



# 13 DEFINITIONS

## 13.1 PURPOSE AND INTENT

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This Chapter provides additional definitions for terms in this UDO that are technical in nature or that otherwise may not reflect a common usage of the term and that are not otherwise defined in the UDO.

## 13.2 RULES OF CONSTRUCTIONS

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### 13.2.1 INTERPRETATION OF TERMS OR WORDS

The language of this UDO 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 words “shall” and “must” are mandatory, the words “may” and “should” are 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:
  - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

## CONTENTS

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13.1 PURPOSE AND INTENT .....	195
13.2 RULES OF CONSTRUCTIONS .....	195
13.3 DEFINITIONS .....	196

3. “Either ... or” indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

- G. The terms “more intense” and “less intense” are terms used herein to describe relationships between 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 Residential Use Districts, to Commercial and Mixed-Use Districts, to Employment/Campus Use Districts, in the sequence listed within each group of districts from least intense to the most intense.

Any term not defined herein shall be defined by the Administrator using generally accepted engineering, planning, or other professional terminology, or common usage for non-technical terms.

### 13.3 DEFINITIONS

The following terms or words used in the text of this UDO 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.

**Accessory Dwelling Unit (ADU).** A second dwelling unit contained within, added onto, or contained on the same lot as an existing dwelling unit, and which is clearly subordinate to the primary dwelling unit. Includes, but is not limited to rooms for rent in the primary dwelling, dwelling unit in a guest house, carriage houses, pool houses, and units above or beside a garage.

**Accessory Structure, Non-Residential.** A structure which is located on the same parcel of non-residential property as the principal structure and the use of which is incidental to the use of the principal structure. For instance, pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

**Accessory Structure, Residential.** A structure which is located on the same parcel of residential property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common residential accessory structures.

**Administrator.** The Director of the Development Services Department.

**Adult Care Home.** As defined by NCGS § 131E.101.

**Adult Establishment.** Any business venture and/ or commercial (for profit) establishment in which a person appears in a state of sexually explicit nudity (as defined by NCGS § 14-202.10) or semi-nudity (opaque coverage of no more than genitals, pubic regions, and areolae of the female breast), or where more than 10% of any goods are sold are considered sexually-oriented, including adult bookstores, adult mini-motion picture theater, and/ or adult motion picture theater, as defined in this section, as well as any nightclub, bar, restaurant, motel, theater, car wash, massage parlors, health clubs, or bath houses where such sexual activities occur; escort agencies; sexual encounter centers and/or including any assembly of people, other than a private dwelling and for which no money or its token has been exchanged, and without regard to assembly size or location, at which video, still photography, drawings, and/ or animated and/ or live display and/or material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities (as defined by NCGS § 14-202.10) or nudity or semi-nudity, for observation by patrons therein and at which money or its token has been exchanged.

**Agricultural Uses (General).** The commercial production, keeping or maintenance, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as “agricultural uses” include: (i) zoos, (ii) kennels, and (iii) riding stables.

**Agricultural Uses (Intensive).** A commercial agricultural operation which raises crops on a land-intensive basis. Agricultural uses and practices include Agricultural Livestock Production; Commercial Breeding of Non-Farm Fowl and Animals; Commercial Chicken House; Confinement Feeding Yards; Dairy; Liquid Fertilizer Storage and Distribution (Commercial); Plant Nursery (Wholesale); Roadside Food Sales Stand; Sales Barn for Livestock Sale; Slaughterhouse; Yards or Hatcheries; Topsoil Removal and Storage Areas.

**Airport, Public or Private.** A place from which aircraft operate that usually has paved runways and maintenance facilities and often serves as a terminal. Airport-compatible land uses are defined as those uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or hazards.

**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.

**Amusement, Indoor.** An establishment providing indoor amusement and entertainment services for a fee or admission charge, including movie theaters, live performance theaters, bowling alleys, ice skating and roller skating, pool, and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50% or more of the floor area is occupied by electronic games or amusement devices; three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include Adult Establishments or Electronic Gaming Operations.

**Amusement, Outdoor.** A development providing amusement facilities outdoors played by patrons for entertainment (e.g., amusement parks, go-cart tracks, and miniature golf courses).

**Animal Boarding.** A facility or service where animals are kept or maintained (day or overnight), for the care, training, exercising and/or socializing by a person other than the owner of the animals for a fee, as well as the breeding or accommodation of small domestic animals. This may include incidental grooming, dog walkers or training services. It does not include facilities whose primary source of revenue is licensed veterinarian services.

