements.

Concept Plan Review - A cursory review of a *concept plan* or *sketch plan* for a proposed *subdivision, project, planned unit development* or other development in which *staff* provides initial review comments to a prospective petitioner on the design and layout of a proposed *subdivision, project, planned unit development* or other development.

Conditional Use Permit: A legally binding, voluntary, written limitation on the *use* and development of real estate entered into in connection with a petition for zoning map change and approved by the *Town Council*, thus resulting in said petition for zoning map change being a petition for a *conditional use district* rather than a *general use district*. See also *District, Conditional Use, District, General Use, and District, Overlay*. [Amended Ordinance #06-05]

Condominium: A *building, group of buildings, or portion thereof*, in which units are owned individually, and the *structure, common areas, or facilities* are owned by all the owners on a proportional, undivided basis and which meets the requirements of GS § 47A.

Construction Drawing: A plan for one or more *lots, a subdivision phase or section, or a project* depicting the existing and proposed conditions with sufficient details and specifications as may be reasonably necessary to determine compliance with UDO requirements and the

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requirements of the Town of Holly Springs' Engineering Design and Construction Standards.

Construction Trailer, Temporary: A mobile structure used as an office in conjunction with a construction project. The mobile structure (construction trailer) is used as a temporary office to meet a short-term need while the permanent facility/facilities are being constructed. [Added Ordinance #06-15]

Cottage Business / Residential: A business operated out of the same *building* or tenant space as the primary *dwelling unit* of the proprietor when located in a *district* which permits such mixed-use occupancy.

Cottage School: A private school which: (a) provides educational services for a maximum of six (6) children at a time; (b) is operated in a residential property; and, (c) provides educational instruction for students between and including grades K – 12.

Country Club: Land area and *buildings* containing *golf courses*, recreational facilities, clubhouse, and customary *accessory uses*, open only to members and their guests.

Cutoff: A luminaire where light distribution does not exceed: (a) 2.5 percent above an angle of 90 degrees; and, (b) 10 percent at an angle between 80 degrees and 90 degrees.

Cutoff, Full: A luminaire equipped with a light fixture (i.e., lamp, lens, reflective surface, etc.) that does not protrude below the bottom edge of the light fixture and is designed so that: (a) no light is emitted above an angle of 90 degrees; and, (b) light distribution does not exceed 10 percent at an angle between 80 degrees and 90 degrees.

Cutoff, Non-: A luminaire where light distribution is unrestricted.

Cutoff, Semi-: A luminaire where light distribution does not exceed: (a) 5.0 percent above an angle of 90 degrees; and, (b) 20 percent at an angle between 80 degrees and 90 degrees.

DBH: See *Diameter at Breast Height*.

Deck: A ground-supported, unenclosed, platform *accessory structure*, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised above *grade* level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the *primary use* or *structure*.

Density, Gross: A unit of measurement which represents the number of units per acre of land on the aggregate total land to be developed, provided, however, the aggregate total land to be developed shall specifically exclude any portion of such land located in the *right-of-way* of a perimeter *street*. [Amended Ordinance #12-05]

Detailed Terms: The *development standards* specified in a *PUD Master Plan* with sufficient information from which to determine if a *UDO permit* application is in compliance with the *use*, area and bulk regulations specified in the *PUD Master Plan*. Specific information including, but not be limited to: *permitted uses*; *gross density*; *frontage*; *setbacks*; *minimum yards*; *use of yards*; *building height*; *parking area* requirements;

loading area requirements; landscaping requirements; a *Master Sign Plan*; *open space*; *building* design and appearance requirements; and the like, is provided.

Developed Recreational Open Space: The total horizontal area of those portions of a *lot* which are located outside of any required *yard* and which are set aside and developed for the recreational use and enjoyment of all residents of a *project*.

Development Option: The manner and extent to which *development requirements* or *development standards* established by this UDO may be modified or *waived* in connection with the approval of a *development plan*. [Amended Ordinance 10-11]

Development Petition: Any petition or review process required by this UDO prior to the issuance of a *UDO permit*, including but not limited to petitions for: zoning map changes; *variances of development standards*; *special exception uses*; *master plans* or *preliminary plans for subdivisions*; *final plats*; vacations of land in a recorded plat; or, *development plans*.

Development Plan: Specific plans for residential, commercial / mixed use or industrial development of property filed in connection with an Architectural and Site Design Review or *development options* review under the terms of this UDO. A *development plan* may include, but not be limited to: a site plan; landscape plan; *Master Sign Plan*; lighting plans; *building* elevations; and pedestrian and vehicular circulation plans, which are reasonably necessary to depict or describe certain information and data as required by this UDO. [Amended Ordinance #10-11]

Development Plan, Site Specific: A plan of land development meeting the requirements of Section 9.08 – Zoning Vested Rights of this UDO submitted to the Town of Holly Springs for purposes of obtaining final authorization from an *approval authority*. In the case of a *subdivision for single family dwellings*, a *master plan* or *preliminary plan* filed and approved in accordance with the requirements of this UDO showing *lot area* and required *setbacks* will be considered to meet the requirements of Section 9.08 – Zoning Vested Rights of this UDO.

Notwithstanding the foregoing, neither a *variance*, a *sketch plan*, a *concept plan* nor any other document that fails to describe with reasonable certainty the type and intensity of *use* for a specified parcel or parcels of property shall constitute a *site specific development plan*.

Development Requirements: *Permitted uses*, *development standards* and any additional requirement specified in this UDO which must be satisfied in connection with the approval of a *development plan*.

Development Standards: Area, bulk, height and other applicable regulations of a *district* contained in the UDO which govern the physical development of real estate.

Diameter at Breast Height ("DBH"): The diameter of a tree trunk, measured in inches, at four and one-half (4 ½) feet above the ground. If a tree trunk splits into multiple trunks below four and one-half (4 ½) feet, then the tree trunk shall be measured at the most narrow point beneath the split.

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Director: The Director of the Department of Planning and Zoning for the Town of Holly Springs, North Carolina, or the designee of the Director of the Department of Planning and Zoning.

Director of Engineering: The Director of the Department of Engineering of the Town of Holly Springs, or the designee of the Director of the Department of Engineering.

Director of Parks and Recreation: The Director of the Parks and Recreation of the Town of Holly Springs, or the designee of the Director of the Department of Parks and Recreation.

District: A *General Use District*, *Conditional Use District* or *Overlay District* applicable to a section of the territory within the jurisdiction of this UDO.

District, Conditional Use: A section of the territory within the jurisdiction of this UDO in which the owners of all the property included in the petition for zoning map change proposed voluntary limitations regarding the *use* and development of such real estate.

District, General Use: A section of the territory within the jurisdiction of this UDO for which uniform regulations over the erection, construction, reconstruction, alteration, repair or *use of buildings, structures* or land, including, but not limited to: *permitted uses*; height; area; size; and, intensity of *use of buildings, structures*, land, and *open spaces* about *buildings* or *structures*, are established by this UDO.

District, Overlay: A section of the territory within the jurisdiction of this UDO in which additional requirements are imposed on certain properties within one or more underlying *general use districts*.

Drainage Basin: The area of land which drains to a given point on a body of water.
[Amended Ordinance #03-03]

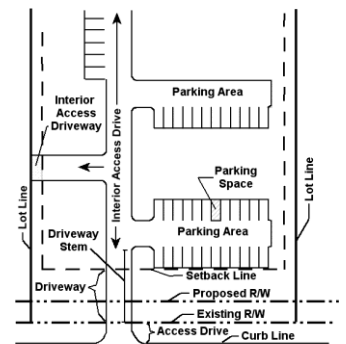
Drainage Pond: An artificially created body of water which is required in connection with a storm water management system.

Drive, Interior Access: A way for internal vehicular movement in and around an individual *lot* or *integrated center*.

Driveway: *Access* for vehicular egress/ingress between the *right-of-way* of a *public street* or *private street* and the minimum required *setback line* on a *lot*.

Driveway, Interior Access: A way for vehicular egress/ingress between the minimum required *setback lines* of separate *lots* or between *lots* within the boundaries of an *integrated center*.

Driveway, Shared: A way for vehicular egress/ingress between the *right-of-way* of a *public* or *private street* and *off-street parking* areas which is shared by two (2) or more separate *dwelling units* and has adequate depth to provide maneuverability to all *garages* or *off-street parking areas*. A *shared driveway* may be divided along a common *lot line* or may be located wholly on a single *lot*. [Added Ordinance #15-11]



Drives & Related Areas

Driveway Stem: That portion of a *driveway* and *interior access drive* which shall be reserved for the unobstructed ingress and egress of vehicles and which is kept free from any other traffic movement, including the entering or exiting movement from: individual *parking spaces*; individual *loading spaces*; other *interior access drives*; or, *interior access driveways*.

