

# 16

## DEFINITIONS

### 16.1 INTENT

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

### 16.2 RULES OF CONSTRUCTION

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For the purposes of these regulations, the following rules of construction apply.

- A. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- B. In the event of any conflict in standards applying to a project, the standard more consistent with the Comprehensive Plan shall apply.
- C. The words “shall,” “must,” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- D. The word “may” is permissive in nature except when used in the negative.
- E. The word “should,” whether used in the positive or the negative, is a suggested guideline.
- F. References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- G. For purposes of interpreting this ordinance, certain

### SECTIONS

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words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.

H. Whenever the Administrator is required or permitted to exercise discretion with respect to any matter subject to this Planning Ordinance, the Administrator shall exercise that discretion in a manner most likely to create result that is consistent with (in the following order of priority):

- 1. The Comprehensive Plan;**
- 2. The Planning Principles set out in the Preface to the Planning Ordinance; or**
- 3. The purpose and intent of the specific Planning Ordinance provision to which the exercise of discretion applies.**

At the request of any person affected by the exercise of discretion by the Administrator and who would have standing to appeal the Administrator's decision, the Administrator shall provide a written statement explaining the basis for the decision in relation to the above standards.

## 16.3 DEFINITIONS

### A

**Abandon:** To cease the regular use or maintenance of a lot, building, or structure.

**Abutting:** Having common property boundary or lot line that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

**Accessory Dwelling:** A dwelling unit which is located on the same lot as a detached or attached single family house is clearly subordinate in size to the main structure, and is owned by the owner of the principal dwelling unit.

**Accessory Structure or Use:** A use or above-ground structure that is to a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the planning area in which the principal use is located.

**Adjacent:** Either abutting or being directly across a street, alley or other vehicular right-of-way.

**Administrative Decision:** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this G.S. 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

**Administrative Standard:** A specific objective standard intended to be used by the Administrator in the evaluation of applications which do not require discretionary review. (See also "Discretionary Guideline")

**Administrator:** The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations. For the purposes of this ordinance,

this shall collectively refer to the directors of each department and their subordinate staffs as well as the technical review committee assigned with the task of plan and subdivision review.

**Adult Establishment:** Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas

and/or the female breast as listed and defined in NCGS 14.202.10 (or any successor thereto).

### Affordable Housing:

- 1. Purchase:** Housing units which is sold at a purchase price such that the total cost of mortgage principal and interest, property taxes, and homeowners and condominium association fees, any mandatory maintenance fees, and homeowner's insurance does not exceed 30 percent of the maximum specified income levels of purchasers, as established in Section 4. Calculation of housing codes shall be based on projected tax obligations, a 30-year fixed rate mortgage, a five percent down payment, and projected mortgage rates.
- 2. Rental:** Housing which is available for rent at an annual rental rate that does not exceed 30% of the respective eligible income amounts to include a utility allowance.

**Agriculture:** Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

**Alcoholic Beverage Sales Store:** The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

**Amendment:** Any change by the Board of Commissioners to the text of these regulations

or the official district maps.

**Appliance/Equipment Repair Shop:**

An establishment for the care, repair, or refurbishing of small appliances and equipment, such as televisions, computers, cleaning equipment, vacuum cleaners and similar devices within an enclosed building.

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an establishment for the care, repair, or refurbishment of small appliances and equipment, such as televisions, computers, cleaning equipment, vacuum cleaners and similar devices within an enclosed building.

**Arborist:** A professional in the field of arboriculture who provides expert advice about trees and other woody plants, their care, preservation, and value.

**Arborist, Consulting:** A registered member of the American Society of Consulting Arborists or a professional in , their care, safety, preservation and value. The consultant must be able to demonstrate proficiency and credibility through evidence of the following:

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

**Area Median Income (AMI):** The area median income for the Charlotte-Gastonia-Rock Hill, NC-SC HUD Metro FMR Area published annually by the U.S. Department of Housing and Urban Development.

