

ARTICLE 34 DEFINITIONS

34.01 Definitions of Basic Terms 34-1

34.01 Definitions of Basic Terms

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Ordinance.

Abandoned Sign

Sign or parts of signs which advertise or pertain to a business, product, service, commodity, event, activity, or purpose which no longer exists, is not maintained or that has not been in use for ninety (90) days or more. Signs which are associated with seasonal business such as ski shops, Horn in the West, etc. shall not be considered abandoned or obsolete provided there is clear intent to continue in the coming season.

ABC Store

A retail store licensed by the North Carolina Alcoholic Beverage Commission.

Accelerated Erosion

Any increase over the rate of natural erosion as a result of land-disturbing activities.

Accent Color

A single paint color which is used on a building, in the least proportion of all colors used, not to exceed 5% of the façade area.

Accessory Building

A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

Accessory Dwelling Unit

A subordinate dwelling unit associated and located on the same lot as a single family dwelling.

Accessory equipment

Equipment serving a wireless facility. This includes but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other similar structures.

Accessory Structure (Appurtenant Structure) (as applied in Article 30 Flood Damage Prevention)

A structure located on the same parcel of 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 urban accessory structures. 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 Use

A use or structure that does not exceed 1,600 square feet that exists on the same lot and constitutes only an incidental or insubstantial part of the principal use.

Addition (to an existing building) (as applied in Article 30 Flood Damage Prevention)

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

Adequate Erosion Control Measure, Structure or Device

Control of the soil material within the land area under responsible control of the persons conducting the land-disturbing activity.

Administrator

Person with the primary responsibility, as assigned by the Town Manager, for administering and enforcing this Ordinance or that person's designee.

Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to person in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.

Adult Establishment

Includes adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, nude model studios, adult live entertainment or any combination of these uses or any use defined in N.C. G.S. Article 26A Adult Establishments.

Adult Bookstore or Adult Video Store

A bookstore or video store:

- A. Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or
- B. Having a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other photographic, electronic, magnetic, digital or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult Daycare, Small

A program or arrangement where up to two adolescents, or disabled or older adults, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four 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 type of Adult Daycare shall be operated by the owner of the home.

Adult Daycare, Large

A program or arrangement where up to four adolescents, or disabled or older adults, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four 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 type of Adult Daycare shall be operated by the owner of the home.

Adult Daycare Center

A program or arrangement where five or more adolescents, disabled or older adults, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four 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.

Adult Live Entertainment

An establishment or business where any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.

Adult Living Community

An age-restricted planned residential development, consisting of a building or group of buildings for independent living for persons who are fifty-five years of age or older (55+). Residents may be offered a variety of housing choices with shared common areas, from detached single-homes on a single lot to multi-family dwellings. Services may be provided and may include food service, social service and referral consultation, housekeeping assistance and central laundry. No licensed professional medical care or related service are directly provided by on-site staff.

Adult Massage Parlor

A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does shall not apply to any bona fide therapeutic massage service provided by a licensed medical professional or other person certified by a state or nationally recognized organization, nor shall this definition apply to any private or public fitness center or nonprofit community recreational fitness and service organization, either of which provides massage therapy as a service incidental to the operation of a fitness center.

Adult Motel or Adult Hotel

A hotel, motel, or similar commercial establishment that:

- A. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one of its principal business purposes; or
- B. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or related to specified sexual activities or specified anatomical areas for observation by patron therein.

Adult Theater

A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nudity, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

Advisory Interpretation

Any interpretation or opinion issued by the Planning Director other than as part of the final written approval or denial of a written permit application.

Advisory Opinion

See “Advisory Interpretation”

Affordable Owner-Occupied Dwelling Unit

An affordable owner-occupied dwelling unit is a dwelling unit, as that term is defined herein, which has been sold or will be offered for sale for a gross price at which the monthly gross principal and interest payment, in a mortgage financing 90% of the purchase price, amortized over a period of thirty years and calculated with interest at the legal rate, is no greater than twenty-five percent (25%) of the monthly Area Median Income for a family of four, as established annually by the United States Department of Housing and Urban Development, and, if sold, the purchaser of which is a family in need of housing protection.

Affordable Owner-Occupied Housing Development

An affordable owner-occupied housing development is one in which fifty percent (50%) or more of the included dwelling units are, or upon completion of the development, will be, affordable owner-occupied dwelling units, as that phrase is defined herein.

Affordable Rental Dwelling Unit

An affordable rental dwelling unit is a dwelling unit, as that term is defined herein, for which the monthly gross rental payment is not greater than twenty-five percent (25%) of the monthly Area Median Income for a family of four, as established annually by the United States Department of Housing and Urban Development, and which is occupied by a family in need of housing protection.

Affordable Rental Housing Project

An affordable rental housing project is one in which fifty percent (50%) or more of the included dwelling units are, or upon completion of the project, will be, affordable rental dwelling units, as that phrase is defined herein.

Agricultural Sign

A temporary sign posted to direct the public to an agricultural exposition, festival or event, as those terms are described, when such exposition, festival or event is taking place within the corporate or planning limits of the Town, or within Watauga County. An agricultural exposition, festival or event is an event which involves at least ten separate participants involved in the cultivation of land, who for a period of time not exceeding six weeks per year, provide tours and/or on-site sales or samples of agricultural products resulting from that cultivation to area tourists.

Agriculture Operation Including Livestock

The use of land for the keeping, grazing, feeding, or breeding of livestock, poultry, or bees.

Agriculture Operation Excluding Livestock

The use of land for the production of cash grains, field crops, vegetables, fruit and nuts, and for horticulture and floriculture.

Airport/Landing Strip

Any development for the landing or take-off of aircraft, or any supporting operations, such as maintenance, loading and unloading, storage, fueling or terminal facilities.

Alley

A publicly dedicated and maintained right-of-way twenty feet (20') or less in width that provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alternative ADA Standards

Standards for handicap accessibility that may be met when an historic structure is renovated. These alternative standards can only be implemented if the structure meets the historic structure definition.

Amusement or Water Parks and Fairgrounds

A commercially operated enterprise that offers rides, games, exhibitions and other forms of entertainment.

Animal Sanctuary

An establishment where animals are brought to live and be protected for the rest of their lives.

Annuals

Flowering plants, used to provide seasonal color and interest. Root stock dies in winter, therefore annuals need replanting each season. Often referred to as bedding plants.

Antenna

Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Architecturally Compatible

A method or style of building in which two or more structures exist together harmoniously.

Architecturally Integrated Subdivision

A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 16.11.

Area of Special Flood Hazard

See “*Special Flood Hazard Area (SFHA)*” definition.

Arterial Street

A major street in the Town's street system that serves as an avenue for the circulation of traffic onto, out, or around the Town and carries high volumes of traffic.

Artificial Obstruction

Any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream.

Attached Sign

A sign which is mounted flush to a building wall.

Attic Story

Any story situated wholly or partly in the roof to be used for living space accessed by an interior fixed stairway.

Automated Teller Machine (ATM)

A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

Automated Teller Machine (ATM), Freestanding

An automated teller machine which may not be on the same lot as the financial institution with which such machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic.

Awning

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Banner

A sign made of fabric or any non-rigid material with no enclosing framework.

Bar

An establishment which primarily prepares and serves alcoholic beverages for immediate consumption. These establishments may also provide limited food and entertainment (primarily music) services. Excluded from this definition are microbreweries, brewpubs, breweries/distilleries, and all wineries.

Base Flood

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

Base Station

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics. The term does not include a wireless support structure or any equipment associated with a tower.

Basement

That portion of a building that is partially or completely below grade.

Basement (as applied in Article 30 Flood Damage Prevention)

Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast, Category 1

A single –family dwelling with one to three guest rooms (enclosed within one structure) where overnight accommodations and a morning meal are provided daily or weekly for compensation.

Bed and Breakfast, Category 2

A dwelling with more than three guest rooms within one or more structures where overnight accommodations and meals are provided daily or weekly for compensation.

Bees

Insects of the superfamily Apoidea; in particular, honeybees, *Apis mellifera* (L). It includes all life stages of such insects, their genetic material, and dead remains.

Bench Sign

A sign located on the surface of a bench. The size of the bench is limited to seventy inches (70”) in length and thirty-six inches (36”) in height.

Bicycle

A pedal-driven, human-powered vehicle with two wheels attached to a frame, one behind the other.

Billboard

A sign identifying advertising and/or directing the public to a business, merchandise, service, entertainment or product which is located at a place other than the property on which such sign is located. These signs are also known as off-premise outdoor advertising signs.