Dwelling: Any *building*, or portion of a *building*, which is designed or used primarily for residential purposes, including a *single family dwelling*, *two family dwelling* and *multifamily dwelling* but not including *hotels*, *motels*, *boarding houses*, *lodging houses*, *bed and breakfast*, and *tourist home*.

Dwelling, Accessory: A *dwelling unit* which is subordinate and incidental to the *primary use* of a *lot* for a *single family dwelling* excluding an *in-law suite*. [Amended Ordinance #10-11]

Dwelling, Cottage: A detached *single family dwelling unit*, which is arranged around an area of shared *common open space* with other *cottage dwellings*. [Added Ordinance #15-11]

Dwelling, Manufactured Home: A *dwelling unit* that complies with the following:

- (a) which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process;
- (b) that bears a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards; and,
- (c) complies with the requirements of GS § 143-145(7).

Dwelling, Mobile: A movable or portable *dwelling unit* that:

- (a) is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process;
- (b) is designed for occupancy by one *family*;
- (c) is erected or located as specified by the Town of Holly Springs Building Code; and,
- (d) was either:
 - (1) constructed prior to June 15, 1976; or,
 - (2) constructed subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

Dwelling, Modular Home: A *dwelling unit* which is fabricated in one or more modules at a location other than the home site by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, provided that the

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dwelling unit must have been built in compliance with the CABO One and Two-Family Dwelling Code and the Town of Holly Springs Building Code.

Dwelling, Multifamily: A *building* consisting of three (3) or more *dwelling units*, including *condominiums* and *apartments*, with varying arrangements of entrances and party walls. [Amended Ordinance #09-02]

Dwelling, Single Family: An individual, detached *building* containing one (1) *dwelling unit* which is either:

- (a) built in compliance with the CABO One and Two-Family Dwelling Code and the Town of Holly Springs Building Code; or,
- (b) a *modular dwelling*.

Dwelling, Two Family: A *building* consisting of two (2) *dwelling units* which may be either attached side by side or one above the other, and each *dwelling unit* having a separate or combined entrance.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) *family* and its household employees, including provisions for sleeping, *lawful cooking*, and sanitary facilities. The term shall include *mobile dwellings*, *modular dwellings* and *manufactured dwellings* but shall not include *recreational vehicles*.

EIA-222: Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures".

Eave Line: The extension of a roof line beyond the vertical wall of a building. [Amended Ordinance #05-03]

E-commerce: "e-business," "e-tailing" and "I-commerce." Although in most cases e-commerce and e-business are synonymous, e-commerce implies that goods and services can be purchased online, whereas e-business might be used as more of an umbrella term for a total presence on the Web, which would naturally include the e-commerce (shopping) component. [Added Ordinance #06-05]

Electronic Variable Message Sign (EVMS): See *Sign, Electronic Variable Message*.

Environmental Appeal Committee (EAC): The committee that hears appeals and variances to Chapter 8 of the Town Code of Ordinances. [Added Ordinance #10-11]

Exempt: A term used in the Table of Approved Uses for Zones CFB 1, CFB 2 and NRB 3, meaning use that shall be accepted pending the use meets all Federal, State and Town regulations. Exempt uses do not require Construction Drawing approval. [Amended Ordinance #03-03]

Family: One or more human beings related by blood, marriage, adoption, foster care or guardianship, together with *incidental* domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Family Care Home: As defined by GS § 168-21. [Amended Ordinance #08-02]

Family Child Care Home: See *Child Care Home, Family*.

Farm, bona fide: Any production or activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of *agricultural use*, as defined in G.S. 106-581.1. For purposes of determining whether a property is being used for *bona fide farm* purposes, any of the following shall constitute sufficient evidence that the property is being used for *bona fide farm* purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan. [Added Ordinance #18-03]*

Final Plat: See *Plat, Final*.

Flex-Space: A light industrial *use* which includes a combination of office space and either warehouse or light assembly operations, provided that a minimum of fifteen (15) percent of the *gross floor area* of each tenant space shall be devoted to office *use*.

Floor Area: For *single family dwellings* and *two family dwellings*, the sum of all horizontal surface areas of all floors of all roofed portions of a *building* enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such *buildings* or portions thereof. The *floor area* of such a *building* shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open *porches*.

For *multifamily dwellings*, the sum of all horizontal surface areas of all floors of all roofed portions of all *buildings* enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such *buildings* or portions thereof. However, the *floor area* of such a *building* shall not include the following:

- (a) all areas with a vertical height clearance less than seventy-eight (78) inches;
- (b) all exterior open balconies, and open *porches*;
- (c) *floor area* or *basement floor area* devoted to *off-street parking* or *off-street loading*, including aisles, ramps and maneuvering space;
- (d) *floor area* or *basement floor area* provided for recreational uses, available to occupants of two or more *dwelling units* within a *project*; or,
- (e) *basement floor area* provided for storage facilities, allocated to serve individual *dwelling units* with a *project*.

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Floor Area, Finished: That portion of *floor area* constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A *floor area* or portion thereof used only for storage purposes and not equipped with the facilities mentioned above shall not be considered *finished floor area*.

Floor Area, Gross: For *dwelling units*, the total area, computed on a horizontal plane inclusive of finished *basements*, attached *garages*, entrances, hallways, stairways and other enclosed areas, but exclusive of unfinished *basements*, cellars and attics.

For commercial or industrial *buildings* or *structures*, the sum of all horizontal surface areas of all floors of a *building* or *structure* measured from the exterior faces of the exterior walls or from the center line of walls separating abutting *buildings* or *structures*.

Floor Area, Gross Leasable: That portion of the *gross floor area* which is designated for the exclusive use and occupancy of a tenant.

Floor Area, Gross Main: That portion of the *gross floor area* located on the first floor of the *structure*. [Added Ordinance #07-03]

Floor Area, Main: That portion of the *finished floor area* located on the first floor of the *structure*. [Amended Ordinance #07-03]

Food, For Sale: A transaction of food between two parties where the buyer receives goods (tangible or intangible), services and/or assets in exchange for money. [Added Ordinance #06-05]

Food Service: the practice or business of making, transporting, and serving or dispensing prepared foods, as in a restaurant or commissary. [Added Ordinance #06-05]

Forestry Activity: The professional practice embracing the science, business and art of creating, conserving and managing forests and forestlands for the sustained use and enjoyment of forest resources, material or other forest products. Such activity may include the felling, loading and transporting of trees or timber products from a parcel or *lot* for commercial purposes.

Foundation Landscaping: Landscaping installed along or in relation to the perimeter foundation of a *building* or *structure*.

Foundation Landscaping Area: The area along or in proximity to the perimeter foundation of a *building* or *structure* which is required to be set aside for the installation of *foundation landscaping*.

Frontage: The line of contact of an abutting property with the *street right-of-way* along a *front lot line* which allows unobstructed, direct *access* to the *lot*.

Frontage Street or Frontage Road: See *Street, Frontage*.

Full Cutoff: See *Cutoff, Full*.

Game Court: In residential *districts*, a type of recreation facility which consists of an unpaved or paved, *accessory*, surface area of ground open and essentially unobstructed to the sky, on

the same *lot* as the *primary building*, designed and intended for the playing of a recognized sport as an *accessory*, recreational activity by the occupants and guests of the *primary building*, which may include fencing, screening, nets, goals, or other necessary appurtenances required for recreational use.

Garage: An *accessory building* to a residential *use*, or an enclosed area attached to or integrated into a residential *building*, which is primarily designed and intended to be used for the *storage* of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

Garage, Front Loading: A *garage* in which the entry door for the private vehicle(s) is: (i) located in front of the established *rear building line* of the *building*; and, (ii) located parallel to or within sixty (60) degrees of being parallel to the *front lot line*.

Garage, Parking: Any *building* or *structure* designed and intended for the storage of motor vehicles for compensation.

Garage, Rear Loading: A *garage* in which the entry door for the private vehicle(s) is: (i) located behind the living area of the *building* and is more than sixty (60) degrees but less than three-hundred (300) degrees of being parallel to the *front lot line*; or, (ii) located on the rear façade of the *building* and located parallel to or within sixty (60) degrees of being parallel to the *rear lot line*.

Garage Sale: A public or private sale conducted by the owner or occupier of a premises of six or more items of personal property owned by the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.

Garage, Side Loading: A *garage* in which the entry door for the private vehicle(s) is: (i) located in front of the established *rear building line* of the *building*; and, (ii) more than sixty (60) degrees but less than one-hundred and twenty (120) degrees of being parallel to the *front lot line*.

Gasoline Service Station: Any *building*, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, which may include as an *accessory use*: minor automotive repairs; the sale and installation of lubricants, tires, or batteries; car washes; and, similar uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by means of fixed, approved dispensing equipment by customers or employees.