**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 omnidirectional 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, Roof-Mounted.** The placement of an antenna or antenna array on the roof of an existing building or structure.

**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 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. lick antenna; or,

- C. a surface-mount antenna with a color and 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 antenna that transmits signals in 360 degrees.** They are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also called omnidirectional, pipe, or stick antennae.

**Approval Authority.** The Town Council, Planning Board, Board of Adjustment, Administrator, Development Review Committee, or Town Staff. The term approval authority is applicable to zoning vested rights.

**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.

**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 zone map change, platting of a subdivision, development plan approval, variance or vacation of land in a plat.

**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.

**Banner.** See Sign, Banner.

**Bar/Nightclub.** A business 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. This definition includes bars, taverns, pubs, and nightclubs.

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

**Bed and Breakfast.** Residential-type lodging facilities that have up to 10 guestrooms and that serve only breakfast to registered guests. Bed and breakfast establishments may host invitation-only special events (e.g., weddings, family reunions, etc.) for their guests and associated parties.

**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.

**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 4.8 of this UDO. A buffer area may include Stormwater Control Measure (SCMs).

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

**Buffer, Riparian Conservation.** 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.

**Buildable Area.** The area of a lot remaining after the minimum setback 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 Height, Maximum.** The height which a building or structure may not exceed. See also Building Height.

**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, parapet walls, antenna attached to a building or structure shall not be included in the calculation of building height.

**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, 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 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 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 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 Building Code.

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

**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.

**Business Day.** A day when the offices of the Development Services Department is 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 and service uses. See Integrated Center.

**Business Services.** Services provided primarily to other business operations, which may include consulting services, property and/or office equipment maintenance services, financial and/or accounting services, computer and/or information management services, advertising and/or graphic services, and similar operations. Includes Electrical/Electronic Repair; Publishing; Sign Making; Photographic Studio; Printing Service; Locksmith.

**Caliper.** The diameter of a tree trunk, measured in inches, at 6 inches above the ground.

**Campground.** A parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character. This includes Lodges; Private Camps; Riding Stables or Trails.

**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 NCGS § 160D-915.

**Carport.** A roofed structure designed and intended to shelter the automotive vehicle of occupant or owner of the premises, with at least one 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.

**Cemetery.** A parcel of land used for interment of the dead in the ground or in mausoleums.

**Certificate of Occupancy.** A certificate signed by the Chief Building Official of the Town, stating that the building or structure referred to the certificate complies with all applicable building codes.

**Certificate of UDO Compliance.** A certificate signed by the Administrator 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.

**Certified Arborist.** A professional tree care specialist who maintains the designation of Certified Arborist as defined and governed by the International Society of Arboriculture (ISA). For the purposes of this ordinance, a certified arborist may also refer to a professional tree care specialist who maintains the designation of consulting arborist with the American Society of Consulting Arborists (ASCA).

**Child Care Center.** An arrangement where 3 or more children less than 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 4 hours but less than 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. This may also include day camps or track out camps. Childcare does not include any of the programs or arrangements which are specifically listed as not included in the definition of childcare by NCGS § 110-86 (2).

**Civic Building.** Buildings and facilities owned and maintained by a public or semi-public agency, excluding religious institutions, which are used primarily for public gatherings for the purpose of promoting public education, knowledge, and welfare (e.g., Library; Fire Station; Governmental Offices; Police Station; Public Recreation Development; and Municipal/State Road Maintenance Facility).

**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 building's 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 and Mixed-Use District.** Any district which commercial or mixed-use establishments as a permitted use or special use permit.

**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.

**Community Support Facility.** Facilities and non-profit organizations that provide food supplies, medical care services to victims of crime and/or abuse including, but not limited to, the provision of temporary shelter, including overnight time periods, as well as facilities for individuals or families who lack a fixed, regular, and adequate nighttime residence.

**Comprehensive Plan.** Vision Holly Springs: Comprehensive Plan for the Town of Holly Springs including any chapters, amendments, appendices incorporated therein, or any replacement comprehensive plan subsequently recommended by the Planning Board and adopted by the Town Council pursuant to North Carolina General Statutes.

**Conservation Area.** Any parcel or area of undeveloped land conserved in its natural state.

**Conservation Buffer Area.** See Buffer Area.

**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 requirements of the Town's 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 short-term needs while the permanent facility/facilities are being constructed.

**Sketch 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.

**Contiguous Hardwood Tree Canopy.** The combined area encompassing the overlapping driplines of all canopy trees as evidenced by a tree inventory.