Boarding House

A dwelling unit where three (3) or more rooms (not to exceed nine (9)) are provided for lodging for definite periods exceeding seven days. Meals may or may not be provided, but there is only one common kitchen facility and no meals are provided to outside guests.

Boarding School

A school at which some or all of the pupils receive board and lodging during the school term.

Boat or Marine Craft Sales or Service

The storage, display, sale, lease, rental or repair of new or used boats, personal watercraft or new or used outboard motors, and boat trailer.

Borrow

Fill material which is required for onsite construction and is obtained from other locations.

Brewery/Distillery

A manufacturing operation engaged in the production of malt and distilled beverages, which has all operations contained within a fully enclosed building, and is not classified in these definitions as a microbrewery or a brewpub.

Brewery/Distillery, Other

A manufacturing operation engaged in the production of malt and distilled beverages, and is not classified in these definitions as a brewery/distillery, microbrewery or a brewpub.

Brewpub

A restaurant which includes a manufacturing operation engaged in the production of malt, distilled beverages, and wine, with an annual production less than 15,000 US beer barrels (1,800,000 L); which has all operations contained within a fully enclosed building and sells 50% or more of their production on site. Microbreweries with restaurants in the M1 Manufacturing District shall be excluded from being classified as a “brewpub”. Instead the microbrewery and restaurant uses should be classified as a combination use as regulated in UDO Section 15.05.

Buffer Zone

The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone twenty-five feet (25') wide. Buffer zones within designated Water Supply Watersheds shall have an undisturbed buffer zone thirty feet (30') wide.

Building

A structure designed to be used as a place of occupancy, storage or shelter.

Building Footprint

The exterior dimensions of the largest floor of a building(s) excluding porches which are fully open on three (3) sides.

Built-Upon Area

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

Business or Professional Office

An establishment where business is conducted that does not primarily involve the sale or transfer of goods by the business to the customer at the location. This includes, but is not limited to, general business offices, insurance offices, law offices and real estate sales or management offices.

Caliper

Standard trunk diameter measurement for nursery grown stock taken six inches (6") above the ground up to and including four inch (4") caliper size, and twelve inches (12") above the ground for larger sizes.

Campground

Any site or tract of land upon which campsites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, travel, or vacation purposes.

Canopy Sign

Sign that is part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area.

Car Wash

A commercial establishment that washes, cleans, and/or waxes automobiles or other motor vehicles, whether or not in conjunction with other goods or services provided to customers.

Caretaker's Residence

A dwelling unit on the site of a non-residential use and occupied by a guard or the person who oversees the operation of the non-residential use.

Central Leader

Primary or terminal shoot, i.e. the trunk of a tree.

Cemetery

A place used or to be used and dedicated or designated for one or more of the following purposes: a burial park, for earth interment, a mausoleum or a columbarium for human remains.

Certificate of Completion

A document issued by the Administrator, following issuance of certificates of compliance if necessary, certifying compliance of a structure other than a building with all applicable requirements of the UDO and other relevant State and local laws, which authorizes use of the structure.

Certificate of Compliance

A document issued by the Building Inspector certifying compliance with applicable building, mechanical, plumbing, electrical, fire protection or gas codes.

Certificate of Occupancy

A document issued by the Administrator, following issuance of certificates of compliance if necessary, certifying compliance of a building with all applicable requirements of the UDO and other relevant State and local laws, the sole document which authorizes occupancy.

Certificate of Zoning Compliance

A document issued by the Administrator, where neither a Certificate of Completion or Certificate of Occupancy is needed, certifying compliance with all applicable requirements of the UDO and other relevant State and local laws, which authorizes a use.

Changeable Copy Sign

Sign on which copy changes through mechanical, electronic, digital or manual means and reader boards with changeable letters.

Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child Daycare, Small

A program or arrangement where no more than two (2) children, who are no more than sixteen (16), and who do not reside where the care is provided, receive care on a regular basis of at least once per week for no more than twelve (12) 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 type of Child Daycare shall be operated by the owner of the home.

Child Daycare, Large

A program or arrangement where at least three and up to eight (8) children, who are no more than sixteen (16), and who do not reside where the care is provided, receive care on a regular basis of at least once per week for no more than twelve (12) 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 type of Child Daycare shall be operated by the owner of the home.

Child Daycare Center

A program or arrangement where over eight children, whom are no more than sixteen (16) years old, and who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

Circulation Area

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas comprise the circulation area.

Club/Lodge, Category 1

A building used for recurring non-profit social, literary, political, educational, fraternal, or charitable purposes with seating capacity for 100 or less, with all regular activities conducted within fully enclosed building(s). May include other associated uses such as occasional outdoor activities and

which does not serve or consume alcoholic beverages on its premises.

Club/Lodge, Category 2

A building used for recurring non-profit social, literary, political, educational, fraternal, or charitable purposes with seating capacity between 100 and 500 with the majority of its regular activities conducted within fully enclosed building(s). May include other associated uses such as occasional outdoor activities and may serve or consume alcoholic beverages on its premises.

Club/Lodge, Category 3

A building used for recurring non-profit social, literary, political, educational, fraternal, or charitable purposes with seating capacity greater than 500 or activities and uses not permitted for Club/Lodge, Categories 1 or 2.

Coliseum

An arena or stadium with a seating capacity exceeding 5,000.

Collector Street

A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designated to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day

College or University

A degree-granting institution, other than a trade school, which provides education beyond the high-school level, and typically has programs resulting in an Associate's, Bachelor's, or Master's degree. In addition to classroom buildings, it may include offices, laboratories, lecture halls, dormitories, residence halls, athletic facilities, and similar buildings and other facilities as applicable to the university.

Collocation

The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, city utility poles, or wireless support structures.

Combination Use

Two or more principal uses in or proposed for a site specific development plan.

Community College

An educational institution dedicated primarily to the educational needs of the area which it serves, and may offer freshmen and sophomore courses for transfer credit to a senior college or university, organized credit curricula for the training of technicians, and courses in general adult education.

Community Enterprise

An enterprise dedicated to meeting the civic, cultural, or informational needs of the community as a whole.

Community Event Signs

An annual temporary sign, other than a commercial sign, posted to direct patrons to community events for public agencies, schools, churches, civic-fraternal organizations or similar non-commercial organizations, or an annual temporary sign posted to direct patrons to a commercial event, when that event, as determined by the Boone Town Council, provides a significant economic benefit to the Town as a whole, is open to all citizenry of the Town of Boone and its planning jurisdiction, portrays the Town of Boone in a positive light, and which has received the written endorsement of a non-profit group whose mission includes promoting the economic vitality of Boone such as, but not limited to, the Downtown Business Development Association, the Boone Chamber of Commerce, or the High Country Host.

Confined Animal Feed Operation (CAFO)

An establishment primarily engaged in the breeding, and/or raising of livestock in confinement at a high stocking density. The main products of which may include meat, milk and eggs.

Construction Sign

Sign identifying an architect, engineer, contractor, subcontractor, financial institution, material supplier, etc., participating in construction on the property where the sign is located.

Cooperative Winery

A manufacturing operation engaged in the production of wine and wine-like beverages, which has all operations contained within a fully enclosed building and is independent of a vineyard.

Council

The governing body of the Town of Boone, consisting of a mayor and five (5) Council members, as established in the Charter of the Town of Boone.

Critical Area

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first) except within the Winkler's Creek Watershed where the limits of the Town of Boone Jurisdiction are the Critical Area; or one mile upstream from the intake located directly in the stream or river (run-of-the-river) or the ridge line of the watershed (whichever comes first). Local governments may extend the critical areas as needed. Major landmarks such as highways and property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Cul-de-sac

A street that terminates in a vehicular turnaround.

Cultural Facility

A building owned or operated by a government entity in which objects of interest or performances in the fine arts, humanities, or sciences are displayed, preserved or presented for exhibition or education.

Custom Slaughterhouse

These facilities slaughter and /or process Custom Exempt products: meat, poultry and wild game (deer and other animals hunted for food) for private individuals only. All products are marked "NOT FOR SALE" and identified by the owner's name. These facilities are inspected for sanitation and proper labeling of product. The meat and poultry products are not inspected for disease or quality and cannot enter commerce. All products must be returned to the original owner for his/her personal use and cannot be sold.

Cut

The exposed wood area that remains after a branch has been removed.