Gateway Corridor: All land area lying within the corporate limits of the Town of Holly Springs and its extra-territorial jurisdiction which is within three-hundred (300) feet of the *right-of-way* of the NC-540, US 1, NC 55 Bypass or any *thoroughfare* as indicated on the Town of Holly Springs *Comprehensive Transportation Plan*. [Amended Ordinance #12-05, 14-07; 15-10]

Gateway, Residential: Areas of commercial / mixed use development located on either side of a *collector street* developed as part of an overall *subdivision* or *project* and intended to

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provide *access* through the commercial / mixed use development to a residential neighborhood.

General Terms: The *development standards* specified in a *PUD Master Plan* (such as designations of areas in terms of: units per acre; *multifamily*; retail; office; and the like) which do not provide sufficient information from which to be able to determine if a *UDO permit* application for a particular development is in compliance with the *use*, area and bulk regulations for the *PUD District* set forth in the *PUD Master Plan*. Detailed information regarding: *permitted uses*; *gross density*; *frontage*; *setbacks*; *minimum yards*; *use of yards*; *building height*; *parking requirements*; *loading requirements*; *landscaping requirements*; *sign information*; *open space*; *building design and appearance requirements*; and the like, are not specified.

Glare: The harsh appearance of a direct source of light as discernible from adjacent properties and which causes annoyance, discomfort or loss of visual performance and visibility.

Golf Course: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways and hazards, and may include a clubhouse and shelter. See also: *Country Club*.

Grade: The average level of the finished surface of the ground five (5) feet from the *building, structure* or proposed *building pad*; provided, however, when referring to "*street grade*" the term "grade" shall mean the slope of a *street* specified in percentage (%) terms.

Grand Opening: The introduction, promotion, or announcement of a new business, store, shopping center, or office, occurring within thirty (30) days of the issuance of the Certificate of Occupancy, and/or the announcement or introduction or promotion of an established business changing ownership. [Amended Ordinance #03-17]

Greenbelt: An *open space* along the perimeter of a development, *subdivision* or *project* which is maintained in its natural vegetative state and which, at a minimum, contains sufficient vegetation to meet or exceed perimeter landscape yard requirements.

Group Home: As defined by GS § 122C-3. [Amended Ordinance #15-10]

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

Hedge Plant: A woody plant of relatively low height (not exceeding ten to twelve (10-12) feet in height), branching from the base.

Home Occupation: An occupation or business activity carried on within a legally established *dwelling unit* by a resident of said *dwelling*.

Home Owners Association: A community association, other than a condominium association, that is organized in a development in which individual owners share common interest and

responsibilities for costs and upkeep of common open space or facilities. [Added Ordinance #06-15]

Hotel: Any *building* or group of *buildings* containing five (5) or more rooms without direct entrance to or from the outside, designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the *building* or an *accessory building*, and which caters to the traveling public.

Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

Incidental: A minor occurrence or condition which is customarily associated with a *permitted use* and is likely to ensue from normal operations.

Incremental Lot: A *lot of record* created through the *incremental plat* process.

Incremental Plat: A phased method of obtaining *final plat* approval for a *non-residential subdivision* and which contains only a portion of the real estate included in the *preliminary plan* or *master plan* for the proposed *non-residential subdivision*.

Individual Tenant Space: a single *out lot of record* within a *multi-tenant building* in an *integrated center* with its own separate *building* entrance that may include an *off-street parking area* and/or *off-street loading area*. [Added Ordinance 13-09]

In-law suite: A *dwelling unit* contained in a *single family dwelling* in which a relative(s) could independently reside. [Added Ordinance #10-11]

Integrated Center: An area of development (commercial, industrial, or any combination of commercial / mixed *use*, industrial and residential *uses*) of one or more *lots* or *out lots*, comprised of:

- (a) two or more individual, non-related and separately operated *uses* in one *building* sharing common site facilities;
- (b) one or more *buildings* containing non-related and separately operated *uses* occupying a common site, which utilizes one or a combination of common site facilities, such as *driveways*, *parking areas*, *loading areas*, *interior access drives*, maintenance and similar common services; or,
- (c) one or more *buildings* containing non-related and separately operated *uses* occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as *driveways*, internal *public street* or *private street* network developed in accordance with an approved *master plan* or *preliminary plan* of a *subdivision*, *parking areas*, *loading areas*, maintenance or other services.

Industrial Park: An *integrated center* zoned for and primarily used by industrial businesses. See *Integrated Center*.

Intermittent Stream: see Stream, Intermittent [Amended Ordinance #03-03]

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Junk Yard: Any place at which personal property:

- (a) is or may be salvaged for reuse, resale, or reduction or similar disposition;
- (b) is owned, possessed, collected, accumulated, dismantled, or assorted (including but not limited to: used or salvaged base metal or metals, their compounds or combinations; used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and, used motor vehicles, machinery or equipment which does not carry a current, valid license); or,
- (c) is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Landscape Buffer: An area of landscaping on a *lot, single use site, integrated center, business park* or *industrial park* in which landscaping is required to be maintained at all times.

Lawful Cooking - A room or area in which food may be prepared and cooked and which contains the following:

- (a) A kitchen sink in good working condition and properly connected to an approved water supply and approved sewer/septic system. The sink must provide an adequate amount of water under pressure, both unheated and heated to no more than 120 degrees Fahrenheit;
- (b) Cabinets, shelves, counters or tables used for storage of food, eating, drinking or cooking equipment and utensils shall be of sound condition furnished with surfaces that are easily cleanable and that will not impart any harmful effect to food; and,
- (c) A stove, oven or microwave oven for cooking food and a refrigerator for safe storage of food at temperatures less than 45 degrees Fahrenheit. These appliances shall be properly installed with all necessary connections for safe, sanitary and efficient operation and shall be maintained in good working condition.

Light Pollution: Any artificial light which causes: a detrimental effect through uplighting on the environment, astronomical research, or enjoyment of the night sky; or, undesirable *glare* or *light trespass*.

Light Trespass: Artificial light that produces an unnecessary and unwanted illumination of an adjacent property.

Loading Area: Any area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility. *Loading area* includes the *loading space* and maneuvering area required to enter the *loading space*.

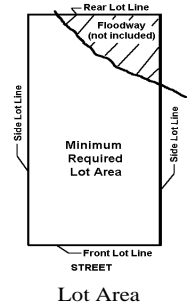
Loading, Off-Street: A *loading area* located completely on a *lot* and *accessed* via *interior access drives, interior access driveways, access drives, or driveways* in which no individual *loading spaces* gain *direct access* to a *public street* or *private street*.

Loading Space: A hard-surfaced, *off-street* area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

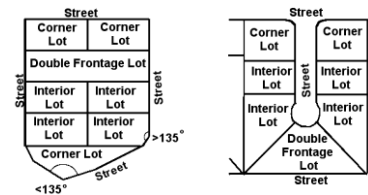
Lot: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:

- (a) a single *lot of record*;
- (b) a *recombination lot of record*.

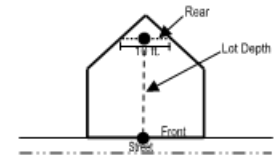
Lot Area: The total area of a *lot* bounded on all sides by any *front lot line*, *rear lot line*, and *side lot line*, provided, however, *lot area* shall not include: any area lying within the *right-of-way* of any *public street* or *private street* or easement for surface *access* into the subject *lot* or adjoining *lots*; or, land reserved for drainage pond, wetland or lands subject to periodic flooding. No part of the minimum *lot area* required under the applicable *district, commitment, variance grant* or *development plan* approval may be satisfied by land that is under water.



Lot, Corner: A *lot* abutting two (2) or more *streets* at their intersections, or upon two parts of the same *street* forming an interior angle of less than one-hundred and thirty-five (135) degrees.



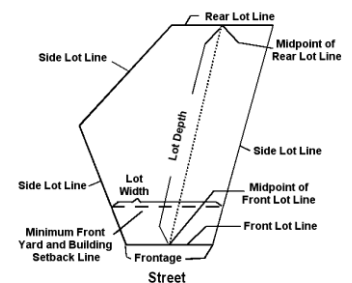
Lot Coverage: The total ground area within the *lot* or project covered by the primary *structure* plus any *accessory structures* (including *decks, patios, above-ground pools, in-ground pools, garages, carports* and storage sheds), excluding *driveways, walkways, fences* and walls not attached in any way to a roof.



Lot Depth: The distance from the midpoint of the *front lot line* to the midpoint of the *rear lot line*.

Lot Depth

Lot, Double Frontage: A *lot* abutting two (2) parallel *streets*, or abutting two (2) *streets* which do not intersect at the boundaries of the *lot*.



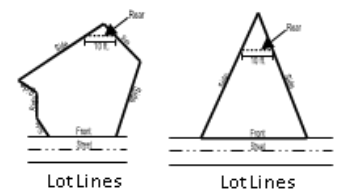
Lot Depth & Lot Width

Lot, Interior: A *lot* which is not a *corner lot* or a *double frontage lot*.
[Amended Supplement #7 corrected typographical error]

Lot Line: The line of separation of a *lot* from any abutting *street* or adjoining *lot*.