**Arena/Stadium:** A structure or facility

designed and intended to be used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

**Attached House Building Type:** Residential buildings that have the outward appearance of detached houses but accommodate three or Four dwelling units sharing common walls, floors, or ceilings within one building. Examples include triplex and quadplex houses. Dwelling units may be located on a single lot of record, or subdivided for individual sale. In certain districts, each unit can also accommodate home occupations, professional offices, and/or limited retail uses. They are appropriate within a wide variety of lot sizes and urban environments.

**Automotive Repair:** A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

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

**B**

**Bank/Credit Union/Financial Services:**

Establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges and investment companies.

**Bar/Tavern:** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service or

entertainment is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included as an incidental use.

**Basement:** Area of house under roof, under the finished floor elevation. Basement floor area will not be included in FAR calculations.

**Bed and Breakfast:** A use within a detached house building type, excluding duplex, that consists of renting from one to five dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The owners/manager shall reside on-site and employment shall not exceed two full time employees in addition to the owner/manager.

**Best Management Procedures (BMPs):** A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

1. **Non-Structural BMPs:** Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
2. **Structural BMPs:** Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

**Billiard/Pool Hall:** Any place where one or more billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.

**Board of Adjustment:** The Board of Adjustment of the Town of Davidson.

**Brewery, Large:** An establishment where beer and malt beverages are made on the premises at an annual rate of over 15,000 barrels (465,00

gallons) per year. May include beverage tasting facilities

**Brewpub:** An establishment where food, beer and malt beverages are made on the premises where 40% or more of the beer produced on site is sold and / or consumed on site. Where allowed by law, brew pubs may sell beer “to go” and /or distribute to offsite accounts. Brewpubs must meet all NC ABC laws and other applicable state and/or county regulations.

**Buffer (See also Screening):** A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**Buffer, Stormwater:** A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of bodies of water and from the bank of each side of streams or rivers.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy, including shelter, housing, or enclosure of persons, animals, or goods.

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

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

**Building Site (See also Development):** An area of land, or property where development is undertaken.

**Building Types:** Names that are used to describe different categories of structures in accordance with the manner in which they address the street and the types of uses they typically accommodate. The specific building types, as outlined in Section 2, are as follows: Institutional, Detached House, Attached House, Townhouse, Live/Work, Storefront, and Workplace. (Also see specific building type definitions in this section.)

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

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

## C

**Caliper:** A standard trunk diameter measurement for trees. This measurement is taken 6 inches above the ground for up to and including 4-inch caliper size, and twelve inches above the ground for larger sizes.

**Canopy:** A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

**Car Wash (Accessory Use Only):** An automated or staffed facility used for the cleaning and detailing of automobiles as an accessory use to a gasoline service station.

**Cemetery:** A parcel of land used for

internment of the dead in the ground or in mausoleums.

**Certificate of Appropriateness:** A Certificate of Appropriateness is required from the Historic Preservation Commission when an owner of a structure within the local historic district wants to make changes to the exterior of their property. The certificate grants permission to follow through with proposed work that is compatible with the Historic District Guidelines.

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

**Close:** A front space for buildings interior to the block. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving. Close is one of the Park types established in Section 7.4.2.

**College/University:** A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level, and granting degrees or diplomas at the associate, baccalaureate, or graduate levels.

**Columbarium:** A structure of vaults lined with recesses for urns containing cremated human remains, or any other structure or space, including a space of ground, used or intended to be used for the placement of urns containing cremated human remains.

**Commencement of Construction:** The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection

of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

**Commercial Communication Tower:** A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures used only for commercial wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or 2-way local radio facilities for business or governmental purposes.

**Commercial, Primary:** Uses that provide personal or business services, such as animal hospital or veterinary clinic with no outside facilities; automobile accessories and supplies (excluding installation); banquet/meeting facility; business support services; catering establishment; conference center; entertainment venue, including live music, dancing, or comedy; health club; hotel/inn, including conference center as accessory use; and printing, lithographing, or publishing.