Diameter-at-breast-height (Dbh)

Diameter-at-breast-height is a standard measurement of existing tree size, and is a tree trunk measured in inches at a height of four and one-half feet (4 ½') above the ground.

Deciduous Plant

Those plants that annually lose their leaves.

Deciduous Tree

Small to large tree, from a height of twenty feet (20') to over forty feet (40') at maturity, planted for aesthetic purposes such as canopy of shade, interesting bark, or fall foliage.

Decision (by Administrator)

Any final and binding order, requirement, determination by the Administrator or other action which is subject to appeal.

Development

The use or occupancy of any land or structure, or the construction, erection, alteration or moving of any structure.

Development Site

An area of land comprised of one or more lots or parcels of land proposed for development with a unified development plan.

Directional Sign

A sign giving directions, instructions, or facility information. The sign(s) may contain the name or logo of an establishment, but no advertising copy. Examples include “parking”, “exit”, “enter” or “parking-control warning” signs.

Directory Sign

A sign listing the names of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

Disposal

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

Double-Faced Sign

A sign with two copy faces.

Dormant

A condition of non-active plant growth. Deciduous trees and shrubs are considered to be dormant from the time their leaves fall until new foliage begins to reappear.

Drip Line

A vertical line, extending from the outermost edge of the tree canopy or shrub branches, to the ground.

Drive-Through

The portion of a business (such as a bank or restaurant) that is designed so that customers can be served while remaining in their vehicles.

Drive-Through Window Sign

An attached or freestanding sign listing choices and prices. The sign also allows communication between the consumer and business.

Driveway

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex

A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for two (2) dwelling units that share a common wall or ceiling/floor and where each dwelling unit has separate access from the outside; not attached to any non-accessory building or dwelling unit; and not on the same lot as any other dwelling unit; unless another dwelling unit is explicitly authorized by this Ordinance.

Dwelling

Any building or structure that is or is intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit

A room or group of rooms within a dwelling forming a single independent habitable unit containing independent kitchen, sanitary, and sleeping facilities; and provided such dwelling unit complies with Boone's Minimum Housing Code.

Electronic and Internet Gaming Use

A use, whether principal or accessory, where person(s) utilize electronic machines, including but not limited to computers or gaming terminals, to conduct or participate in games of chance, including sweepstakes and gambling activities not prohibited under N.C. Gen. Stat. Chapter 14, Article 37, 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, including but not limited to Internet cafes, Internet sweepstakes, electronic gaming machines/operations or cybercafés, and excluding a business solely participating in a lottery approved by the State of North Carolina.

Element of a building

An exterior wall, roof, or site wall which is manmade and constructed.

Elementary School

A school that includes first through eighth grades and may have a kindergarten or early childhood program.

Elevated Building (as applied in Article 30 Flood Damage Prevention)

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Emergency Response Communication Antenna

An interoperable communication system as identified by the North Carolina Department of Public Safety (such as VIPER).

Energy Dissipater

A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Equipment Compound

An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

Equipment Sales and Service

The storage, display, sale, lease, rental or repair of vehicles or other apparatus commonly used in commercial, farming, industrial or construction enterprises, including but not limited to trucks, tractors, trailers, bulldozers, cranes, backhoes, rollers, lifts and loaders.

Erosion Control

The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Event Venue, Category 1

A facility for meetings and gatherings, such as reunions, weddings, conventions, anniversaries, and other similar ceremonies take place within fully enclosed buildings.

Event Venue, Category 2

A facility providing outdoor space for meetings and gatherings, such as reunions, weddings, conventions, anniversaries, and other similar ceremonies which take place between 6 a.m. and 10 p.m.

Event Venue, Category 3

A facility providing outdoor space for meetings and gatherings, such as reunions, weddings, conventions, anniversaries, and other similar ceremonies, in which any portion takes place between 10 p.m. and 6 a.m.

Evergreen Plant

Those plants that retain foliage throughout the year.

Evergreen Tree

Some medium to large evergreen tree, which, because used to screen views, must keep branches to the ground. Examples are White Pine and Carolina Hemlock.

Existing Lot (Lot of Record)

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Existing Manufactured Home Park or Manufactured Home Subdivision

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

Exterior Walls

The vertical or nearly-vertical planes which form the exterior envelope of a building.

Extraction of Earth Products

The process of removal of natural deposits of mineral ores, soils, or other solid matter from their original location, not including processing of such material beyond incidental mechanical consolidation or sorting to facilitate transportation from the site.

Extra Territorial Jurisdiction (ETJ)

The portion of the Town's planning jurisdiction that lies outside the corporate limits of the Town.

Façade

The entire building side, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures, viewed as one complete elevation.

Fall zone

The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Family

One or more individuals related by blood, marriage, or adoption, occupying a premises and living as a single, non-profit housekeeping unit, including domestic servants, live-in help. The following individuals shall be included in this definition:

- A. a single person or married couple;
- B. a single person or married couple's biological, foster or adopted child, a step-child, or other legal ward;
- C. a single person or married couple's parents, siblings, and persons preceding or succeeding generation denoted by the prefixes of grand, great or great-great;
- D. spouses of any persons named in the above groups;
- E. cousins, who are defined to be relatives who are decedents from a common grandparent.

Family Care Home

A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

Family Care Institution

A building with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for more than six resident person with disabilities.

Family Care Provider

A person who provides care for a person with a degree of relationship as specified in the definition of family herein.

Family in Need of Affordable Housing

A family in need of housing protection is a family, as that term is defined herein, including persons living with each other in a “common law” or spousal relationship without the benefit of marriage, or as “domestic partners” with an aggregate current income and aggregate income for the previous twelve months equal to or less than the Area Median income, as established annually by the United States Department of Housing and Urban Development, and for which the head of the household is not claimed as a dependent on the federal tax return of any other person currently or in the most recently completed federal tax year, and for which any other adult occupant(s) is not and cannot be currently claimed as a dependent(s) for federal tax purposes by any person(s) not residing in the dwelling unit.

Farmer’s Market Sign

A temporary sign posted to direct the public to a farmer’s market when such farmer’s market is taking place within the corporate or planning limits of the Town. A “farmer’s market” is a one-day event which can take place from week to week, but in the aggregate no more than two days each week, which involves individual participants selling retail products, at least fifteen of whom sell products which derive from the cultivation of land, and which takes place under the sponsorship of a non-profit organization.

Field Color

A single paint color which is used most extensively in a building’s visible façade.

Financial Institution

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This specific use includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities. Financial institutions may or may not have drive-through service depending on the zoning district in which they are located.

Final Plat

The final map of all or a portion of a subdivision, showing the boundaries and location of lots, streets, easements, and any other information required in Sec. 30-4-1.3 and Sec. 30-4-15.7, presented for local government approval and subsequent recordation in the Watauga County Register of Deeds.

Flat Roof

The external covering of a building having a 2(v):12(h) slope or less.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Administrator

The individual appointed by the Administrator to administer and enforce the floodplain management regulations.

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of Article 30 Flood Damage Prevention, prior to the commencement of any development activity.

Floodplain Encroachment

The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area

The sum of the enclosed areas on all floors of a building measured from the outside faces of the exterior walls. It includes halls, lobbies, stairways, elevator shafts, enclosed porches and balconies and any below grade floor areas used for habitation or storage. It does not include open terraces, patios, atriums, balconies, carports, garages or any floor space in an accessory building.

Forestry

The professional practice embracing the science, business, and the art of creating, conserving, and managing forests and forestlands for the sustained use and enjoyment of their resources, material, or other forest produce.

Fraternity or Sorority Dwelling

A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college, university, or professional school students who are affiliated with a social, honorary, or professional organization.

Freeboard

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation".

Freestanding Sign

A sign supported by a sign structure placed in the ground which is wholly independent of any building, fence, vehicle, or object other than the sign structure for support.

Full Cutoff Fixture

A light fixture designed so that no light is projected at or above a ninety degree (90°) plane running through the lowest point on the fixture where the light is emitted and less than ten percent (10%) of the rated lumens are projected between ninety degrees (90°) and eighty degrees (80°).

Functionally Dependent Facility

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

Funeral Establishment

Every place or premises devoted to or used in the care, arrangement and preparation for the funeral and final disposition of dead human bodies and maintained for the convenience of the public in connection with dead human bodies or as the place for carrying on the practice of funeral service.

Garden, Community

Areas of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption or donation.

Garden, Residential

A planned outdoor space set aside to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use.

Gas Station

A facility which sells fuel and lubricants for motor vehicles, often with a retail component.