Lot Line, Front: The *lot line* separating a *lot* from any abutting *street*.

Lot Line, Rear: A *lot line* which is opposite and most distant from the *front lot line*, or in the case of a triangularly shaped *lot*, a line ten (10) feet in length *within the lot, parallel to and at the maximum distance from the front lot line*. However, in the case of a *corner lot*, any *lot line* which intersects with a *front lot line* shall not be considered a *rear lot line*.



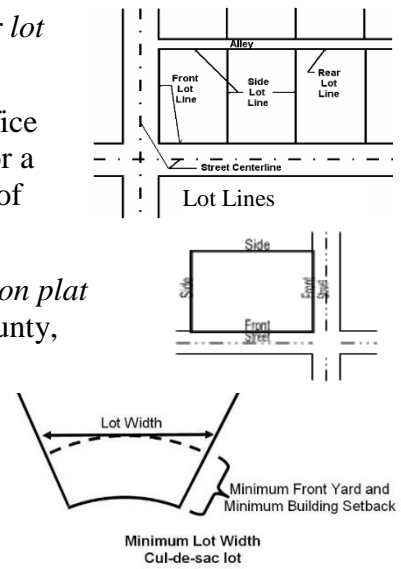
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Lot Line, Side: Any *lot line* not designated as a *front lot line* or *rear lot line*.

Lot of Record: A *lot* which is part of a *final plat* recorded in the Office of the Registrar of Deeds of Wake County, North Carolina, or a *lot* or *parcel* described by metes and bounds, the description of which has been so recorded.

Lot of Record, Recombination: A *lot* which is part of a *recombination plat* recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Lot Width: The full width of a *lot* measured from the midpoint of the front lot line to the midpoint of the *minimum front yard* and *minimum building setback line* required by this UDO.
[Supplement #6 corrected typographical error] [Added image Ordinance #18-03]*



Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute light on any property, to position and protect the lamps and to connect the lamps to the power supply.

Luminous Tube Lighting: Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.

Mailbox Kiosk: A small structure, often open on one or more sides, used as a location for private boxes to receive incoming mail and a public container to deposit outgoing mail. [Added Ordinance #06-15]

Maintained Foot Candles: Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation.

Major Residential Subdivision: See *Subdivision, Major Residential*.

Manufacture: The mechanical or chemical transformation of materials or substances into new products or into a useable form. *Manufacture* may include the creation of products (including subsequent assembly of previously manufactured parts), or the blending of materials such as lubricating oils, plastics, resins or liquors.

Manufactured Home Dwelling: See *Dwelling, Manufactured Home*.

Manufacturing, Heavy: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the surrounding area in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing". This definition excludes *uses* that are engaged primarily in the processing, manufacturing, or storage of explosive, hazardous, or toxic materials. [Added Ordinance #11-03]

Manufacturing, Light: The assembly, fabrication, 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 or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. This definition excludes *uses* that are engaged primarily in the processing, manufacturing, or storage of explosive, hazardous, or toxic materials. [Added Ordinance #11-03]

Marquee: A permanent roof-like structure constructed of rigid materials supported by and extending from the facade of a building, frequently used to display signage. [Added Ordinance #08-02, Supplement #6 corrected typographical error]

Master Plan: A drawing, map, plan or other graphic representation of an overall *project*, drawn to an appropriate scale by hand or other drawing method, but containing sufficient detail to depict the patterns proposed for an overall *project* and to determine compliance with the *use and development standards* provisions of this UDO.

Master Sign Plan: See *Sign Plan, Master*.

Maximum Building Height: The height which a *building* or *structure* may not exceed. See also *Building Height*. [Image Removed Ordinance #18-03]*

Mentally or physically impaired person: As defined by GS § 160A-383.5. [Added Ordinance #18-03]*

Minor Residential Subdivision: See *Subdivision, Minor Residential*.

Mitigation: Actions taken either on-site or off-site as allowed by the Part to offset the effects of temporary or permanent loss of the buffer. [Amended Ordinance #03-03]

Mobile Dwelling: See *Dwelling, Mobile*.

Motel: Any *building* or group of *buildings* containing five (5) or more rooms with at least twenty-five percent (25%) of all rooms having direct entrance to and from the outside without the necessity of passing through the main lobby of the *building(s)*, designed and intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the *building* or an *accessory building*, and which caters to the traveling public.

Multi-tenant Building: A *building* within an *integrated center* containing *individual tenant spaces* each with their own separate *building* entrance. [Added Ordinance #13-09]

Multi-Unit House: A *multifamily building* which is designed or used primarily for residential purposes and has the appearance of a large detached *single family dwelling unit* from the *street*. [Added Ordinance #15-11]

Municipal: Town of Holly Springs [Amended Ordinance #05-01]

Neighborhood Recycling Collection Point: A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All materials are stored completely within the *structure* while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are *accessory uses* sharing the site of a larger *primary use*. Possible *structures* for this type of operation include

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such *recycling containers* as "igloos", reverse vending machines, trailers, or similar *structures*.

Nightclub: An establishment: offering liquor by the drink or food for on-site consumption; and, in which music, dancing or entertainment is conducted.

Non-Cutoff: See *Cutoff, Non-*.

Non-Whip Antenna: See *Antenna, Non-Whip*.

Nonconforming Building or Structure, Legally Established: Any continuous, lawfully established *building* or *structure* erected or constructed: (a) prior to the time of adoption, revision or amendment of this UDO but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the *district*; or, (b) pursuant to a granted *variance*.

Nonconforming Use, Legally Established: Any continuous, lawful land *use* having commenced: (a) prior to the time of adoption, revision or amendment of this UDO but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the *district*; or (b) pursuant to a granted *variance*.

Non-Residential Subdivision: See *Subdivision, Non-Residential*.

Non-Residential Incremental Subdivision: See *Subdivision, Non-Residential, Incremental*.

Nursing Home: A facility which provides nursing care and related medical services on a 24-hour per day basis to two or more individuals in full-time residence at the facility because of illness, disease, or physical or mental infirmity. [Added Ordinance # 09-13]

Off-Street: An area, typically set aside for parking or loading, which is located on private property and does not occur in the *right-of-way* of any *public street* or *private street*.

Office: Administrative, executive, professional, research, or similar *uses* having only limited contact with public and typically operated during normal business hours, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or *accessory* to the *permitted use*. Generally, the majority of the traffic generated from the *use* comes from employees and not the general public or customers. Such *uses* shall be comprised of no more than twenty-five (25) percent of storage area. [Added Ordinance #11-07, Amended Ordinance #11-08]

Office, Professional: Offices or studios of professional or service occupations or agencies for the conduct of that profession, typically operated during normal business hours. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field, any occupation requiring licensing by the state and maintenance of professional standards applicable to the field. Such *uses* shall be comprised of no more than twenty-five (25) percent of storage area. [Added Ordinance #11-08]

Office, Temporary Real Estate: The temporary use of a dwelling unit or trailer within a residential development project as a sales or rental office for the units on the same site.
[Added Ordinance #06-15]

On-Street: An area, typically set aside for parking or loading, which is located within the *right-of-way* of any *public street* or *private street*.

Open Space: A *lot*, a portion of a *lot* or common area set aside as a *playground*, *plaza*, *close*, *square*, *park*, *parkway*, *greenbelt*, *bufferyard* or other landscape area and maintained free from *buildings* or *structures*, except for those *structures* which are directly related to and essential to the *use* of the *open space* for recreational purposes, including, but not limited to *swimming pools*, play equipment for youngsters, game courts and picnic tables or those *structures* which are directly related to *Best Management Practices (BMPs)*. In the case of individual residential *lots*, *open space* shall be an area landscaped with grass, trees, shrubbery or other suitable vegetative ground cover and maintained free from *buildings* or *structures*. [Amended Ordinance #09-15]

Out Lot: That portion of land in a *subdivision*, *integrated center*, *business park*, *industrial park* or other planned development which does not contain the central or *primary building* of the development and is: (a) usually located adjacent to a *street* or *frontage street*; and, (b) is intended for the development of a smaller, additional and separate *building* or *buildings*. In a *subdivision*, *integrated center*, *business park* or *industrial park* where there is no clearly identifiable central or *primary building* of the development, or where individual *lots* are developed independently of each other, each *lot* shall be considered an *out lot*.

Outdoor Display Area: That part of *lot* used for the display of merchandise or goods available for purchase or lease from the business located on that *lot* and located outside of a *building* or *structure*, including vehicles, garden supplies, gas, motor oil, food, beverages, boats, *building* and landscaping materials, and similar materials or items. Integral garden centers associated with a retail establishment shall not be included as part of *outdoor display area*. [Amended Ordinance #08-12]

Outdoor Light Fixtures: Any outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices including all parts used to distribute the light or protect the lamp, permanently installed or portable, used for flood lighting, general illumination or location identification.