**Cutoff.** A luminaire where light distribution does not exceed: (a) 2.5% above an angle of 90 degrees; and (b) 10% 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% 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% above an angle of 90 degrees; and (b) 20% 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.

**Data Center.** A building that houses a group of networked server computers in one physical location to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge. A data center business's facility typically includes the mechanical and electrical systems, redundant or backup power supplies, redundant data communications connections, environmental controls, and fire suppression systems. A data center business's facility also includes a restricted access area employing advanced physical security measures such as video surveillance systems and card-based security or biometric security access systems.

**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.

**Development Plan.** Specific plans for residential, commercial/mixed-use or employment/campus development of property filed 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.

**Development Permit/Application.** An UDO permit, Development Plan, Subdivision Plan or any other project that requires an application and permit. See the definition of project in this UDO.

**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 Review Committee (DRC).** 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.

**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 4 ½ feet above the ground. If a tree trunk splits into multiple trunks below 4 ½ feet, then the tree trunk shall be measured at the narrowest point beneath the split.

**District.** A Base District, Conditional Zoning District or Overlay District applicable to a section of the territory within the jurisdiction of this UDO.

**District, Base.** 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, Conditional Zoning.** 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, 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.

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

**Dripline, see Tree Dripline.**

**Drive In/Drive Through.** Any building, structure or use wholly or partly designed or intended to offer a service or product to a patron while the patron waits in their motor vehicle, generally while the engine is running, such as drive through food service establishments, drive-up banks, car washes, and similar facilities; but not including automobile/truck service stations and parking lots.

**Driveway.** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**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 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.

**Driveway Throat.** 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.

**Distribution and Logistics.** An establishment engaged in selling or distributing merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies; or otherwise distributing merchandise via tractor trailer to customers (e.g., Auction House; Distribution Center; Mail Order Distribution; Truck Terminal; Warehouse; and Wholesale Business).

**Dwelling.** Any building, or portion of a building, which is designed or used primarily for residential purposes, including manufactured home, attached, detached, and apartment dwellings but not including hotels, motels, short-term rentals, boarding houses, lodging houses, bed and breakfast, and tourist home.

**Dwelling, Apartment.** A building or portion thereof containing 3 or more dwelling units regardless of ownership on a single lot where each unit has a separate entrance from the outside or through a common vestibule including but not limited to condominiums and apartments, excluding anything defined as attached dwelling. An Apartment Dwelling where dwelling units are available for lease or rent for less than one month shall be considered lodging.

**Dwelling, Attached.** A dwelling unit that is attached to another dwelling unit by a wall, floor, or ceiling that separates living spaces including Cottage Dwellings, Two-Family Dwellings, Multi-family Townhouses, Multi-Unit Houses, and similar variants.

**Dwelling, Cottage.** A detached single family dwelling unit, which is arranged around an area of shared common open space with other cottage dwellings.

**Dwelling, Detached.** A residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a manufactured home. This includes Single Family Dwellings, and Family Care Homes; the latter defined as a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than 6 resident persons with disabilities in accordance with NCGS Section 160D-907.

**Dwelling, Manufactured Home.**

A structure, transportable in 1 or more sections which, in the traveling mode, is e8 body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in it. The term “manufactured home” does not include a “recreational vehicle”.

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

**Dwelling, Single Family.** An individual, detached building containing 1 dwelling unit, which may include an in-law suite, which is either:

- A. built in compliance with the CABO One and Two-Family Dwelling Code and the Town Building Code; or,
- B. a modular dwelling.

**Dwelling Unit.** A room or group of rooms designed and equipped exclusively for use as living quarters for only 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”.

**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.

**Electronic Gaming Operation.**

Any business enterprise, whether as a primary or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

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

**Employment/Campus Use District.**

Any district in which employment or campus uses are allowed as a permitted use or special use permit.

**Environmental Appeal Committee (EAC).** The committee that hears appeals and variances to Chapter 8 of the Town Code of Ordinances.

**Eave Line.** The extension of a roof line beyond the vertical wall of a building.

**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 4 human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

**Family Care Home.** As defined by NCGS § 160D-907

**Family Child Care Home.** As defined by NCGS § 110-86.

**Farm, bona fide.** As defined in NCGS 106-581.1.

**Fence, Ornamental.** A type of fence used to create or delineate a boundary that is primarily designed for aesthetic appeal. An ornamental fence generally features decorative elements such as rings, scrolls, finials, swoops, or arches and is usually constructed of aluminum or iron.