Gasoline Pump Sign

Signs which are normally associated with the sale of gasoline including the price, self-service, etc. information contained on the pump.

Geological Hazard Indicator

A condition or series of conditions which suggest or from which a reasonable inference may be drawn that a particular tract of land may have qualities of instability or danger which require further investigation and possible remediation. Such indicators may include, but are not limited to one or more of the following: fault zone cataclastic (broken) rocks; pre-existing landslide deposits; daylighting fracture sets; daylighting sedimentary layers (bedding), foliations (metamorphic layering), or other planar structures; thick soils (greater than ten feet (10') thick), zones of likely debris flow deposition.

Geotechnical Engineer

A North Carolina licensed engineer that has documented experience of at least five years in the full-time practice of geotechnical engineering including design and construction overview of site preparation and foundation installation of projects.

Government Cultural Facility

A building owned or operated by a government entity in which objects of interest or performances in the fine arts, humanities, or sciences are displayed, preserved or presented for exhibition or education of the general public.

Government Neighborhood Cultural Facility

A government cultural facility which does not exceed 5,000 square feet.

Governmental Entity

The Town and its departments, the Watauga County Board of Education, Watauga County, the State of North Carolina and its departments, and the United States of America and its departments.

Government Facility

A building, structure, or use of land, excluding the other uses specifically listed in Government Uses 5.0, operated by a governmental entity that is used to provide government services such as administration of a political subdivision of the State, or centralized operations of cultural resources, fire protection, law enforcement, planning and zoning, public utilities, or public works.

Government Sign

Any temporary or permanent sign erected and maintained by a governmental entity.

Greenway

A corridor of protected open space, usually located adjacent to natural features, that is managed for conservation and/or recreation purposes.

Gross Floor Area

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Land Area

All the area within the boundaries of a lot as described in a fee simple deed.

Ground Cover

Any natural vegetation growth or other material, usually evergreen, which renders the soil surface stable against accelerated erosion and can also be used to control pedestrian traffic.

Ground Mounted Sign/Monument Sign

A freestanding sign that is less than six feet (6') in height.

Habitable Floor

Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Half Street

A street of less than the full required right-of-way and pavement width.

Halfway House, Category 1

A facility in which not more than six (6) persons at one time temporarily reside, where each of the residents is in transition from in-patient treatment for alcoholism or drug abuse or from incarceration back into the community.

Halfway House, Category 2

A facility in which more than six (6) persons temporarily reside, where each of the residents is in transition from in-patient treatment for alcoholism or drug abuse or from incarceration back into the community.

Hazardous Material

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

Hazardous Waste Management Facility

As defined in N.C. Gen. Stat. § 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Height (of a sign)

The vertical distance measured from the highest point of the sign to the lowest point of surface grade beneath the sign.

Height (of a structure or part thereof)

The vertical distance from the mean natural grade at the foundation to the highest portion of the structure, or part thereof.

Height Measurement (landscape)

Shrubs height in inches, deciduous trees caliper and height in feet, evergreen trees height in feet.

Heliport

An area designed, used, or intended for use for the landing and take-off of helicopters, and any supporting operations, such as maintenance, loading and unloading, storage, fueling or terminal facilities.

Helistop

A public or private land are or roof structure designated for the pick-up or discharge of passengers and cargo, which does not provide helicopter maintenance and repair facilities or fueling services.

High School

A school that includes grades nine (9) through twelve (12) and that offers at least the minimum high school course of study prescribed by the State Board of Education.

Highest Adjacent Grade (HAG) (as applied in Article 30 Flood Damage Prevention)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic District

An area which is deemed to be of special significance in terms of its history, prehistory, architecture, and/or culture, and which is deemed to possess integrity of design, setting, materials, feeling, and association.

Historic Landmark

A building, structure, site, area, or object deemed to be of special significance in terms of its history, prehistory, architecture, or culture and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Historic Structures

Buildings or structures which are listed individually on the National Register of Historic Places, are located within a National Register Historic District and are certified as contributing to the district, are located in or contributing to a local historic district that has been certified by the National Park Service, or are listed individually by the Town of Boone's Historic Preservation Commission and certified by the Commission as meeting the criteria established for a local historic property designation.

Historic Tree

Any healthy tree with a diameter of twenty-five inches (25") or more measured Diameter-at-breast-height (Dbh).

Hive

Any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

Home for Survivors of Domestic Violence

A home that provides room and board, personal care and habilitation services in a family environment for persons and their children who have been aggrieved by acts of domestic violence and/or sexual assault.

Home Occupation

An accessory use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

Home Occupation Sign

A sign permitted in association with a legitimate home occupation conducted on the premises of the dwelling unit occupied by the operator of the business.

Hospital

A licensed private or public institution that provides inpatient primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions, and including related facilities such as laboratories, outpatient or training facilities.

Hotel

A building or a group of buildings primarily containing guest rooms accessed by an internal hallway for lodging and usually meals and other services for travelers and other paying guests. Common accessory uses are dining areas, meeting rooms, and recreational facilities. Occupancy is by transients rather than residents.

Identification Sign

A sign whose copy is limited to the name and address of a building, institution, person and/or activity or occupation being identified.

Illegal Sign

A sign which does not meet the requirements of this Ordinance.

Illuminated Sign

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Impervious Surface

The surface area of land covered by buildings, parking and driveways which prevent or impede surface water absorption (i.e. concrete, asphalt, and gravel).

Impound Lot/Towing Service

A lot used for storing vehicles which have been towed.

Improper Pruning

For deciduous trees: the removal of the central leader or the shortening of branch ends. For deciduous shrubs: removal of more than a third of healthy growth. For evergreen trees and shrubs: removal of more than a third of growth. For all trees and shrubs: use of tools leaving uneven or broken cuts or wounds.

Income-producing Structures

Structures put into service as places of business, such as commercial, retail or rental use.

Indoor Theater

A completely enclosed building used for showing motion pictures or live performances.

Industrial Park

An approved development zoned M1 Manufacturing District, which typically contains manufacturing or transportation uses within one or more buildings on individual sites, which are interrelated by the utilization of a combination of common facilities, such as driveway entrances, public or private street networks, and parking areas.

Inflatable Sign

A sign or figure filled with air or gas to enlarge said sign or figure.

Informational Sign

A sign that informs the public of goods, facilities or services available on the premises, e.g., credit card sign or sign indicating hours of business.

Interior Setback

The land area between the interior lot line and the closest wall of a building located on the property.

Itinerant Merchant

A person who transports an inventory of goods to a building, vacant lot, or other location in the town, other than the persons' permanent place of business, and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

Junkyard

Any establishment or land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of waste paper, rags, scrap metal, motor vehicles, machinery, tires, or other junk outside of an enclosed building. This shall not include a landfill, other public utility facility, or a recycling and salvage operation.

Kennel

Any premises wherein any person, firm or organization boards, lets for hire, trains for fee, breeds, buys or sells animals.

Lake or Natural Watercourse

Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land Disturbing Activity

Any use of the land by any person in residential, industrial, education, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Land Use Intensity Ratios

A technique for regulating density in the form of a fraction, expressed in decimal form, with the minimum square footage as the numerator and the gross land area of the lot as the denominator.

Landfill

A government facility for the disposal of solid waste in or on land authorized by N.C. Gen. Stat. Chapter 130A Article 9 of the North Carolina General Statutes.

Landscaped Greenspace

A pedestrian oriented urban open space which includes manicured landscaping and other pedestrian oriented amenities (such as benches) which is at or near the same grade as the sidewalk or the street and is easily accessible to pedestrians.

Large Craft Brewery/Distillery

A manufacturing operation engaged in the production of malt and distilled beverages, which has all operations contained within a fully enclosed building, and is greater than 3,000 square feet but does not exceed 10,000 square feet.

Licensed Engineer

A person who is licensed as an engineer under the provisions of the North Carolina Engineering and Land Surveying Act.

Licensed Geologist

A person who is licensed as a geologist under the provisions of the Geologist Licensing Act of the State of North Carolina.

Lifting or Limbing Up

The removal of lower branches for under clearance.

Little League Sign

Sponsorship signs placed at the Optimist Club field.

Livability Space

Natural areas, lawns and other landscaped areas, walkways, paved terraces, sitting areas, outdoor recreational areas and the pervious landscaped portion of street rights-of-way. Livability space does not include paved pedestrian sidewalks or vehicular areas. A maximum of one-third of the livability spaces required for a development may be impervious (e.g., paved terraces or sitting areas).