Outdoor Storage: See Storage, Outdoor.

Park: An *open space* designed for passive or active recreational *use*.

Parkway: An *open space* entirely bounded by *street* or pedestrian *rights-of-way* within a developed area.

Parking Area: Any area other than an open exhibition or display area (not inclusive of *interior access drives*, *driveways*, *interior access driveways* and *access drives*) intended for the temporary storage of automotive vehicles including *parking spaces* and the area allocated to the egress/ingress of automotive vehicles to and from the actual *parking space*. For

Section 11 Definitions

residential *uses*, *parking areas* include gravel, or other non-erodible surfaces such as asphalt, concrete, or pavers on which operable motor vehicles are temporarily placed.

[Amended Ordinance #18-03]*

Parking Garage: See *Garage, Parking*.

Parking, Off-Street: A *parking area* located completely on a *lot* and accessed via *interior access drives, interior access driveways, access drives, or driveways* in which no individual *parking spaces* gain direct access to a *public street* or *private street*.

Parking, On-Street: A *parking area* located partially or completely within the *right-of-way* of a *public street* or *private street*.

Parking Lot: The *primary use* or *accessory use* of a *lot* or a portion of a *lot* for the parking of automotive vehicles.

Parking Lot, Public: A *parking lot* owned or managed by, the government of the United States, State of North Carolina, County of Wake, or the Town of Holly Springs available to the public with or without a payment of a fee. [Amended Ordinance #02-16]

Parking Space: That portion of the *parking area* used only for the temporary placement of an operable motor vehicle.

Parks and Recreation Advisory Board: The Parks and Recreation Advisory Board of the Town of Holly Springs, North Carolina, as appointed by the *Town Council* of the Town of Holly Springs, North Carolina. [Amended Ordinance #06-15]

Patio: A hardsurfaced area *accessory structure* to a *primary use* or *structure* of which the horizontal area is at *grade* level with at least one (1) side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the *primary use* or *structure* and is not designed or intended for *use* by automotive vehicles.

Pennant: See *Sign, Pennant*.

Perennial Stream: see *Stream, Perennial*. [Amended Ordinance #03-03]

Performance Bond - A legally binding agreement whereby the *subdivider* posts a surety in a form acceptable to the *Town Council* for the construction of *improvements*, installations and *lot improvements* required by this UDO, any other applicable ordinances of the Town of Holl Springs, and any requirements, covenants or conditions which may be imposed pursuant to this UDO. [Amended Ordinance #06-15]

Perimeter Landscape Yard: See *Yard, Perimeter Landscape*. [Added Ordinance #06-15]

Permitted Use: The use of land or the use of a building or structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a *special exception use*, an *accessory use*, a *home occupation*, or a *temporary use*) in the *district* applicable to the land.

Personal Chef: See *Chef, Personal*. [Added Ordinance #06-15]

Persons With Disabilities: As defined by GS § 168-21. [Added Ordinance #08-02]

Phased Development Plan: See Development Plan, *Phased*.

Planning Board: The Town of Holly Springs Planning Board established pursuant to the North Carolina law.

Plant Categories: The grouping of plants based upon the nature, size and species of the plants.

Plant Unit Value: A numeric value assigned to plants within the various *Plant Categories*.

Plat: A drawing, map, plan or other graphic representation of a *subdivision* of a tract of land or a replat of such a tract of land into *lots of record*.

Plat, Final: A drawing, map, plan or other graphic representation of a *subdivision* of a tract of land, or a replat of such a tract of land, into *lots of record* and which is submitted to the Town of Holly Springs for final approval and signature after approval of a *master plan* or *preliminary plan* and *construction drawings* but prior to filing with the Office of the Wake County Register of Deeds.

Plat, Incremental: See *Incremental Plat*.

Plat, Recombination: A drawing, map, plan or other graphic representation of the revision of a *final plat* of a tract of land to combine or recombine entire *lots of record* or portions of previously recorded *lots of record*.

Playground: An *open space* which contains an active recreational area with a variety of facilities, including equipment for younger children, *game courts* and fields for games.

Plaza: An *open space* that may be improved and landscaped, usually surrounded by *streets* or *buildings*.

Porch: A roofed *accessory structure* with at least one side exposed to the weather, supported from the ground and attached to or part of a *building* at the area of entrance or exit to said *building*.

Preliminary Plan: Any drawing, map, plan or other graphic representation of a *subdivision* of a tract of land submitted as part of an initial request for the platting of real estate.

Primary Building: The *building* in which the primary *permitted use* of the *lot* is conducted.

Primary Use: A *permitted use* of land or a *permitted use* of a *building* or *structure* on land which is allowed as a matter of right in the *district* applicable to the land, subject only to compliance with the *development standards* applicable to that *district*.

Prohibited: A term used in the Table of Approved Uses for Zones CFB 1, CFB 2 and NRB 3, meaning use that shall be prohibited at all times in the Town-mandated zones of the riparian buffer. [Amended Ordinance #03-03]

Project: A *single use site*, *integrated center*, *mixed use development*, *single family dwelling subdivision*, *two family dwelling subdivision*, *multifamily development* or any other form of development of real estate.

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Project Area: The total land area of a site, less area included in: the *existing right-of-way* or *proposed right-of-way* of a perimeter *street*; and, the area included in floodway or other undevelopable portions of the site.

Prototype Process and Production Plant: A building or operation in which processes planned for use in production elsewhere can be tested, or in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations off the premises. [Added Ordinance #11-03]

PUD Master Plan: A *master plan* filed in connection with a zoning map change requesting a planned unit development.

Quarter: Three (3) month intervals beginning with January 1. [Amended Ordinance #03-17]

Quick Oil Change Facility: An establishment primarily engaged in operations that provide lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle; completion of vehicle inspections involving minor maintenance items such as replacement of light bulbs, windshield wipers. It is anticipated that these services will be provided while customers wait. [Added Ordinance #08-13]

Recombination Lot of Record: See *Lot of Record, Recombination*.

Recombination Plat: See *Plat, Recombination*.

Recreational Vehicle: A vehicular-type portable *structure* without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to: travel trailers, truck campers, camping trailers, self-propelled motor homes; personal watercrafts; and, boats.

Recycling Container: A receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to glass, plastic, metal and paper.

Recycling Facility: A recycling operation involving further processing (relative to a *Neighborhood Recycling Collection Point*) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out.

Religious Use: A land *use* and all *buildings* and *structures* associated therewith devoted primarily to the purpose of divine worship together with reasonably related *accessory uses*, which are subordinate to and commonly associated with the *primary use*, which may include but are not limited to educational, instructional, social, residential or *child care ministry uses*.

Resource Extraction: Extraction of minerals, including solids like coal and other ores, including but not limited to quarrying, open-pit mining, drilling, tunneling, strip mining and any other such activities as defined in G.S. 74-49(7). [Added Ordinance #11-03]

Resource Recovery: The processing of solid waste into commercially valuable materials or energy.

Rest Home: A facility that provides primarily nonmedical resident services to seven or more individuals in full-time residence at the facility in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff on a 24-hour-a-day-basis. [Added Ordinance #09-13]

Right-of-Way: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful *use*, typically as a thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Right-of-Way, Existing: The total *right-of-way* width of a *street* as created or expanded by the most recent grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Right-of-Way, Public: Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality, County or State to be devoted to and subject to *use* by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Right-of-Way, Private: Specific and particularly described strip of privately-held land devoted to and subject to *use* for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Right-of-Way, Proposed: The recommended *right-of-way* width for a *street* based upon that *street's* classification in the *Comprehensive Transportation Plan* portion of the *Comprehensive Plan* or the Town of Holly Springs' Engineering Design and Construction Standards. [Amended Ordinance #11-07, 12-05]

Riparian Buffer: see Buffer, Riparian. [Amended Ordinance #03-03]

Riparian Buffer Widths: see Buffer Widths, Riparian. [Amended Ordinance #03-03]

Roof-Mount: The placement of an *antenna* or *antenna array* on the roof of an existing *building* or *structure*.

Semi-Cutoff: See *Cutoff, Semi-*.

Setback: That distance measured perpendicularly from the *lot line* to the closest point of the *building, structure, sign structure, parking area* or any other permanent *improvement*.

Setback Line: A line that establishes the minimum distance that a *building, structure*, or portion thereof, can be located from a *lot line* or *right-of-way* line.

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Setback, Maximum: The largest distance allowed by this UDO from a *front lot line* for the location of a *building, structure* or any other permanent *improvement* (excluding *parking areas*).

Setback, Minimum: The smallest distance required by this UDO from a *lot line* to the closest point of a *building, structure, sign structure, parking area, loading area, storage area*, or any other permanent *improvement*. A *minimum setback* may be a *minimum front setback, minimum side setback* or *minimum rear setback*. Said distance shall be measured perpendicularly from the *lot line*.