**Floor Area.** The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.

**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 Main.** That portion of the gross floor area located on the first floor of the structure.

**Floor Area, Main.** That portion of the finished floor area located on the first floor of the structure.

**Food/Restaurant Uses.** A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

**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.

**Fueling Station.** Establishment that primarily retails automotive fuels and related accessories. Fueling stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Car washes and other minor automobile self-services shall be incidental to the fueling station and must meet the standards for accessory uses/structures. Convenience stores and related retail shall be considered retail uses. Car washes shall be considered Drive In/Drive Through Uses.

**Game Court.** In residential use 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 located in front of the established rear building line of the building; and (ii) located parallel to or within 60 degrees of being parallel to the front lot line.

**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 60 degrees but less than 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 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. See also Yard Sale.

**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 60 degrees but less than one-hundred and 120 degrees of being parallel to the front lot line.

**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 for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

**Grade.** The average level of the finished surface of the ground 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 30 days of the issuance of the Certificate of Occupancy, and/or the announcement or introduction or promotion of an established business changing ownership.

**Group Home.** A facility that does not otherwise qualify as a Family Care Home whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of individuals experiencing homelessness, post-prison release, substance abusers, or others who are not disabled including halfway homes, homeless shelters, and drug treatment facilities.

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

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

**Historic Structure.** Any structure that is designated a local, State, or national landmark; or, any structure that is individually listed in the National Register of Historic Places; individually identified as a contributing structure in a historic district listed in the National Register of Historic Places; certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed in the State inventory of historic places; individually listed in the county inventory of historic places; or, individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**Home Occupation.** An occupation, profession, or trade customarily carried on by an occupant in a dwelling unit, accessory structure as a secondary use or in live-work units, which is clearly incidental to the dwelling unit for residential purposes for office uses, artisan workshops, artist studios, and similar uses and activities.

**Homeowners 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.

**Hospital.** An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

**Hotel.** A facility offering transient lodging accommodations to the public, and which may provide additional services such as restaurants, meeting rooms and recreation facilities. Access to all guest rooms is from an interior corridor.

**Improvement.** Any human-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 outlot of record within a multi-tenant building in an integrated center with its own separate building entrance that may include a vehicle parking area and/or off-street loading area.

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

- A. 2 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.

**Intermittent Stream.** See Stream, Intermittent

**Infrastructure/Utilities (Major).** Utility facilities that provide jurisdiction-wide or regional services. Examples include above-ground public utility distribution lines; landfills; public utility substations; waste treatment plants; and solar energy system – large installation.

**Infrastructure/Utilities (Minor).** Publicly or privately owned facilities or systems for the distribution of minor functions necessary for the provision of public services including elevated water storage tanks; booster stations, sanitary sewer pump stations, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telecommunications, electric, steam, water, sewer, or other similar utilities.

**Inn (Less than 20 rooms).** A building or group of buildings used as a lodging establishment having 6 to 20 guest rooms providing overnight accommodations and meals to transient guests. This includes Boarding Houses.

**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.

**Landfill.** A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.

**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.

**Large Vehicle and Heavy Equipment Sales and Service.** The sales and service of trucks (non-passenger), boats, construction equipment, mobile homes, recreational vehicles, travel trailers or other similar heavy equipment used in recreational, commercial, industrial, or agricultural activities.

**Laundry, Self-Service.** Means an establishment for laundering where there is no pickup or delivery service and no steam or hand laundry of any type, and where there is no intermingling of customers' laundry.

**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 / Trespass.** 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.

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

**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.

**Lot, Corner.** A lot abutting 2 or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees.

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

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

**Lot, Interior.** A lot which is not a corner lot or a double frontage lot.

**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 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.

**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.

**Lumen.** A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity

**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.

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

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

**Major Subdivision - Residential.** 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 Dwelling.** See Dwelling, Manufactured Home.

**Manufactured Home Sales.** A development used for the sale, rental, or storage of new and used manufactured homes and may include the provision of maintenance services and/or the sale of manufactured home parts and accessories as secondary to the principal use. Manufactured home parks are not included in this category.

**Manufacturing, Heavy.** The manufacture of products, the process of which generates fumes, gases, smokes, vapors, vibrations, noise or glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land (e.g., Commercial and Industrial Machinery and Equipment Repair; Heavy Equipment Sales/Rental; Machine or Welding Shop; and Resource Extraction).