**Commercial, Secondary:** Uses that by their nature or service characteristics are auto dependent, have potential for environmental degradation, or are otherwise incompatible with nearby uses. Uses include animal hospital or veterinary clinic with outside facilities; automotive repair and service; contractor, plumber or electrician supply yards with office and service as auxiliary uses; funeral home/mortuary; kennel – commercial; research laboratory and development facilities whose products or waste products entail no special environmental handling requirements; marina – commercial; nursery/garden center; and wholesale establishments.

**Commercial Services:** Uses that provide personal services often in small storefronts, such as appliance or computer repair; bank, credit union, or financial institution; cosmetic services, including hair and nail salon and barber shop; clothing alterations, tailoring

and dressmaking; dry cleaning or laundry services, including coin-operated laundries, but not including industrial dry cleaning or laundry; day spa; healthcare, medical, dental, optical, or auditory clinics (outpatient only) or laboratories; locksmith; massage therapy; non-permanent make-up services; pet grooming; private postal services; shoe repair; and weight loss center.

Includes the small-scale production and processing of painting, sculpture, pottery, musical instruments and photography; individual and group instruction and training in the arts; production rehearsal; martial arts training studios; yoga, and similar instruction.

**Commercial, Restricted:** A retail or personal service establishment that may tend to have a blighting and/or deleterious effect on surrounding areas and that may need to be separated from other similar uses to minimize its adverse impact. Uses include billiard/pool hall, check-cashing service, piercing or tattoo parlor and similar services; palmistry; and pawnshop, including lending of money on security of pledged goods. These uses may also include accessory retail sales of products related to the services provided.

**Community Garden:** An exterior area available for the small scale production of vegetables and flowering plants, cultivated by a group with either one large plot or individual plots. Does not include large - scale crop production nor wholesale or retail nursery and garden center. Community Garden is one of the Park types established in Section 7.4.2.

**Community Support Facility:** A non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

**Conference Center:** A facility for hosting meetings, conferences, banquets and similar events usually for 500 persons or less. A conference center may or may not be an auxiliary use to a hotel.

**Convention Center:** A large building or group of buildings designed for public assembly such as conferences, meetings, conventions, trade shows and exhibitions for large groups, usually more than 500 persons, to promote and/or share common interests. Convention centers may include auditoriums, concert halls, exhibition space, lecture halls and meeting rooms, administrative offices, parking facilities, hotel accommodations, food preparation and serving, and other similar uses.

**Consultant:** Certified professionals such as engineers, arborists, biologists, foresters and horticulturists that are approved by the Administrator; one who gives professional or expert advice.

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

**Correctional Institution:** A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

**Courtyard:** For single-family detached building types, courtyard means an unroofed area that is bound on at least three sides by roofed interior spaces, provided the two opposing walls are each at least 10 feet in depth. For non-single family detached building types, see Section 4 for courtyard standards.

**Critical Area:** The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Lake Norman Watershed is shown on the Watershed Overlay District map.

**Critical Root Zone (CRZ):** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is a foot of radial

distance for every inch of tree DBH, with a minimum of 8 feet.

**Cultural/ Community Center:** Facility designed, intended or used to promote cultural advancement and serve the community, such as musical dance, dramatic, and other live performances, a library, or museum.

**D**

**Day Care Center:** A location providing day care, as a principal use or an accessory use, provided on a less than 24-hour basis for any one client, either children or adults, according to the following limiting definitions:

1. **Child Day Care Center:** An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; usually serving more than 6 children at a time; not an accessory to residential use.
2. **Adult Day Care Center:** An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual abode; not an accessory to residential use.

**Day Care Home:** Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

1. **Child Day Care Home:** Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 8 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
2. **Adult Day Care Home:** Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 8 adults who do not reside in the dwelling.