Livestock, Large

Cattle, swine, sheep, goats, mules, llamas, horses and similar animal breeds for which the mature animal exceeds 150 pounds in weight.

Livestock, Small

Cattle, swine, sheep, goats, mules, llamas, horses and similar animal breeds for which the mature animal does not exceed 150 pounds in weight.

Living Sign

A non-illuminated sign constructed of living material such as shrubs, trees, and/or flowers.

Living Space

Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Local Street

A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty five (25) dwelling units and is expected to or does handle between seventy five (75) and two hundred (200) trips per day.

Lot

A parcel of land whose boundaries have been established by a legal instrument for purposes of transfer of title.

Lot of Record

A lot, parcel, or tract which has been recorded in the Watauga County Register of Deeds' Office and which was in conformance with land development ordinances in effect at the time it was created.

Lot Area

The total area circumscribed by the boundaries of a lot, except that: [i] when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet (30') from the traveled portion of the street, and [ii] in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot Line

A line that marks the boundary of a lot.

Lot Front

The lot line and yard area where the primary access is located. In the case of additional equally significant access points located on other lot lines, the lot line and yard area for that access shall also be deemed a front.

Lot Line, Interior

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot Width

The horizontal distance between the side lot lines at the front building line measured parallel with the front lot line; or in the case of a lot fronting on a curved street, the straight line distance between the side lot lines measured from the building line.

Lowest Adjacent Grade (LAG)

The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Article 30 Flood Damage Prevention.

Machine/Welding Shop

A workshop where metals are cut, shaped, welded and worked, using machine tools, for purposes of fabrication or repair.

Major Traffic Corridor

U.S. Routes 221, 321, 421 and North Carolina Routes 105, including 105 Extension and 105 By-Pass, and 194.

Major Variance (From Statewide Watershed Protection Rules)

A variance that results in the complete waiver of a watershed management requirement and/or the relaxation, by a factor of ten percent (10%) or more, of any watershed management requirement that takes the form of a numerical standard.

Major Mountain Ridge

A ridge with an elevation higher than 3000 feet above mean sea level and an elevation 500 feet or more above the elevation of an adjacent valley floor.

Major Subdivision

A subdivision that involves:

- A. The creation of eleven or more lots, regardless of whether the lots are created at one time or over an extended period of time; or
- B. The creation of any new streets (either public or private); or
- C. The creation or extension of a public water or sewer system, or
- D. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

Managing Agent

An adult individual designated by the owner of a rental property for service of process and receiving notices and demands and to perform the obligation of the owner under this Ordinance.

Manufactured Home “Class A”

A structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') 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 a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:

- A. The pitch of the home's roof is a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and
- C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home “Class B”

A structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8’) or more in width, or forty feet (40’) 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 continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as “Class A”. Skirting is required for “Class B” manufactured homes.

Manufactured Home “Class C”

Any mobile or manufactured home that does not meet the criteria of a Class A or Class B manufactured home.

Manufactured Home Park

A residential use in which more than one (1) **manufactured** home is located on a single lot.

Manufacturing

The assembly, fabrication, finishing or packaging of goods and materials, including the storage and processing of raw materials into other products.

Marginal Access Street

A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Marquee

A sign of a theater, auditorium, fairground or museum which advertises present and/or scheduled events with the use of changeable text.

Mean Sea Level (as applied in Article 30 Flood Damage Prevention)

The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Medical Emergency Response

Establishments providing transportation equipped with sirens, such as ambulances, for emergency medical relief.

Medical Office, Category 1

A medical office, other than a hospital, which regularly receives or discharges patients by ambulances using sirens.

Medical Office, Category 2

A medical office including physician offices, dentists, chiropractors, psychiatric, optometrists, and other healthcare providers, and which is open to the public during 10 p.m. to 6 a.m. other than Medical Office Category 1.

Medical Office, Category 3

A medical office that provides inpatient psychiatric, or principally provides inpatient or outpatient alcohol or drug addiction care, drug treatment or other similar services other than Medical Office Categories 1, 2, and 4.

Medical Office, Category 4

A medical office to the public including physician offices, dentists, chiropractors, psychiatric, optometrists, and other healthcare providers other than Medical Office Categories 1, 2, and 3.

Micro Wireless Facility

A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Microbrewery

A manufacturing operation engaged in the production of malt and distilled beverages, with an annual production less than 15,000 US beer barrels (1,800,000 L); which has all operations contained within a fully enclosed building.

Mini-Storage

A building or group of buildings, divided into separate spaces or compartments leased to individuals, organizations, or businesses on an individual basis for self-service storage of personal property.

Minor Street

A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine (9) dwelling units and is expected to or does handle up to seventy- five (75) trips per day.

Minor Subdivision

Any subdivision other than a major subdivision.

Modular Home

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a mobile home (except that the modular home meets the North Carolina State Building Code applicable to site built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Monopole

A single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennae. A utility pole is not a monopole.

Moped Sales

The storage, display, sale, lease, rental or repair of mopeds as defined by G.S. 105-164.3.

Motel

A building or a group of buildings with guest rooms having direct access to an outdoor parking area, primarily containing guest rooms for lodging and sometimes meals and other services for travelers and other paying guests. Common accessory uses are dining areas, meeting rooms, and recreational facilities. Occupancy is by transients rather than residents.

Motorcycle

A motor vehicle with two wheels and a strong frame including mopeds, scooters, and powered pedal cycles.

Multi-Family Dwelling

A building or combination of buildings on a single lot which includes three or more dwelling units.

Natural Erosion

The wearing away of the earth’s surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Natural Obstruction

Includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the Floodway Zone by a non-human cause.

New Construction (as applied in Article 30 Flood Damage Prevention)

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

Nonconforming Lot

A lawfully established lot of record that does not conform to the current dimensional requirements of the zoning district in which it is located.

Nonconforming Sign

A sign that was lawfully constructed but does not conform to current size, height, location, design, construction, or other requirements of this Ordinance.

Nonconformity

An existing lot or structure or use of an existing lot or structure that does not conform to one or more of the regulations applicable to the zoning district in which the lot or structure is located or any other requirements of this Ordinance.

Nonconforming Situation

All nonconformities other than a nonconforming use, nonconforming lot or a nonconforming sign, including a lawfully established structure that does not conform to dimensional, elevation, location, or other requirements of this Ordinance.

Nonconforming Use

A lawfully established use that is not allowed in the zoning district in which it is currently located.

Non-Encroachment Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Non-Fixed Site Event Venue

A special event, such as a carnival or circus, on a lot which does not have a dedicated facility for hosting such events.

Non-income Producing Structures

Structures, such as private homes, which do not generate income.

Nude Model Studio

Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude Model Studio shall not include an educational institution for which nude modeling is a legitimate part of the curriculum of the institution; and should not be held in a structure that has any sign visible from the exterior of the structure and any other advertising that indicates a nude or semi-nude person is available for viewing.

Occupant, Residential

Any person who, on a regular and recurrent basis, is present at a dwelling unit a substantial period of time.

Occupy, occupies, occupied

The relationship of a person classified as a “residential occupant,” to a dwelling unit, whether or not the person is in present possession of the dwelling unit.

Off-Premise Sign

A sign which does not pertain to the use of the premises on which it is located.

Off-Street Loading

Space located outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Off-Street Parking

Space located outside of any street right-of-way or easement that is designed to accommodate the parking of motor vehicles.

On-Premise Sign

A sign which pertains to the use of the premises on which it is located.

Open Air Market

Any display of goods for sale by itinerate merchants or peddlers in a fixed outdoor setting.

Ordinary Maintenance (as applied to Use 7.0 Telecommunication)

Ordinary maintenance ensures that wireless facilities are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity.

Ornamental Grasses

Used to provide landscape interest, perhaps for screening views, or for pedestrian control. Are typically low water users.

Outdoor Dining

A portion of a restaurant which is not completely enclosed and in which food or beverages are consumed.

Outdoor Display

The display for sale of products outside of a fully enclosed structure.

Outdoor Shooting Range

An outdoor specialized facility designed for the discharge or shooting of fire arms, air rifles, air pistols, B-B guns or similar weapons.

Outdoor Storage

The storage of products outside of a fully enclosed structure.

Outdoor Theater:

An outdoor area which may be partially enclosed used for showing motion pictures or live performances.

Overall Height (wireless communications facility)

Height from grade, inclusive of all antennas, lightning rods and any other associated equipment, but exclusive of lights required by the FAA that do not provide support for any antennas or other equipment.