**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. Outdoor storage may be allowed as an accessory use per the requirements in Chapter 3 of this UDO. This definition excludes uses that are engaged primarily in the processing, manufacturing, or storage of explosive, hazardous, or toxic materials.

**Manufacturing, Neighborhood.** The production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products. Typical neighborhood manufacturing trades include but are not limited to food and bakery products; alcoholic and non-alcoholic beverages (microbreweries); printmaking; leather products; jewelry and clothing/apparel; metal work; woodwork; furniture; and glass or ceramic production. It differs from other forms of manufacturing as the scale of production is artisanal in nature and noise, odor, or detectable vibration onto any neighboring property is residential in character.

**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.

**Massage.** The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

**Massage Business.** Means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, provided, however, massage therapy practices by a professional massage therapist licensed by the State of North Carolina shall not be deemed a massage business.

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

**Mini-Storage.** See Self-storage (Mini-) Warehouse.

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

**Mitigation.** Actions taken either on-site or off-site as allowed to offset the effects of temporary or permanent loss of the buffer.

**Mobile Dwelling.** See Dwelling, Mobile.

**Mobile Vendor.** Any business, person, or entity who exhibits, displays, sells, or offers for sale a product or service from a mobile vending unit which may be parked on-street or on-site as permitted by this UDO.

**Mortuary/Funeral Home/ Crematory.** Establishments for preparing the dead for burial or internment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

**Motel.** A facility offering transient lodging accommodations to the public, and which may provide additional services such as restaurants, meeting rooms and recreation facilities where access to guest rooms are from the exterior.

**Municipal.** Town of Holly Springs.

**Neighborhood Recycling Collection Point.** A local center that serves as a drop-off point for recyclable materials. The temporary storage of such items would be permitted, but no processing would be allowed.

**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 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.

**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 Use.** Professional occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

**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, buffer yard 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 greenways, swimming pools, play equipment for children, game courts and picnic tables or those structures which are directly related to Stormwater Control Measures (SCMs). 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.

**Outlot.** 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.

**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.

**Outdoor Sales.** Any retail sales operation conducted either partially or entirely outside, in a motorized vehicle, or temporary structure (i.e., tent, vegetable stand, etc.).

**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 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.

**Parking Structure.** A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

**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.

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

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

**Parking, Vehicle.** 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 of Commercial & Recreational Vehicles.** Parking areas for Commercial Vehicles used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, industry office of institution or a principal product or service of such that exceed 7 feet in height or 24 feet in length for Recreational Vehicles.

**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.

**Patio.** A hard surfaced area accessory structure to a primary use or structure of which the horizontal area is at grade level with at least one 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.

**Penal or Correctional Institution.** Any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing.

**Pennant.** See Sign, Pennant.

**Perennial Stream.** See Stream, Perennial.

**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, and any requirements, covenants or conditions which may be imposed pursuant to this UDO.

**Perimeter Buffer.** A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

**Permanent Resident.** A person who occupies a residential unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence. A Permanent Resident may be an owner or a lessee.

**Permitted Use.** See Use, Permitted.

**Person with a disability.** As defined by NCGS §168A-3.

**Personal Chef.** See Chef, Personal.

**Personal Services.** Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include barber and beauty shops, fitness facilities/studio, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, nonsexual), nail salons, pet grooming (with no overnight boarding), shoe repair shops, tailors, and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Persons With Disabilities.** As defined by NCGS § 168-21.

**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. .

**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.

**Project.** A single use site, integrated center, detached dwelling subdivision, attached dwelling subdivision, apartment dwelling development, commercial or mixed-use development, employment/campus development or any other form of development of real estate.

**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.

**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.

**Qualified Biologist.** A qualified biologist is defined as one or more of the following: a Wildlife Society Certified Wildlife Biologist (CWB), a Professional Wetlands Scientist (PWS) certified by the Society of Wetlands Scientists, a Certified Ecologist or Certified Senior Ecologist certified by the Ecological Society of America, a biologist currently employed by the NC Wildlife Resources Commission, US Fish and Wildlife Service, NC Natural Heritage Program, US Army Corps of Engineers, or a biologist that is prequalified by the NC Department of Transportation or the NC Environmental Enhancement Program to conduct biological or ecological surveys.

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

**Recombination Plat.** See Plat, Recombination.

**Recreational Areas and Urban 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.

**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 paper, personal items, clothing and electronics.

**Recreation Facility, Indoor.** Uses or structures for active recreation including a gymnasium, natatorium, fitness center, athletic equipment, indoor running track, climbing facility, court facility and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations but does not include facilities smaller than 2,500 square feet in total area located in community centers, neighborhood amenity buildings, or similarly scaled structures.