**Day Treatment Center:** A state-licensed facility providing behavioral health treatment programs, outpatient care, substance abuse treatment and treatment of mental or nervous disorders. Consumers, or patients, may be residents of their own home, a substitute home, or a group care setting, however, the day treatment must be provided in a setting separate from the consumer's residence.

**Deciduous Plant:** Those plants that annually lose their leaves.

**Dependent Living Facility:** Nursing homes, rest homes, and homes for the aged, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

**Detached House Building Type:** The predominant residential building type in Davidson. A dwelling unit that is developed with no party walls and with open yards on all sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles. Typically accommodates single-family residences. In certain districts, they can also accommodate home occupations, professional offices, or limited retail uses. They are appropriate within a wide variety of lot sizes and urban environments.

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

**Density, Gross Residential:** The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed, excluding existing public road rights-of-way.

**Developer:** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development:** Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of and as defined in G.S. 160D.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by G.S. 160D.

**Development Approval:** An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development Regulation:** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this G.S. 160D, or a local act or charter that regulates land use or development.

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

**Discharge:** The introduction, either directly or indirectly, of any human-induced waste

effluent into North Carolina surface waters.

**Distillery, Craft or Micro-distillery:** An independently owned distillery with maximum production of 50,000 proof gallons per year.

**Distribution Center:** Establishments engaged in transferring, loading and unloading merchandise to and from retailers, contractors, trucking and freight companies, manufacturers, institutions, farms, wholesalers, or other professional businesses. This includes establishments such as trucking terminals, goods transfer facilities, and other similar establishments.

**Dormitory:** A building which is occupied or intended to be occupied as the dwelling for more than 6 persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall include fraternity/sorority house, but shall not include a, hotel/inn, group home, , halfway house, mobile/ manufactured home.

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

**Dry Cleaning and Laundry Services:** Coin-operated laundries, dry cleaning , and laundry pick-up stores without dry cleaning or laundry equipment, or dry cleaning and laundry stores that do not provide cleaning services to other collection stations or stores.

**Dwelling:** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**Dwelling Unit:** A single-unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## E

**Elementary/Secondary School:** Publicly-owned or privately-owned preschools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions where the primary function of which is child day care.

**Eligible Households:** Persons or households whose (a) annual gross income does not exceed 50% (Very Low Income), 80% (Low Income), 120% (Moderate Income), and 150% (Middle Income) of the area median household gross income for persons or households, as defined by HUD Income Limits and (b) whose assets do not exceed the limits adopted by the Town Board.

**Essential Services:** Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or 2 way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into 3 classes:

1. **Class 1:** Transmission lines (above and below ground) including electrical, natural gas, and water/waste water distribution lines; pumping stations, lift stations, telephone switching facilities (up to 200 square feet), and wireless telecommunications facilities (stealth only), public safety facilities, and public works facilities and supply yards. Free-standing wireless telecommunications facilities erected on publicly-owned land primarily for public safety purposes are permitted.
2. **Class 2:** Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone,

electric, steam, and water facilities; raw water treatment facilities, and wireless telecommunication facilities (tower). Monopole cell towers designed to resemble trees are prohibited.

3. **Class 3:** Generation, production of electricity or natural gas, or waste water treatment plants, sanitary landfills, waste management facilities, materials recovery and waste transfer facility, hazardous materials treatment facilities, land clearing and inert debris (LCID) landfill, or junk yard or salvage yard.

**Evergreen:** Those plants that retain foliage throughout the year.

**Evergreen Screen:** Plants growing to a minimum 8 feet in height at maturity that retains foliage year round and are planted to provide a dense vegetative screen for purposes of visual mitigation.

**Evidentiary Hearing:** A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D.

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

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

## F

**Facade:** The vertical surfaces of a building. The elevation of a facade is the vertical surface area.

**Façade, Front:** The widest portion of the building elevation on the first floor encompassing habitable, conditioned space and facing the primary publicly-accessible right-of-way, pedestrian way, or open space. For the definition of Habitable Space, see the NC Building Code.