Overlay District

A zoning district is an additional zoning requirement that is placed on a geographic area but does not change the underlying zoning.

Painted Wall Sign

A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas.

Parapet

A wall extending above the top of the roof surface at the top of the façade of a building. The height of a parapet is measured from the top roof surface to the top of the parapet wall.

Park and Ride Lot

A parking lot or structure established for the purpose of allowing commuters or other people to leave their vehicles and transfer to public transit or carpool for the remainder of the journey.

Parking Area Aisles

That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking-Control

Towing or the use of any mechanical device, such as a “boot” or other instrument intended to disable a vehicle or prevent a vehicle from being removed from a private parking lot or space, or the imposition of a private charge for the removal of a vehicle from a private parking lot or space, or any other non-consensual means by which a vehicle is prevented from being removed from a parking lot or space.

Parking-Control Warning Sign

A sign that informs the public that the parking lot or parking structure is subject to parking-control.

Parking Lot

An off-street, surfaced, ground level area where motor vehicles or bicycles are stored for temporary, daily, or overnight parking.

Parking Structure

A structure used for motor vehicle or bicycle parking which is partially or wholly enclosed and includes any above or below-grade decks for temporary, daily or overnight parking.

Parking Space

A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Passenger Terminal

Operating passenger transportation systems using a bus or other motor vehicle, including scenic and sightseeing transportation using buses or other motor vehicles.

Peddler

A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

Perennial Stream

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 most of the year. Ground water is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continual conveyance of water.

Perennials

Flowering plants whose root stock survives the winter. Used to provide color/textural interest, and control pedestrian traffic, seldom used for screening.

Performance Guarantee

A financial commitment to ensure successful completion of a development's required improvements. Acceptable forms may include surety bond, irrevocable letter of credit or cash as specified in the relevant Section.

Person Liable

The owner, tenant, or occupant of any land or structure, or part thereof, or other person who possesses a cognizable interest in the real or personal property in question, who participates in, assists, directs, causes, allows, maintains, or is otherwise responsible for any situation that is contrary to the requirements of this Ordinance.

Person with Disabilities

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 G.S. 122C-3(11)b.

Personal Service Establishment

A business that provides individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer that have been treated or processed at that location or another location. This includes travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, and dance and martial arts studios and other similar uses. This does not include gas stations.

Phase of Grading

Defined portions (area or implementation) of grading or soil erosion and sediment control measures that are required to be done in a specific sequence as part of the Plan(s).

Pitched Roof

The external covering of a building having a slope greater than 2(v):12(h).

Planting Plan

A landscape plan showing types, numbers, sizes, and locations of plants to be planted or preserved.

Plat

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

Police Substation

A building, not greater than 2,000 square feet from which a governmental law enforcement agency operates.

Political Sign

A temporary sign used in connection with a local, state, national election or referendum.

Portable Sign

A sign mounted on a frame or chassis, designed to be easily relocated, and not meant to be permanently affixed to buildings, poles, or the ground.

Post Office

A government department or agency handling the transmission of mail and includes a retail operation open to the public.

Post Office, Distribution

A government department or agency handling the transmission of mail and does not include a retail operation open to the public.

Post-FIRM Development

Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

Poultry

Domesticated fowl kept for eggs or meat.

Pre-FIRM Development

Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

Preliminary Plat

A map, prepared by a registered land surveyor, indicating the proposed layout of a subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in Appendix A.

Primary Façade

The façade which faces the public street and which contains the building’s primary pedestrian entrance.

Primary Public Way

The street that adjoins the property that carries the highest volume of traffic.

Primary Height Limitation

The maximum height allowed for any structure located at the minimum setback required for such structure.

Principal Building

The primary building on a lot or a building that houses a principal use.

Principal Use

The primary use and chief purpose of a lot or structure.

Private Landfill

A facility or use of land for the disposal of solid waste.

Private Street

A street consisting of a private easement and a privately maintained roadway.

Principally Above Ground

At a structure in which at least 51% of the actual cash value of the structure is above ground.

Produce Stand

A business establishment selling raw, unprocessed fruits, vegetables nuts, other produce in its raw or natural state, and other items which are accessory to an on-site agricultural operation.

Project Manager

A person who oversees the entire development project from start to completion and acts as the main point of contact with the Town during the project.

Projecting Sign

A sign which is attached to a building wall with the face of the sign perpendicular to the building wall.

Projecting Theater Marquee

A structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over doorways as protection against weather and which also advertises present and/or scheduled events with the use of changeable text.

Pruning

The removal of dead or diseased, live but interfering, and/or weak branches.

Public Right-of-way

The land or interest therein acquired for or devoted to transportation purposes by the Town of Boone or State of North Carolina.

Publicly Visible

An element of a building which is visible from any adjacent street or residentially zoned property.

Public Water Supply System

Any water supply system furnishing potable water to ten (10) or more dwelling units or businesses or any combination thereof.

Qualifying Small Wireless

A new small wireless facility that does not extend more than ten (10) feet above the utility pole, town utility pole, or wireless support structure on which it is collocated and is located either (i) in the Town right-of-way or (ii) outside of Town right-of-way on property that is neither used as single family residential property nor vacant but zoned for single family residential.

Qualifying Town Utility Pole

A modified or replacement town utility pole that does not exceed fifty (50) feet above ground level and that is associated with a new small wireless facility that does not extend more than ten (10) feet above such utility pole.

Qualifying Utility Pole

A new utility pole or a modified or replacement utility pole that does not exceed fifty (50) feet above ground level and that is associated with a new small wireless facility that does not extend more than ten (10) feet above such utility pole.

Racetrack

An establishment that operates racing or other events involving motorized vehicles or animals, including but not limited to: the racing of automobiles, trucks, motorcycles, or any other motorized conveyance; racing of dogs, horses or other animals; and demolition derbies, monster truck rallies, and similar events.

Real Estate/for Sale/Open House/or Lease Sign

A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale.

Recreation Facility, Category 1

A facility in which regularly scheduled recreation activities take place within completely enclosed buildings.

Recreation Facility, Category 2

A facility providing outdoor space in which regularly scheduled recreation activities take place, and which does not utilize outdoor event lighting.

Recreation Facility, Category 3

A facility providing outdoor space in which regularly scheduled recreation activities take place, and which utilizes outdoor event lighting.

Recreational Vehicle (RV)

A vehicle, which is Built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation Vehicle Park

Any site or tract of land upon which two (2) or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation, travel, or vacation purposes.

Recyclable Materials

The term recyclable materials includes, but is not limited to, clear, green and brown container glass, aluminum cans, steel food cans, No. 1 and No. 2 plastic containers, newsprint with inserts, magazines, catalogs, phone books, junk mail, office ledger, and pasteboard.

Recycling and Salvage

A facility, other than, a recycling drop-off station, for the collection, handling, sorting, storage, processing, compaction, purchase, and/or resale of scrap or discarded material like paper, metal, rubber, plastic, glass, or cloth. The term includes facilities for separating trash and debris from recoverable materials such as paper products, glass, and metal cans which can be returned to a condition in which they may be again be used for production.

Recycling Container

A receptacle which is equipped with a close-fitting lid used for the temporary storage of recyclable materials between scheduled pickups and approved by the Department of Public Works.

Recycling Container Area

An area designed pursuant to Section 91 of the Town Code to accommodate recycling containers.

Recycling Drop-off Station

A center or collection point with containers or facilities designed and intended for the depositing of clean, separated, and recyclable materials, and the collection of such materials for processing at another location, but itself having no mechanical facilities, for the processing of such materials.

Reference Level

The top of the lowest floor for structures within Special Flood Hazard Areas designated as any Zone beginning with "A".

Regulatory Flood Protection Elevation

The "Base Flood Elevation" plus the "Freeboard" of two feet (2'). In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet (2') above the highest adjacent grade.

Religious Assembly, Category 1

A building used for recurring religious services, including worship services, religious study and similar activities, with seating capacity for 100 or less, with all regular activities within fully enclosed buildings. May include other associated uses such as a parsonage, secondary outdoor activities such as occasional outdoor worship, social gatherings, and other customary religious activities.

Religious Assembly, Category 2

A building used for recurring religious services, including worship services, religious study and similar activities, with seating capacity between 100 and 500. May include other associated uses such as a parsonage, and secondary outdoor activities including occasional outdoor worship, social gatherings, daycare, playgrounds and other customary religious activities.