**Recreation Facility, Outdoor.**

Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

**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 childcare ministry uses.

**Residential Use District.** Any district which permits detached, attached, or apartment dwelling units as a permitted use or special use permit.

**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 NCGS 74-49(7).

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

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

**Resumption.** The reuse or reoccupation of a nonconforming adult establishment use, or electronic gaming operation use which has been discontinued for a period of six (6) or more consecutive months.

**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, 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 Plan or the Town of Holly Springs' Engineering Design and Construction Standards.

**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 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.

**Riparian Conservation Buffer.** See Buffer, Riparian.

**Riparian Buffer Widths.** See Buffer Widths, Riparian.

**Recreation Facilities, Outdoor.** Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and public operations.

**Religious/Assembly Use.** Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), Recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly, or disabled housing, etc.) and accessory uses such as but not limited to cemeteries, mausoleums, offices, soup kitchens, and bookstores.

**Research and Development Facilities.** Structures and uses associated with research and development, public and private educational partnerships, and accessory structures or uses. This includes Engineering and Research Laboratories.

**Resource Extraction.** The use of lands for the drilling, production from the ground, and storage of natural gas, brine, or salt but excluding the refining of said products.

**Restaurant Use.** Use intended for or related to restaurants, cafes, bakeries, and similar types of land uses that prepare and serve edible goods for consumption by the customer and whose gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages (e.g., Restaurant - Fast Food; Restaurant - Sit down; Roadside Food Sales; Retail Dairy Bar, Yogurt, and Ice Cream Stores;).

**Retail Uses.** Establishments engaged in selling goods or merchandise to the public for personal or household consumption, rendering services incidental to the sale of such goods, and the accessory production of such goods on premises (e.g., Agricultural Seed Sales; Automotive Parts Sales (new), Costume Rental, Millinery (Fabric) Shop; Tuxedo Rental; Convenience Store; Retail Bakery; Farmer's Market; Grocery; Meat Market; Post Office; Tool and Equipment Rental; Bank/Savings & Loan/Credit Union; Consultant; Contractors (Office only); Pharmacist; Bait Sales; Antique Shop; Apparel Shop; Appliance Store; Art Gallery; Arts and Craft Store; Automobile Parts Sales (new); Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Convenience Store; Department Store; Drug Store; Fabric Store; Floor Coverings; Flower Shop; Frame Shop; Furniture Store; Garden Supply; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Home Improvement Store; Jewelry Store; Music Store; Newsdealer; Paint Store; Pet Store; Radio, TV, Music Sales and Service; Retail Showroom; Satellite Dish Sales and Service - indoor display; Shoe Store; Sporting Goods; Stationery and Book Store; Variety Store; Video Store; Wall Coverings; Liquor Store; and Bank Machine (ATM)).

**School (Commercial, Trade or Business).** A public or private school offering instruction in the technical, commercial, and/or trade skills such as real estate, business and secretarial, electronics, automotive and aircraft, medical and dental, and similar commercial establishments as well as pre-school or after-school activities.

**School (K-12).** Any public or private institution that provides full-day instruction for school-aged children from kindergarten to grade twelve.

**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.

**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.

**Setback, Side Corner.** The side setback applied to that side of a lot that has a side yard facing a private or public street or access corridor that serves more than one lot. Front door or address shall not be located on the corner side facing street.

**Setback, Side Interior.** A side setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the corner side yard shall extend to the rear lot line.

**Sexually Oriented Devices.** Means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

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

**Shooting Range (Outdoor).** A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment. May include areas for archery. Outdoor shooting range does not include a totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use; or any area that is used for shooting on a private lot or parcel of land that is not open to the public on a commercial or membership basis.

**Short-Term Rental.** The leasing or rental of an entire or extra dwelling unit by a permanent resident in increments of less than one month.

**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 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 Face.** See Sign Surface.

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

**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 buffer yard 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, A-Frame.** A portable sign containing 2 sign faces and whose framing is hinged at the apex at an angle less than 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 2 opposite edges or 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, 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, Flag.** A sign of lightweight fabric or similar material mounted to a pole or building at one edge or 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.

**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.

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

**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 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.

**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 2 feet of a window; or (b) upon a window and is intended to be seen from the exterior of the window.