Setback, Minimum Front: The minimum distance required by this UDO from a *front lot line* to the closest point of the *building, structure, sign structure, parking area, loading area, storage area*, or any other permanent *improvement*. Said distance shall be measured perpendicularly from the *front lot line*.

Setback, Minimum Rear: The minimum distance required by this UDO from a *rear lot line* to the closest point of the *building, structure, sign structure, parking area, loading area, storage area*, or any other permanent *improvement*. Said distance shall be measured perpendicularly from the *rear lot line*.

Setback, Minimum Side: The minimum distance required by this UDO from a *side lot line* to the closest point of the *building, structure, sign structure, parking area, loading area, storage area*, or any other permanent *improvement*. Said distance shall be measured perpendicularly from the *side lot line*.

Shoebox: A style of light fixture in which the lighting element is completely enclosed on all four sides and on the top.

Sidewalk: A defined pedestrian way which is typically constructed of concrete, separated from and located parallel to the improved surface of a *public street* or *private street*, and located within a *right-of-way* of said *street*.

Sign: Any *structure*, fixture, placard, announcement, declaration, device, demonstration or insignia used to: draw attention; provide direction, information, identification; or, advertise or promote any business, product, goods, activity, services or interests.

Sign, A-Frame: A *portable sign* containing two (2) *sign faces* and whose framing is hinged at the apex at an angle less than forty-five (45) degrees.

Sign, Animated: Any *sign*, or any portion thereof, which moves, assumes any motion, uses a change in lighting to depict motion or create a special effect or scene, or gives the illusion of moving.

Sign, Awning: Any *sign* or graphic printed on or in some fashion attached directly to the material of an *awning*.

Sign, Balloon: A *temporary sign* consisting of a bag made of light weight material which is either: (a) filled with a gas lighter than air; or, (b) continuously filled with blown air, and designed to rise or float in the atmosphere or is attached to the ground or a *building*.

Sign, Banner: A *sign* of lightweight fabric or similar material mounted to a pole or *building* at two (2) opposite edges or four (4) corners.

Sign, Building: Any *sign* placed upon or supported by a *building*, including, by way of example but are not limited to: *wall signs, projecting signs, awning signs, canopy signs, marquee signs, suspended signs* and *roof signs*.

Sign Cabinet: The frame of an internally illuminated sign which contains and supports the *sign face*. *Sign cabinet* does not apply to painted signs or one-piece, non-illuminated, individual letter *signs*.

Sign, Canopy: Any *sign* or graphic printed on or in some fashion attached directly to a *canopy*.

Sign, Changeable Copy: A *sign*, or portion thereof, where the message copy includes characters, letters or illustrations that can be physically altered without altering the primary surface of the *sign*. The message copy of a *changeable copy sign* may be changed manually in the field or through remote electronic or electric techniques. Methods of changing the message copy include the use of: (a) changeable letters, numbers, symbols and similar characters; (b) changeable pictorial panels; or, (c) rotating panels or other similar devices. See also *Sign, Electronic Variable Message*.

Sign, Electronic Variable Message (EVMS): A *sign*, or portion thereof, where the message copy includes characters, letters or illustrations that can be changed or rearranged electronically without touching or physically altering the primary surface of the *sign*. Message copy may be changed in the field or from a remote location.

Sign Face: See *Sign Surface*.

Sign, Flag: A *sign* of lightweight fabric or similar material mounted to a pole or *building* at one (1) edge or two (2) corners.

Sign, Freestanding: A *sign* that is attached to, erected on or supported by some *structure* (such as a pole, mast or frame) that is not itself an integral part of or attached to a *building* or *structure* where the principal function of such *building* or *structure* is something other than the support of a *sign*.



Freestanding Ground Sign

Sign, Ground: Any *freestanding sign* constructed in or on the ground surface with its *sign* display surface extending upward from the ground surface.

Sign, Incidental: A *sign* located in an *incidental sign zone*.

Sign, Marquee: Any *sign* or graphic printed on or attached directly to a marquee.

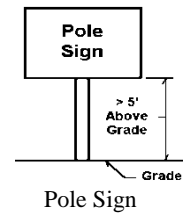
Sign, Nonconforming: A *sign* which qualifies as a *legally established nonconforming structure*.

Sign, Pennant: A *sign* of lightweight plastic, fabric, or other similar material which is suspended from a rope, wire or string, usually in a series, and which is designed to move in the wind.

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Sign Plan, Master: A *concept plan* that provides guidelines for the overall design of consistent and compatible *signs* within a *project, single use site, integrated center, business park, industrial park, subdivision, multifamily* development, or any other form of development and which enhance the appearance of a development.

Sign, Pole: Any *freestanding sign* which has its supportive *structure(s)* anchored in the ground and which has the lowest portion of its *sign* display surface elevated by more than five (5) foot above the *grade*.

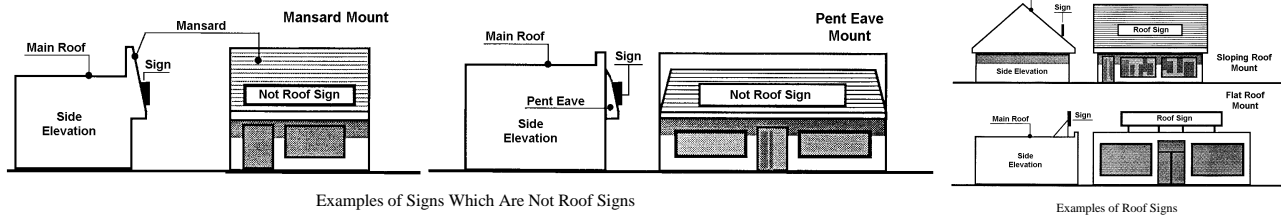


Sign, Portable: Any *sign* or *sign structure* not securely attached to the ground or other permanent *structure*, or a *sign* designed to be transported from place to place, including but not limited to: *signs* transported by means of wheels; a *sign* attached to a- or t-frames; a menu and sandwich board *sign*; a balloon used as a *sign*; table or patio umbrellas which include a *sign*; and, a *sign* attached to or painted on a vehicle parked and visible from the *public right-of-way*, unless said vehicle is used in the normal day-to-day operation of the business.



Sign, Projecting: Any *sign* which is affixed to a *building* or wall in such a manner that the leading edge extends more than eighteen (18) inches beyond the surface of such *building* or wall face.

Sign, Roof: Any *sign* erected on or wholly constructed upon a roof of any *building* and supported solely on the roof *structure*.



Sign, Spandrel: Any *sign* that is a part of or attached to the *spandrel*.

Sign Structure: Any *structure* including any pole, base, foundation, support, tie rods, upright, bracing or framework which supports or is capable of supporting any *sign*.

Sign Surface: The surface of the *sign* upon, against, or through which the message of the *sign* is exhibited.

Sign Surface Area: The area of a *sign surface* (which is also the *sign surface area* of a *wall sign* or other *sign* with only one *sign face*). *Sign surface area* shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the *sign* from the backdrop or *structure* against which the *sign* is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the applicable regulations of this UDO and is clearly *incidental* to the display itself.

Sign, Suspended: Any *sign* that is suspended from the underside of a horizontal plane surface and is connected to the horizontal plane surface.



Suspended Sign

Sign, T-Frame: A *portable sign* utilizing an inverted "T" style of framing to support the *sign*.

Sign, Temporary: Any *sign* or *sign structure* which is not permanently affixed or installed, and is intended to be displayed for limited periods only.

Examples of *temporary signs* include, but are not limited to *signs* erected or placed in connection with the following activities or occurrences: sale or lease of real estate; announcement of pending construction; special event; political campaign; *garage sale*; home improvement/ remodeling; model home; and, seasonal/holiday *signs*.

Sign, Wall: Any *sign* attached to or erected on a wall of a *building* or *structure*, with the exposed face of the *sign* in a plane parallel to the plane of said wall, within eighteen (18) inches of said wall, and containing only one *sign surface*.

Sign, Weekend Directional: A *sign* relating to: real estate open houses; residential developments under construction; or, real or personal property auctions, which located in a right-of-way and are regulated by general ordinance of the Town of Holly Springs.

Sign, Wind: A *sign* of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.

Sign, Window: Any *sign* placed: (a) inside of and within two (2) feet of a window; or, (b) upon a window, and is intended to be seen from the exterior of the window.

Sign Zone, Drive Through: That portion of a *single use site*, *integrated center*, *business park* or *industrial park* (or *out lot* or *lot* in an *integrated center*, *business park* or *industrial park*) located adjacent to the final approach of an *interior access drive* to a drive through facility in which a *freestanding incidental sign* may be erected.

Sign Zone, Front: That portion of a *single use site*, *integrated center*, *business park* or *industrial park* which corresponds to the minimum *front yard* or minimum *front bufferyard* in which *freestanding signs* may be erected.