**Familial Relationship:** For purposes of this ordinance, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

**Family:** An individual, or 2 or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than 5 persons not related by blood, marriage, or adoption living together as a single housekeeping unit, including a group home.

**Family Care Home:** A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident persons with disabilities and is certified by the State of North Carolina (NCGS, Section 122C-3(11) 6 as amended.

**Farm:** Any tract of land containing at least 3 acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of “farm” and “bona fide farm” shall not include agricultural industries.

**Farm, Bona Fide:** A tract of land meeting the definition of farm as included in this ordinance and certified under the provision of G.S. 160D and complaint with state statute therein. Bona fide farms are exempt from town zoning regulation; however, other municipal development regulations may apply.

**Farm Product Sales:** Seasonal sale of farm products raised on the premises where products are sold only as an accessory use to an agricultural use.

**Finished Floor Elevation:** The elevation of the floor of the first floor of a building (excluding basements) above mean sea level.

**Fire and Police Station:** A facility for government agencies that administer, oversee, and manage public safety. Excludes vehicle impoundment lots, jails, or correctional institutions, and essential services 1,2,or 3.

**Flag Lot:** A lot in which the proposed building site is located behind other lots fronting on the same street. Flag lots are prohibited in master plans, site plans, and exempt subdivisions.

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

**Floor Area:** The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**Floor Area Ratio (FAR):** A ratio of the square footage (see definition of "square footage") of the primary dwelling unit divided into the total square footage of the associated parcel of land.

**Fraternity/Sorority House:** A structure used to provide living quarters for fraternal or sisterhood organization members while such persons are attending college.

**Frontage:** The lot boundary which coincides with a public thoroughfare or space.

**Funeral Home/ Mortuary:** Establishment for preparing the dead for burial or interment, conducting funerals, providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise.

## G

**Gasoline Service Station:** Any premises where gasoline and other petroleum products

are sold. Service stations shall not include premises where heavy repair automobile repair and maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Minor repairs and maintenance may be conducted but shall be limited to battery and tire changes, car washes, cleaning and detailing services, light and fuse replacement, wiper blade changes and similar activities.

**Golf Course:** Land and buildings used primarily for playing and practicing the sport of golf. Such uses may include golf course driving ranges, par 3 golf courses, country clubs, and maintenance and storage facilities associated with the operation of a golf course.

**Government Services:** A use or facility serving as a governmental agency, but not including a single-purpose vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

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

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

**Greenway:** A linear natural preserve which incorporates a multi-use path in accordance with the minimum standards specified in Sections 6.

**Ground Cover:** A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

**Group Home:** A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in NCGS , Section 122C-3(11)b, as amended.

## H

**Habitable:** Space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage and utility spaces and similar areas are not considered habitable spaces.

**Halfway Home:** A residential facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

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

1. A facility which manufactures hazardous

materials from component nonhazardous materials;

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

**Historic District, Local:** As described in the Local Historic Overlay District of Section 2, as amended.

**Historic District, National:** As described in the National Register of Historic Places report (#MK2442, dated June 1, 2009), as amended.

**Home Occupation:** A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling and which is incidental and secondary to the residential use of the building

**Horse Farm:** Any tract of land of 3 or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including one dwelling unit and facilities for the sale of horses raised or maintained on the immediate premises.

**Hospital:** A health care facility the purpose of which is to provide for care, treatment, and testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including family care home, halfway home or residential care facility.

**Hotel/Motel/Inn:** A building containing more than 4 individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room

from an interior space.

**I**

**Impervious Ground Cover:** Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

**Income Limits:** Median Family Income Limits tables for the Charlotte/Gastonia/Rock Hill MSA published by HUD on an annual basis, which document is hereby incorporated by this reference. This document is available on the web at <http://www.huduser.org/datasets/il/il08/>. A copy of this publication is also maintained by the Administrator.