**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.

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

**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.

**Solar access.** The access of a solar energy system to direct sunlight.

**Solar energy system.** Any device or structural design feature whose primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

- A. Roof-mounted solar energy system. A solar energy system that is structurally mounted to the roof of a building or structure.
- B. Ground-mounted solar energy system. A solar energy system that is structurally mounted to the ground and is not roof-mounted.

- C. Large-scale solar energy system. A Solar Energy System that occupies more than 40,000 square feet of surface area.
- D. Small-Scale solar energy system. A Solar Energy System that occupies 21,780 square feet of surface area or less.

**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.

**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, circumparades, farmers markets, flea markets, fundraisers, marathons, walkathons, festivals, races, bicycle event, etc.

**Special Use Permit.** 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 Use Permit.

**Specified Anatomical Areas.** Any of the following:

- A. Less than completely and opaquely covered: (i) human genitals, pubic region; (ii) buttocks or (iii) female breasts below a point immediately above the top of the areolae; or,
  1. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  2. Specified Sexual Activities: any of the following:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy; or,
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**Specimen Tree.** A tree which has been determined by the Town to be of notable interest or significant value because of its age, size, species, condition, rarity or special historical or ecological significance, or uniqueness and is thus designated as an important community asset.

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

**Staff.** Any employee of the Town related to the administration, review, recommendation or approval process for development.

**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.

**Storage, Outdoor (non-residential).**

An outdoor storage which is located on the same parcel of non-residential property, intended for storage of large equipment, vehicles, and/ or other common materials used by the municipality and/or master developer for maintenance of public/ private infrastructure; storage of scrap materials used for repair and maintenance; tow yards, and buildings or structure for uses such as repair facilities.

**Storage, Self-Service.** Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the public as individual storage spaces and characterized by low parking demand. Premises may include retail or wholesale sales related to storage (e.g., boxes, locks, tape, protective material, etc.) and the screened storage of vehicles and boats.

**Stormwater Control Measure.**

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.

**Story.** That part of a building, with an open height of no less than 78 inches, 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.

**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.

**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.

**Street.** Any public 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 thoroughfare. Certain collector streets may be designated on the Comprehensive Plan as a collector.

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

**Street, Freeway.** A street designated on the Comprehensive Plan as a freeway.

**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, 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.

**Street, Thoroughfare.** A street designated on the Comprehensive Plan as a thoroughfare.

**Structural Alteration of an Adult Establishment.** Any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams, or girders, except such changes as are ordered made pursuant to the provisions of G.S. 160A-425 or G.S. 160A 426, and any amendments thereto.

**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.

A. Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences).

**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 authorized by this UDO:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. [Reference. NCGS §160D-802]

**Subdivision, Major Residential.**

- A. A subdivision of a tract of land into 5 or more parcels or lots, including any remainder of the original tract, for detached dwelling or attached dwelling purposes.

- B. Any detached dwelling or attached 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 an apartment dwelling development.

**Subdivision, Minor Residential.**

A subdivision of a tract of land into 4 or less parcels or lots, including any remainder of the original tract, for detached dwelling or attached dwelling purposes, which does not involve the creation of new streets, extension of water lines or sewer lines, or the creation of public improvements.

**Subdivision, Major - Non-Residential.**

A subdivision of a tract of land, including any remainder of the original tract, for any non-residential, commercial, mixed use, or employment/campus development or Special Use Permit.

**Subdivision, Non-Residential Incremental.**

A type of Major Subdivision, Non-Residential; A subdivision of a tract of land, including any remainder of the original tract, for any non-residential, commercial, mixed use, or employment/campus development or Special Use Permit 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 attached dwelling building or apartment 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 outdoor structure intended or used for the containment of water above or below ground level.

**Tattoo Parlors.** A business or premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs.

**Tasting Room.** A use associated with a brewery, microbrewery, winery, or distillery as part of their operations and limited to 25% of the gross floor area of the operation.

**Tavern.** See Bar.

**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 10 feet tall, built or used to support one or more telecommunications antennas.

**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.

**Temporary Family Health Care Structure.** As defined by NCGS §160D-915.

**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.

**Temporary Use.** Unless otherwise specified by this ordinance, something intended to, or that does, exist for fewer than 90 days.

**Theater.** A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**Top of Bank.** The landward edge of the stream channel during high water or bank full conditions at the point where the water begins to overflow onto the floodplain.

**Town Council.** The Town Council as defined by the Charter as amended.

**Town Project.** A project to be constructed by the Town or for the Town under contract with the Town Council.

**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 facility where the solid waste that is transferred has been generated by the facility; or,

**Transit Station.** A building or place used as a terminus for the assembly and dispersal of passengers traveling by some type of transit service. May be enclosed or outdoor.