Sign Zone, Incidental: That portion of an *out lot* or *lot* in an *integrated center*, *business park* or *industrial park* located at a critical turning point along in *interior access drive* or *private street* internal to the *integrated center*, *business park* or *industrial park* in which *freestanding incidental signs* may be erected.

Sign Zone, Interior: That portion of a *integrated center*, *business park* or *industrial park* (or *out lot* or *lot* in an *integrated center*, *business park* or *industrial park*) located along in *interior access drive* or *private street* internal to the *integrated center*, *business park* or *industrial park* in which *freestanding signs* may be erected.

Single Use Site: An area of development (commercial / mixed use or industrial) on one *lot* occupied by one business. Any commercial / mixed use or industrial development which does not qualify as an *integrated center*.

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Site Specific Development Plan: See *Development Plan, Site Specific*.

Sketch Plan: A graphic representation of a *project* or *subdivision*, drawn to an appropriate scale by hand or other drawing method, and capable of depicting the general pattern proposed for the development of a *project* or *subdivision*.

Small Wireless Telecommunications Facility: see Wireless Telecommunications Facility, Small
[Added Ordinance #18-03]*

Spandrel: A roof-like *structure* that covers the gasoline pump dispenser, serves as a second-tier *canopy*, may be a lighting source for the dispensing area, may identify the gasoline pumps by numerical or other designation, and may display *signs*.

[Removed Ordinance #13-09]

Special Exception Use: The *use* of land or the *use* of a *building* or *structure* on land which is allowed in the *district* applicable to the land only through the grant of a *special exception*.

Special Event: Any commercial outdoor gathering, whether on public or private property, assembled with a common purpose for a period of one hour or longer. Special Events include, but are not limited to concerts, fairs, carnivals, circuparades, farmers markets, flea markets, fundraisers, marathons, walkathons, festivals, races, bicycle event, etc. [Added Ordinance #15-10]

Square: An *open space* for passive recreational use, usually bounded on all sides by *streets*.

Staff: The Director of the Department of Planning and Zoning, any employee of the Department of Planning and Zoning, any attorney, agent or designee of the Director of the Planning and Zoning Department, or any other employee of the Town of Holly Springs related to the review, recommendation or approval process for development.

Storage and Transfer Establishment: A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.

Storage, Outdoor: The storage of any product, goods, equipment, machinery, vehicles, boats, supplies, *building* materials or commodities, including raw, semi-finished and finished materials for a period of time, the storage of which is not *accessory* to a residential *use*, provided, however, that vehicular parking and the display of automobiles, boats, trucks or farm equipment associated with a legally established dealership shall not be deemed *outdoor storage*. [Amended Ordinance #08-12]

Story: That part of a *building*, with an open height of no less than seventy-eight inches (78"), except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A *basement* shall constitute a *story* only if it provided *finished floor area*.

Stream: A body of concentrated flowing water in a natural low area or natural channel on the land surface for conveying water. [Amended Ordinance #03-03]

Stream, Intermittent: means a well-defined channel that contains water for only part of the year typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An Intermittent stream often lacks the biological and hydrological characteristics associated with the conveyance of water. [Amended Ordinance #03-03]

Stream, Perennial: means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for the most part of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the continuous conveyance of water. [Amended Ordinance #03-03]

Street: Any *public right-of-way* or *private right-of-way*, with the exception of *alleys*, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording *access* to abutting property, whether referred to as a *street*, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a *right-of-way* for said purposes. A *street* may be comprised of pavement, shoulders, gutters, curbs, *sidewalks*, *parking spaces*, and similar features.

Street, Collector: A *street* that collects traffic from *local streets* and connects with a *thoroughfares*. [Amended Ordinance #13-09]

Street, Cul-de-Sac: A *local street* having one open end and being permanently terminated at the other by a vehicular turnaround.

Street, Frontage: A *street* located along side and generally parallel with a more heavily traveled *street* and which provides *access* to abutting property(ies).

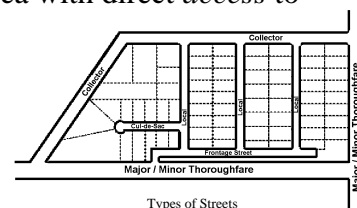
Street, Freeway: A *street* designated on the *Comprehensive Transportation Plan* as a *freeway*. [Amended Ordinance #12-05]

Street, Limited Access: A *street* along which *access* is restricted due to the acquisition of *access* rights from adjoining properties by the appropriate governmental agency having jurisdiction over such *street*.

Street, Local - A *street* primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds within the immediate geographic area with direct *access* to abutting properties.

[Removed Ordinance #13-09]

Street, Thoroughfare: A *street* designated on the *Comprehensive Transportation Plan* as a *thoroughfare*. [Amended Ordinance #13-09]



Street, Private: A privately-held *right-of-way*, with the exception of *alleys*, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording *access* to abutting property, whether referred to as a *street*, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a *right-of-way* for said purposes. A *private street* may be comprised of pavement, shoulders, curbs, *sidewalks*, *parking spaces*, and similar features.

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Definitions

Street, Public: A publicly dedicated, accepted and maintained *right-of-way*, with the exception of *alleys*, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording *access* to abutting property, whether referred to as a *street*, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a *public right-of-way* for said purposes. A *public street* may be comprised of pavement, shoulders, gutters, curbs, *sidewalks*, *parking spaces*, and similar features.

Structure: Anything constructed or erected, the *use* of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, *structures* include *buildings*, mobile homes, fences, stairs, walls, *parking areas*, *loading areas*, towers, antenna and *signs*. [Amended Ordinance #11-07]

Structure-Mount: The placement of an *antenna* or *antenna array* on an existing *structure* such as a water tower, athletic field light standards, or electric-line transmission towers.

Subdivider: The owner, developer, or *authorized agent* of the owner or developer of real estate, who is responsible for all designs, reservations and *improvements* related to the petition for *master plan*, *preliminary plan* or *final plat* approval or the development of a *subdivision*.

Subdivision: All divisions of a tract or parcel of land into two or more *lots*, *building sites*, or other divisions when any one or more of those divisions is created for the purpose of sale or *building* development (whether immediate or future) and shall include all divisions of land involving the dedication of a new *street* or a change in existing *streets*; but the following shall not be included within this definition nor be subject to the regulations of this UDO pertaining to preliminary plan approval: [Amended Ordinance #06-07]

- (a) The combination or recombination of portions of previously subdivided and recorded *lots* where the total number of *lots* is not increased and the resultant *lots* are equal to or exceed the standards of this UDO;
- (b) The division of land into parcels greater than ten (10) acres where no *street right-of-way* dedication is involved;
- (c) The public acquisition by purchase of strips of land for the widening or opening of *streets*;
- (d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) *lots*, where no *street right-of-way* dedication is involved and where the resultant *lots* are equal to or exceed the standards of this UDO;
- (e) a division of land into cemetery plots for the purpose of burial; and,
- (f) a division of a *lot of record*, which is or may be legally developed with a *two family dwelling* or a *multifamily dwelling*, into *sub-lots* for the purpose of transfer of ownership of the individual *dwelling units* and their associated portion of the

lot of record, provided that no additional development sites are created by the division and that no *sub-lots* are created which do not contain a *dwelling unit*.

Subdivision, Major Residential:

- (a) a *subdivision* of a tract of land into four (4) or more parcels or lots, including any remainder of the original tract, for *single family dwelling* or *two family dwelling* purposes;
- (b) any *single family dwelling* or *two family dwelling subdivision* which involves the creation of new *streets*, extension of water lines or sewer lines, or the creation of public *improvements*; or
- (c) a *subdivision* for a *multifamily dwelling* development.

Subdivision, Minor Residential: A *subdivision* of a tract of land into less than four (4) parcels or *lots*, including any remainder of the original tract, for *single family dwelling* or *two family dwelling* purposes, which does not involves the creation of new *streets*, extension of water lines or sewer lines, or the creation of public *improvements*.

Subdivision, Non-Residential: A *subdivision* of a tract of land, including any remainder of the original tract, for any commercial, industrial, or *special exception use*.

Subdivision, Non-Residential Incremental: A *subdivision* of a tract of land, including any remainder of the original tract, for any commercial, industrial, or *special exception use* which is submitted for *master plan*, *preliminary plan* and *final plat* approval through the *incremental plat* approval process.

Sub-Lots: Portions of a *lot of record* created in connection with the transfer of ownership of individual *dwelling units* in a *two family dwelling building* or *multifamily dwelling building*.

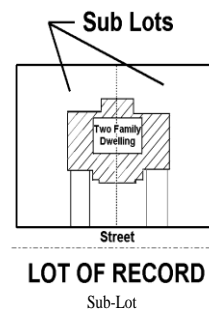
Surface-Mount: The placement of an *antenna* or *antenna array* on the existing or proposed surface of a *building* or *structure*.