**Independent Living Facility:** Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from multi-family or attached housing by the provision some communal services.

**Industrial Discharge:** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. Wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
1. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.
2. Stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater.

**Institutional Building Type:** Public buildings (e.g., churches, libraries, post offices, lodges,

day care centers, schools, fire stations, and town halls) and semi-public buildings (e.g., hospitals and religious institutions) that serve as landmarks and public gathering places. They have a sense of prominence within their respective neighborhoods.

**Interconnected:** Refers to streets which provide through access to other streets.

**J**

**Jail:** A building, and all accessory uses and accessory structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Junk Yard/Salvage Yard:** A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

**K**

**Kennel - Commercial:** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Commercial kennel may include outdoor facilities.

**L**

**Land Clearing and Inert Debris (LCID)**

**Landfill:** A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land, using

only soil, is not construed to be such a landfill.

1. **On-Site LCID Landfill:** A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.
2. **Off-Site LCID Landfill:** A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

**Land Development Standards Manual:**

The most recent edition of the manual developed and published by the Mecklenburg County Engineering Department and setting forth standard details for the design and construction of various aspects of development.

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

**Landscaping:** The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.

**LED:** Light-emitting-diode is a semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices.

**Legislative Decision:** The adoption, amendment, or repeal of a regulation under G.S. 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

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

**Linear Frontage:** The length of a property abutting a public right-of-way from one side lot line to another.

**Live/Work Building Type:** An attached building type, similar to a townhouse, with small commercial enterprises on the ground floor and a residential unit above. Each unit has its own entrance, is a minimum of 2 stories and provides off-street parking behind the building only. Commercial space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

**Logo:** Business trademark or symbol.

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

**Lot of Record:** A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds. All contiguous parcels (i.e. those sharing at least one common line) under common ownership as of March 22, 2005, or any time thereafter, shall be considered one lot of record. The Administrator has the authority to interpret this provision in a reasonable manner in order to accomplish its intent. A person shall be deemed to own any parcel:

1. Owned by his or her spouse on March 22, 2005;
2. Acquired by his or her spouse, either parent, or any child or lineal descendant after March 22, 2005;
3. Owned by any entity where 80% or more of the ownership or beneficial interest is held by such person, his or her spouse, either parent, or any child or lineal descendant.

The Administrator has the authority to

interpret this provision in a reasonable manner in order to accomplish its intent.

**Lot Types:**

1. **Corner Lot:** A lot located at the intersection of 2 or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135.
2. **Dual-Frontage:** An interior lot with parcel frontage on two separate streets or rights-of-way.
3. **Interior Lot:** A lot other than a corner lot with frontage on only one street.
4. **Through Lot:** A lot other than a corner lot with frontage on more than one street.

**Lot Width:**

1. The distance between the side lot lines measured along a setback line or build-to line; or
2. The distance between the side lot lines measured along an established setback line (when that line is greater than the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or
3. If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right-of-way.

**M**

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

**Manufactured/Mobile Home:** A movable or transportable dwelling unit, other than a modular home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

**Manufactured/Mobile Home Park:** Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

**Manufacturing and assembly, Heavy:** The assembly, fabrication, or processing of goods and materials using processes which do not meet the definition of light manufacturing and assembly.

**Manufacturing and Assembly, Light:** A non-residential use that involve the assembly, fabrication, processing or developing of goods and materials. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, smoke, fumes, odors, glare or noxious conditions or health or safety hazards are confined within an inclosed building, insofar as practical.

**Marina - Commercial:** A facility for the wet or dry storage, launching and mooring of boats, together with all accessory structures and uses.

**Marine Railway:** A line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

**Massage Therapy:** Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
2. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and 3 letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

**Massing:** The shape and form a building or assemblage of buildings assumes through architectural design.

**Master Plan:** A plan depicting more than two principal buildings on a single lot, buildings planned concurrently as part of the same development process, or any development subject to this ordinance not clearly falling under one of the categories listed in Section 14.