Religious Assembly, Category 3

A building or land used for recurring religious services, including worship services, religious study and similar activities, with seating capacity greater than 500 or activities and uses not permitted for Religious Assembly, Categories 1 or 2.

Repeat Violator

A person liable who has been determined to have violated any provision of this Ordinance within the previous thirty-six (36) months.

Residence Hall, Category 1

A building used principally to provide rooms for sleeping accommodations for no more than ten (10) persons at an educational, public, or religious institution and located on the same lot as the institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

Residence Hall, Category 2

A building used principally to provide rooms for sleeping accommodations for more than ten (10) persons at an educational, public, or religious institution and located on the same lot as the institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

Residence Hall, Category 3

A building used principally to provide rooms for sleeping accommodations associated with an educational, public, or religious institution, other than ASU, CCC&TI, and other institutions of higher learning, and not located on the same lot as the institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

Residential Care Facility

A residential facility for the elderly, chronically ill, infirm or incurable persons that provides rooms, meals and personal care assistance, and that may provide on-site health care, medical supervision and therapies at a lower level than that available in a hospital. The term includes assisted living residences as defined at G.S. 131D-2.1 of the North Carolina General Statutes, nursing homes, and skilled nursing facilities.

Restaurant

An establishment which provides prepared food to patrons.

Retail Store

A commercial establishment that provides goods, products, or materials directly to the consumer. This includes clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, bookstores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, or gas stations.

Ridgeline

The crest or series of crests at the top or uppermost point of intersection between two opposite slopes or sides of a mountain.

Riparian Zone

A margin on each side of a perennial stream which extends from the edge of the stream in a direction generally perpendicular to the flow of the stream.

Riverine

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

Road

All public or private ways used to provide motor vehicle access to three (3) or more lots.

Roof Area

A single, unbroken, contiguous plane, measured perpendicular to slope.

Roof Sign

Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

Rotating Sign

A sign which turns around on an axis.

Satellite Receiving Antenna

A dish antenna used to receive and transmit signals relayed by satellite.

Seasonal Retail Activities and Amusements

Sales, services and associated attractions such as Christmas tree lots, pumpkin patches, corn mazes and similar holiday-specific commercial activities.

Secondary Façade

The façade which faces a public street and which may contain additional pedestrian entrances.

Secondary Height Limitation

The absolute maximum height allowed for any structure.

Secondary Suite

An additional separate independent living area associated with a single-family dwelling typically containing its own entrance, kitchen, bathroom and living area used by family members of the occupants of the single family dwelling.

Secretary of the Interior’s Standards for Historic Preservation

Ten basic principles or standards that define how an historic property or structure shall be preserved that can be applied to most exteriors and interiors of historic properties.

Sediment

The solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation

The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural water course.

Setback

The land area located between a property line or the established edge of a right-of-way, whichever is closer, and the closest wall of a building located on the property.

Street Setback

The land area between the established street right-of-way and the closest wall of a building located on the property.

Shelter for Homeless, Category 1

A short or long term shelter for persons who lack a fixed, regular and adequate nighttime residence. Occupancy (not including non-occupant managers) is limited to 10.

Shelter for Homeless, Category 2

A short or long term shelter for persons who lack a fixed, regular and adequate nighttime residence. Occupancy (not including non-occupant managers) is greater than 10.

Shopping Center/Mall

A development containing more than one commercial use with shared parking and/or interconnecting walkways enabling patrons to walk from unit to unit.

Shroud

A box or other container that contains, and is designed to camouflage or conceal the presence of, a wireless facility, antenna, or accessory equipment.

Shrubs

May be evergreen or deciduous and have branches to the ground. Used as accent, focus, or if evergreen, as screening material.

Sidewalk Sign

A temporary sign placed on the sidewalk during regular business hours.

Sign

Any object, device, display, structure, or part thereof, situated outdoors, which is used solely to advertise, identify, display, direct, or visually attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, streamers, balloons, pennants, air driven devices, colors, illuminated or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Copy

The wording and/or symbols on a sign surface in either permanent or changeable form.

Sign Face

The area of a sign on which copy is placed.

Sign Maintenance

The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Significant Tree

Any healthy tree with a diameter of eight inches (8") or more measured Diameter-at-breast-height (Dbh).

Siltation

The sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Single-Family Dwelling

A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for one dwelling unit; not attached to any non-accessory building or dwelling unit; and not on the same lot as any other dwelling unit; unless another dwelling unit is explicitly authorized by this Ordinance.

Site Specific Development Plan

A plan which has been submitted to the Town by a landowner that describes with certainty the type and intensity of a use for a specific parcel or parcels of property, and includes the boundaries of the site; significant topographical and other natural features effecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

Site Walls

Retaining walls, screen walls or other vertical or nearly- vertical planes which occur on a property, but are not part of the exterior envelope of a building.

Sketch Plan

A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information of sufficient accuracy to be used for discussion of the proposed subdivision or site.

Slaughterhouse

A facility under N.C.D.A. inspection which is inspected daily by a trained Meat & Poultry Inspector. Animals scheduled for slaughter and carcasses of slaughtered animals are inspected for disease and condemned by a veterinarian if necessary. Products from these establishments are labeled "Inspected and Passed by N.C.D.A" and bear a rhomboid shaped inspection legend. These products can be sold anywhere within the state of North Carolina.

Or

A facility which is USDA inspected and is staffed by inspectors who are state employees. They are inspected daily by a trained Meat & Poultry Inspector. Animals scheduled for slaughter and carcasses of slaughtered animals are checked for disease and condemned by a veterinarian if necessary. Meat products produced in these plants are "Inspected and Passed by USDA." Poultry Products produced in these establishments are "Inspected for Wholesomeness by USDA." They bear a round USDA inspection legend and may be shipped anywhere in the United States or exported to foreign countries.

Small Wireless Facility

A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

- B. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

Snipe Sign

A temporary sign or poster affixed to a tree, public utility pole, fence, etc.

Solid Waste Container

A water-tight receptacles which is equipped with a close-fitting lid used for the temporary storage of solid wastes between scheduled pick-ups and approved by the Department of Public Works.

Solid Waste Container Area

An area designed pursuant to Section 91 of the Town Code to accommodate solid waste containers.

Solid Waste Processing

A solid waste management facility permitted by the North Carolina Department of Environment and Natural Resources that receives municipal solid waste for processing or treatment.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined by Article 30 Flood Damage Prevention.

Special Use Permit

A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board of Adjustment.

Start of Construction (as applied in Article 30 Flood Damage Prevention)

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Stealth (Concealed) Wireless Facility, Wireless Support Structure, or Antenna

Any wireless facility, wireless support structure or antenna that is integrated as an architectural feature of a structure or that is designed to camouflage or conceal the presence of the wireless facility, wireless support structure, or antenna so that the purpose of the wireless facility, wireless support structure, or antenna is not readily apparent to a casual observer.

Stealth (Concealment) Element

Any design feature, including but not limited to painting, shielding requirements, shrouds, and restrictions on location or height in relation to the surrounding area that are intended to make a wireless communications facility less visible to the casual observer. The design elements of a concealed (stealth) wireless communications facility are concealment elements.

Steep Slope

A slope of 30% or greater.

Stormwater Drainage Facilities

The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater Best Management Practices

A structural or non-structural management based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Stormwater Runoff

The direct runoff of water resulting from precipitation in any form.

Street

A public street or a street with respect to which an offer of dedication has been made.

Street Frontage Width

The horizontal distance measured along a straight line connecting the points at which the street lot line abuts such street with interior lot lines and or street lot lines.

Structural Alteration

Any change, except for repair or replacement, in the supporting members of a building such as, but not limited to, bearing walls, columns, beams, or girders.

Structure

Anything constructed or erected which requires location on the ground or attached to something having a fixed location on the ground.

Subcollector Street

A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty six (26) but not more than one hundred (100) dwelling units and is expected to or does handle between two hundred (200) and eight hundred (800) trips per day.

Subdivision

The division 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:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.
- B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- C. The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this Ordinance.

Substantial Damage

Damage of any origin sustained by a structure during any ten (10) year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, additions, or other improvements of a structure, taking place during any ten (10) year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface Parking Area

Off-street automobile parking area which is not enclosed within a building.

Swimming Pool

Any receptacle or artificial basin of water, either above or below grade level, intended for swimming or recreational bathing have a depth of eighteen inches (18”) or greater at the deepest point. This includes hot tubs and spas.

Swine Farm

A use involving more than five swine.