**Tree Dripline.** A vertical line running directly underneath the tips of a tree's outermost branches.

**Tree Preservation Area.** An area shown on a development plan, master plan, and/or preliminary plan and recorded on the final plat for the preservation of existing native vegetation within which disturbance or planting of non-native vegetation is prohibited.

**Tobacco Store.** A retail use where the sale of tobacco products, tobacco-derived products, or vapor products exceeds 30% of the total gross sales for the business (including in-store and online sales).

**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 75% 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.** 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 Use Permit, an accessory use, a home occupation, or a temporary use) in the district applicable to the land.

**Use, Prohibited.** A use not permitted in a zone district.

**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.

**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.

**Vehicle, Passenger.** A vehicle that is designed primarily for the transport of passengers.

**Vehicular Canopy.** See Canopy, Vehicular.

**Vehicle Leasing and Rental.**

A specific type of vehicle and equipment use, or an establishment arranged, designed, or used for the display, leasing, or rental of any new or used motor vehicle in operable condition.

**Vehicle Sales.** The use of any building or land for the display and sale or long-term lease of new or used automobiles, panel trucks or vans, boats, or motorcycles and including any warranty repair work and other repair service conducted as an accessory use.

**Vehicle Service, Major.** An establishment primarily engaged in the repair or maintenance of commercial and heavy truck motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline, or petroleum products. Also an establishment primarily engaged in major repairs to passenger cars including rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

**Vehicle Service, Minor.** An establishment primarily engaged in the incidental minor repairs to include replacement of parts and service to passenger cars (e.g., tire repair/replacement, oil changes) or general repair.

**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.

**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.

**Veterinary Clinic/Hospital.** A building or place used for diagnosing or surgically or medically treating animals, by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; including indoor boarding services for pets; and grooming as an accessory use.

**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.

**Waiver / Waived.** Permission granted in connection with: (a) the approval of a development plan; (b) the approval of a Subdivision Plan; or (c) a Special Use Permit, 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 in a pedestrian easement.

**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.

**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 50% of the gross floor area of the uses shall be uses for storage and distribution purposes.

**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).

**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 Equipment.** A wireless telecommunication facility not located on a tower 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. This also includes a small wireless telecommunications Facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than 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 6 cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 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.

**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:

- A. each antenna is located inside an enclosure of no more than 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 6 cubic feet; and
- B. all other wireless equipment associated with the facility is cumulatively no more than 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 §160D-931)

**Wireless Telecommunications**

**Tower.** A pole or other similar structures used to support one or more telecommunications antennas that exceeds the maximum building height in a specific district by more than 10 feet.

**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, Corner Side.** An open space between the closest point of the principal building and the side lot line which abuts a street and extending from the front building line to the rear building line.

**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 attached 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.

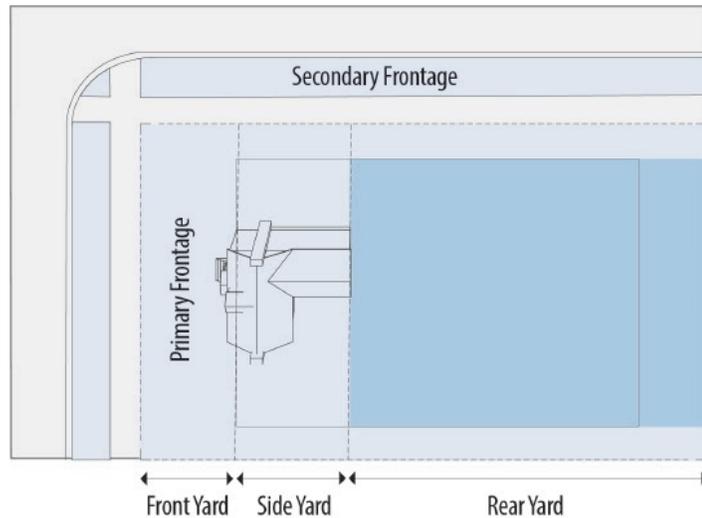
**Yard, Rear.** An open space, unobstructed to the sky, extending fully across the lot while situated between the rear lot line and the established rear building line.

**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.

**Zoning Vested Right.** A right pursuant to NCGS § 160D-108 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.

**FIGURE 13.1 YARDS**







HOLLY SPRINGS

North Carolina