**Materials Recovery and Waste Transfer Facilities:** Establishments primarily engaged in operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage); and/or operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

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

**Medical/Dental/Auditory/Optical Clinic:** A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

**Micro-Brewery:** A small usually independent brewery that produces fewer than 15,000 barrels (465,00 gallons) per year of specialized beers. The product may be sold and distributed to a retailer or sold directly to customers, often for consumption on the premises.

**Mezzanine:** an intermediate floor between main floors of a building, often with a low ceiling or a projecting balcony. Mezzanines with less than 50% of the floor area of the floor below shall not be considered a story.

**Mini-Warehouse/Self-Storage:** A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**Modular Home:** A dwelling unit which is constructed in compliance with the State

Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Mooring or Float:** An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

**Multifamily Building Type:** A building or portion thereof containing 2 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered hotel/inn.

**Multi-Phased Development:** A development containing 25 acres or more that is both of the following:

- a. Submitted for development permit approval to occur in more than one phase;
- b. Subject to a master plan with committed elements showing the type and intensity of each use of each phase.

**Mural:** Any picture, scene or diagram painted on any exterior wall or fence that does not serve as advertising. To be defined as a mural it must meet the following standards:

1. Include no specific commercial product or text, although in may include such generic products as automobiles, furniture, soft drinks or other items where the brand is not apparent; and
2. Includes no legible text, picture, symbol or device of any kind that relates to a commercial business, product or service offered on the premises where the wall is located.

**MUTCD:** The Manual on Uniform Traffic Control Devices as published and maintained by the Federal Highway Administration (FHWA).

## N

**NCGS:** North Carolina General Statutes

**Neighborhood Park:** Protected natural spaces that provide opportunities for active and passive recreation. They may include ball fields, tennis courts, basketball courts, fitness areas, paths, trails, meadows, waterbodies, woodland, open shelters, performance areas and other recreational amenities. Neighborhood Park is one of the Park types established in Section 7.4.2.

**Nonconforming Structure:** Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations including the district maps, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto.

**Nonconforming Use:** Any use being made of any land, building or structure, lawfully existing on the effective date of these regulations or on the effective date of any amendments to these regulations including the district maps which does not comply with all of the regulations of this ordinance or any amendments thereto.

**Nonresidential Development:** All development other than residential development, agriculture and silviculture.

**Normal Pool Elevation:** The Lake Norman normal pool elevation which is at the specified contour interval above the Mean Sea Level, United States Geological Survey (U.S.NCGS ) Datum.

**Nursery and Garden Center:** Establishments that grow and sell plants mainly to be transplanted to another location. Such uses include orchards, greenhouses, and nurseries, primarily engaged in retailing plants, vines, or trees and their seeds.

## O

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

**Office:** A use or structure in which business or professional services are conducted or rendered.

**Open Space:** Land set aside and protected

from development. Any area which cannot be divided into building lots, or improved as streets, rights-of-way, or parking, and is subject to a permanent open space easement. Open space may also include portions of private building lots subject to a permanent open space easement.

**Outdoor Storage:** See Storage, Outdoor.

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

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

## P

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

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

**Park:** Improved space set aside for public use and recreation that is comprised of one or more of the following typologies as outlined in Section 7.

**Park and Ride Lot:** A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping within immediate walking distance of the park and ride facility.

**Parking as a Principal Use:** A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

**Parking Lot:** An area, not within a building, where motor vehicles may be stored for the

purposes of temporary, daily, or overnight off-street parking. A parking area may also include areas for storage and trash facilities.