Swimming Pool: Any *structure* intended for swimming, recreational bathing, or wading that contains water, including but not limited to *structures* generally referred to as 'hot tubs'. [Added Ordinance # 09-17]

Taproom: A use associated with and on the same premises as a brewery, at which guests may sample/purchase the manufacturer's products, which may be no more than 25 (twenty-five) percent of the gross floor area. [Added Ordinance # 13-01]

Tavern: See *Bar*.

Technical Review Committee (TRC): A committee of technical consultants established to provide the *Director* with technical assistance in the review of plans for compliance the provisions of this UDO and other applicable rules and regulations of federal, state or local agencies.



Section 11
Definitions

Telecommunications: The transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Antenna: See *Antenna, Telecommunications*.

Telecommunications Service: The offering of *telecommunications* for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Telecommunications Tower: A *structure* more than ten (10) feet tall, built or used to support one or more *telecommunications antennas*. [Amended ordinance 17-01]

Temporary Construction Trailer: A mobile structure used as an office in conjunction with a construction project. The mobile structure (construction trailer) is used as a temporary office to meet a short-term need while the permanent facility/facilities are being constructed. [Added Ordinance 06-05]

Temporary Family Health Care Structure: As defined by GS §160A-383.5. [Added Ordinance #18-03]*

Temporary Real Estate Office: The temporary use of a dwelling unit or trailer within a residential development project as a sales or rental office for the units on the same site. [Added Ordinance #06-15]

Temporary Seasonal Retail Sales: A *temporary use* established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, pumpkins, and live plants. A *temporary seasonal retail sales use* may or may not involve the construction or alteration of any permanent *building* or *structure*.

Temporary Use: A land *use* established for a limited and fixed period of time with the intent to discontinue such *use* upon the expiration of the time period.

Top of Bank: The landward edge of the stream channel during high water or bankfull conditions at the point where the water begins to overflow onto the floodplain. [Amended Ordinance #03-03]

Tourist Home: See *Bed and Breakfast*.

Town Council: The Town Council as defined by the Charter as amended. [Amended Ordinance #04-14]

Townhouse: A *multifamily dwelling* with: (a) all *dwelling units* constructed in a row; (b) with each *dwelling unit* having an individual front and rear ingress and egress; and, (c) no *dwelling unit* located over another *dwelling unit*.

Town Projects: A *project* to be constructed by the Town of Holly Springs or for the Town of Holly Springs under contract with the *Town Council*, and listed under the following *special exception use* headings: Communications / Utilities, Government Use, or Public Facilities. [Amended Ordinance #06-15]

Transfer Station: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:

- (a) a facility where the solid waste that is transferred has been generated by the facility; or,
- (b) a *recycling facility*.

UDO Permit: A permit stating that the proposed erection, construction, enlargement or moving of a *building* or *structure*, and *uses* thereof, complies with the provisions of this UDO.

Underground Facilities: An *accessory structure* which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or as a temporary shelter for people, such as a storm cellar or fallout shelter.

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

Use, Permitted: See *Permitted Use*.

Variance: Permission granted by the *Board of Adjustment* to depart from the literal requirements of this UDO.

Vehicle, Business Non-Passenger: A vehicle of any Gross Vehicle Weight that is used in a business and not primarily designed for the transport of passengers. Examples include but are not limited to delivery trucks, vehicles used in construction activities, street sweepers, mail trucks, etc. [Added Ordinance #11-03]

Vehicle, Business Passenger: A vehicle with a Gross Vehicle Weight of less than 8,500 lbs which is used in a business, other than a customer's or employee's personal vehicle, that is used for business purposes designed primarily for the transport of passengers. An employee's personal vehicle which is used for business purposes and utilizes exterior signage or markings is considered a Business Passenger Vehicle when the exterior signage or markings are visible. [Added Ordinance #11-03]

Vehicle, Passenger: A vehicle that is designed primarily for the transport of passengers. [Added Ordinance #11-03]

Vehicular Canopy: See *Canopy, Vehicular*.

Vending Machine: Any automated machine that is placed outside of a *building* or *structure* that is designed to allow consumers to insert monies or other objects in exchange for goods. [Added Ordinance #14-07]

Vendors, Charitable/Fundraising: A Non-profit organization that is supported primarily by charity or that has a 501c3 classification by the internal revenue service and Civic Organizations/ Clubs that are operated by a corporation, association, person or persons for a social, educational or recreational purpose; selling a product within a temporary time frame to gain a donation or fund to help support a specific cause. [Added Ordinance #06-15]

Vista Termination: An end point of a unique view along a street. The end point may be provided by a significant natural feature, *building, playground, plaza, square, park, parkway* or *greenbelt*.

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Waiver / Waived: Permission granted in connection with: (a) the approval of a *development plan*; (b) the approval of a *master plan* or *preliminary plan* for a *subdivision*; or, (c) a *special exception*, to allow a deviation from the *development standards* or *development requirements* of this UDO.

Walkway: A defined pedestrian way, which may include stairs, typically improved with concrete or asphalt, which provides for pedestrian movement on private property. A *walkway* may or may not be located in a pedestrian easement. [Amended Ordinance #14-07]

Warehouse: An establishment engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. This definition excludes uses that are engaged primarily in the storage of explosive, hazardous, or toxic materials. [Added Ordinance #11-03]

Warehouse and Distribution Center: A *building* or *structure* for the storage of goods, materials or products awaiting shipment to another location for wholesale or retail trade. At least fifty (50) percent of the gross floor area of the uses shall be uses for storage and distribution purposes. [Amended Ordinance #11-07]

Water body, Perennial: means a natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries and ocean. For the purpose of the riparian buffer protection program the water body must be part of a natural drainage way (i.e. connected by surface flow to a stream). [Amended Ordinance #03-03]

Weekend Directional Sign: See, *Sign, Weekend Directional*.

Whip Antenna: See *Antenna, Whip*.

Windblown Device: Any *banner*, *pennant*, spinner, *streamer*, propeller, disc, moored blimp, gas balloon or flag that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means.

Wireless Telecommunication Facility: Any facility operated by a licensed wireless *telecommunication service* provider which consists of the equipment and structures involved in the receiving or transmitting of electromagnetic waves associated with wireless *telecommunication services*.

Wireless Telecommunications Facility, Small: a *wireless telecommunications facility* that meets both of the following qualifications:

- (1) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
- (2) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated

ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

(Reference: NCGS §160A-400.51) [Added Ordinance #18-03]*

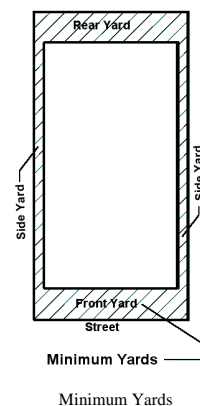
Yard: An *open space*, unobstructed to the sky, extending fully across the *lot* while situated between the *front lot line*, *side lot line* or *rear lot line* and the established *front building line*, *side building line* or *rear building line*.

Yard, Aggregate Side: The total combined distance of both *side yards* on an individual *interior lot* or *double frontage lot*.

Yard, Front: An *open space*, unobstructed to the sky, extending fully across the *lot* while situated between the *front lot line* and the established *front building line*.

Yard, Interior: An *open space*, unobstructed to the sky, extending out from the wall of a *multifamily dwelling*.

Yard, Minimum: An *open space* unobstructed to the sky, extended fully across the *lot* situated between a *lot line* and a *setback line*. *Minimum yards* may be a *front yard*, a *side yard* or a *rear yard* depending on which *lot line* the *minimum yard* abuts and is measured from.

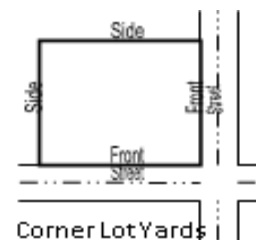


Yard, Perimeter: An *open space*, unobstructed to the sky, extending fully across the *lot* while situated between any *front lot line*, *side lot line* and *rear lot line* and the *minimum front setback*, *minimum side setback* and minimum rear setback.

Yard, Perimeter Landscape: The planted area consisting of trees and shrubs, groundcover, or turf, which borders a project area on all sides.

Yard Sale: See *Garage Sale*.

Yard, Side: An *open space*, unobstructed to the sky, extending fully across the *lot* while situated between a *side lot line* and the established *side building line*.



Yard, Rear: An *open space*, unobstructed to the sky, extending fully across the *lot* while situated between the *rear lot line* and the established *rear building line*.

Zoning Vested Right: A right pursuant to GS § 160A-385.1 to undertake and complete the development and *use* of property under the terms and conditions of an approved *site specific development plan*.

Zoning Vested Rights Certificate: A certificate issued by the *Director* after a determination by the *approval authority* at a public hearing, for which notice was provided, and which specifies the *site specific development plan* or *phased development plan* which has been approved by the *approval authority* for the establishment of *vested rights*.