Temporary Care Provider Dwelling

A temporary dwelling for a family care provider or aged, infirmed or disabled family member cared for.

Temporary Construction or Repair Dwelling

A temporary dwelling exclusively used for a place of living and sleeping during construction or repair.

Temporary Construction Trailer

A temporary structure for office usage, storage of materials and tools, or security purposes incident to construction or development of the premises upon which the temporary construction trailer is located.

Temporary Mobile Medical Unit

An apparatus capable of moving or being moved readily from place to place for the purposes of performing specific medical care functions related to the diagnosis or treatment of illness through laboratory or testing services.

Temporary Portable Storage Container

A temporary portable storage container (such as: semi-trailers or other similar portable containers) is any container designed for the storage of goods and materials and is usually transported by a commercial vehicle and is for temporary use only.

Temporary Sign

A sign or advertising display constructed of cloth, canvas, fabric, plastic, paper, plywood or other light material that is used only temporarily and is not permanently mounted.

Ten Year Storm

The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Tenant

A person, whether or not the legal owner of record, legally occupying or entitled to legally occupy a dwelling unit or portion thereof.

Time and Temperature Sign

Signs which display only time and temperature in alternate light cycles.

Total Land Disturbance

The total of land surface areas of the development site disturbed by any means (tree and vegetation cutting or removal, grading or any other soil disturbance including stream modification or septic field installation). Where trees are removed or cut in an area not contiguous to the main construction site by grading or other land disturbance, or by a connected cutting or removal of trees, the area disturbed will be considered the outermost drip line of the trees prior to their removal or cutting. The actual amount of land which must be disturbed in order to install an appropriate septic system, when a septic system must be installed, shall not be included in the calculation of the total land disturbance, to the extent the area disturbed is actually used for the installation and location of a septic system.

Tower

A lattice-type structure, guyed or freestanding, that supports one or more antennas.

Tower Height

The vertical distance measured from the ground to the upper most point of the tower.

Town

The Town of Boone.

Townhouse

A building containing, intended or used solely for one dwelling unit on its own lot, with an individual private entrance and where three or more buildings are joined side-by-side (“a row”), with no dwelling unit located above or below another dwelling unit, and each building having exposed front and rear walls for access, light and ventilation. A Townhouse development may contain multiple rows.

Toxic Substance

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

Trade School

An institution which offers vocational and technical training in a variety of technical subjects and trades, typically resulting in a certification.

Tree Protection Area (TPA) - A circular region measured outward from a tree trunk representing the area where roots must be maintained for the tree’s survival. This TPA is measured from the tree trunk to the outermost edge of the drip line of the canopy.

Trim Color

A single paint color which is used on a building’s trim, lesser in proportion to the Field Color.

Trucking Terminal

A processing facility where freight is usually loaded onto and off of transport.

Twenty-Five Year Storm

The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Uncovered

The removal of ground cover from, on or above the soil surface.

Use

The activity or function that actually takes place or is intended to take place on a lot.

Utility Facility

Any above-ground structures or facilities other than buildings, unless such buildings are incidental to the operation of such structures or facilities operated by a public utility as authorized by North Carolina law and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas oil, or electronic signals (other than use category 7.0 Telecommunication Uses). Excepted from this definition are utility lines and supporting structures such as electric power, telephone, telegraph, cable television, gas, water and sewer lines, and wires or pipes located within public right-of-way authorized by the appropriate government entity.

Utility Facility, Government

A utility facility owned or operated by a government entity other than the Town.

Utility Facility, Neighborhood

Utility facilities that are designed to serve the immediately surrounding neighborhood and for reasons associated with the purpose of the utility in question must be located in or near the neighborhood where such facilities are proposed to be located.

Utility Facility, Regional

All utility facilities other than neighborhood facilities.

Utility Facility, Town

Any above-ground structure , or use of land owned or operated by the Town and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, stormwater or electronic signals.

Utility pole

A structure that is designed for and used to carry lines, cables, or wires for power, lighting, telephone, or cable television.

Vacation Rental

A single- or two-family dwelling that is rented as a whole on a daily, weekly, or monthly basis.

Variance

An authorization that a development may vary from strict compliance with one or more of the provisions of this Ordinance; provided, no change in permitted uses may be authorized by variance.

Vegetative Canopy

Trees which create a roof like layer of spreading branches.

Vehicle Accommodation Area

That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading.

Vehicle Sales and Service

The storage, display, sale, lease, rental or repair of passenger vehicles, including but not limited to automobiles, vans, light trucks, motorcycles, mopeds and all-terrain vehicles types.

Vehicle Washing Station

An accessory car wash to a private development that is not open to the public.

Vehicular Gate

A gate or similar structure across a driveway, street or alley that may be used to block the entrance or passage of motor vehicles. This term includes all forms of gates, including automatic and manual gates and gates manned by attendants.

Velocity

The average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overbank flows are not to be included for the purpose of computing velocity of flow.

Very Steep Slope

A slope of 50% or greater.

Vested Right

The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

Veterinary Office/Hospital

An establishment used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals.

Viewshed

Land areas which are more than 100 feet above the nearest major traffic corridor, measured at right angles to the average contour from the center line of the traffic corridor, and upon which development as proposed can be seen during any season of the year from one of the major traffic corridors, as that term is defined, either during construction or at the time construction is completed. In making the determination whether the development as proposed can be seen and is therefore in the viewshed, planned landscape buffering shall not be considered. Land which is equidistant at its nearest borders from two major traffic corridors shall be considered in the viewshed if it is more than 100 feet above either major traffic corridor.

Viewshed (As applied for Use 7.0 Telecommunication)

Those lands seen from a known location forming a visual composition, with foreground, middle ground, and background areas. Foreground is the area within one (1) mile of the known location close enough to a viewer so that individual plant types, smells, colors, and forms are extremely vivid.

Vineyard

An area under cultivation with grape-bearing vines, grown mainly for winemaking, but also raisins, table grapes and non-alcoholic grape juice.

Violator

A person liable who has been determined to have violated any provision of this Ordinance.

Volume (as applied in Article 25 Community Appearance Standards)

A portion of a building which is offset by a minimum of ten feet (10') in plan or in elevation.

Warehouse

Storage of goods and materials within fully enclosed structures intended for distribution.

Waste

The surplus materials resulting from onsite construction and which is disposed of at other locations.

Water Dependent Structure

Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Water Surface Elevation (WSE)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse

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

Watershed

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

Winery Associated with a Vineyard

A manufacturing operation engaged in the production of wine and wine-like beverages, which has all operations contained within a fully enclosed building and is located on or adjacent to a vineyard.

Winery

A manufacturing operation engaged in the production of wine and wine-like beverages, which has all operations contained within a fully enclosed building.

Winery, Other

A winery not classified in these definitions as a “winery associated with a vineyard” or “winery”.

Wireless Communications

Any personal wireless service, including but not limited to: cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Wireless Communications Facility

Any manned or unmanned location for the transmission and/or reception of wireless communications, usually consisting of one or more of the following components: a wireless facility, base station, equipment compound, and/or wireless support structure.

Wireless Facility

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include (i) the structure or improvements on, under, within, or adjacent to which the equipment is collocated; (ii) wireline backhaul facilities; or (iii) coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Infrastructure Provider

Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

Wireless Provider

A wireless infrastructure provider or a wireless services provider.

Wireless Services Provider

A person who provides wireless services.

Wireless Support Structure: A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

Yard Sale

A yard sale, also known as a garage sale, rummage sale, tag sale, lawn sale, attic sale or moving sale is an informal irregularly scheduled event for the sale of used goods by private individuals on a lot containing a dwelling or dwelling unit.

Yard Sale Sign

A sign directing the public to the occasional non-business sale of secondhand household and other goods incidental to household uses.

Zoning Permit

A permit issued by the land use Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

(Ord. 20140385, 08-21-2014; Ord. 20150272, 06-18-2015; Ord. 20150028, 11-19-2015; Ord. 20160222, 05-19-2016; Ord. 20160295, 06-16-2016; Ord. 20160751, 03-16-2017; Ord. PL00479-050817, 07-20-2017; Ord. PL00981-092517, 03-22-2018; Ord. PL01340-022718, 04-26-2018; Ord. PL01388-032818, 04-26-2018; Ord PL01389-032818, 04-26-2018; Ord. PL02068-110118, 12-18-2018; Ord. PL02336-030719, 05-09-2019; Ord. PL03076-090919, 11-19-2019; Ord. PL03171-100319, 12-16-2019)