**Pawnshop:** Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

**Pedestrian Oriented Development:** Any development type which accommodates the needs of the pedestrian. Such development has parking to the rear of a building, a mixture of uses in proximity to one another, allows the pedestrian the option of accomplishing certain trips without automobile use, and provides a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

**Pedestrian Passageway:** Public spaces between buildings, allowing pedestrian access from the rear of a building to the public sidewalk. These passageways can be attractive, successful locations for store entries, window displays, and cafe seating. Pedestrian Passageway is one of the Park types established in Section 7

**Pedestrian Way:** A public right-of-way that is intended for pedestrians only. Typically built of brick pavers, concrete, or other hardscape materials and extensively landscaped. A woonerf is considered a pedestrian way for purposes of this ordinance.

**Person:** An individual, corporation, governmental agency, business trust, estate trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal entity.

**Personal Services - Restricted:** A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services

provided.

**Pier:** A structure extending into or along the water for use as a landing place for boats or as a promenade.

**Places of Assembly:** A use of property which has two or more of the following characteristics:

1. Attracts people at specific times thereby creating a potential for high traffic volume;
2. Attracts people who are being dropped off at the property thereby creating a potential for high traffic volume and vehicle stacking;
3. Results in a large number of vehicles parking off of the property, either on the public streets or in nearby parking areas not owned or controlled by the owner of the Place of Assembly;
4. Is a nonresidential use that is permitted by right or through a vested right in one or more planning areas that are predominantly residential uses.

In determining whether or not a use is a Place of Assembly, and therefore similarly situated to a church or school use, (i) religious uses and secular uses will not be differentiated, and (ii) exemption from payment of real property ad valorem taxes will not be a factor.

Places of Assembly include but are not limited to:

- Elementary and Secondary School
- Religious Institutions
- Day care center
- Indoor recreational facilities
- Movie theaters
- Art, music, dance and drama schools
- Trade association or union meeting facilities
- Fraternal organizations

**Planning Board:** The Town of Davidson Planning Board, established by ordinance in accordance with G.S. 160D.

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

**Planned Development:** A tract of land under single ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

**Planning Director:** The Planning Director of the Town of Davidson.

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

**Playground:** Playgrounds provide permanent play equipment sunny and shaded play areas for children as well as shelters with benches for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block. Playground is one of the Park types established in Section 7.

**Plaza:** A paved, open area adjacent to a civic or commercial building. Plazas function as gathering places and may contain a variety of intermittent activities, such as vendors and display stands. Plaza is one of the Park types established in Section 7.

**Premises:** A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning.

**Prime Farmland and Soils:** According to the National Resources Conservation Service, land or soils that have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply

from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

**Principal Building or Structure:** A building or structure containing the principal use of the lot.

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

**Professional Services:** Services that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical service to others. Uses include accounting, tax, bookkeeping, and payroll services; advertising media, and photography services and studios, architectural, engineering, and related services; broadcast facilities (without towers); consulting services; employment agencies; financial consulting, including investment banking, securities, brokerages and insurance-related services but excluding banks, credit unions or financial institutions; graphic, industrial and interior design services; legal services; personal trainers; real estate services; travel agencies; and tutoring services.

**Project Area:** Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

**Proposed Right-of-Way Line:** The margin of a street's right-of-way at its ultimate intended width determined by both the street's classification and the dimensional requirements or locational criteria as established in the planning ordinance.

**Protected Area:** The area adjoining and upstream of the critical areas and encompassing the remainder of the watershed

where risk of water quality degradation from pollution is less than in the critical area.

**Public Utility Structure:** An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

## Q

**Quadrangle:** An area, such as a courtyard, enclosed by buildings.

**Quarry:** An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

**Quasi-Judicial Decision:** A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

## R

**Raceway:** Metal channel boxes used for mounting individual channel letters.

**Recreation Facility - Indoor:** Uses or structure for amusement or active recreation including billiard/pool hall; gymnasium, natatorium, fitness center including aerobics, dance and cheerleading, martial arts, yoga, athletic equipment, indoor running track, climbing facility, court facility, skating rink. This definition is inclusive of both non-profit and for-profit operations and home owner/property owner associations. Indoor recreation facility may include accessory uses, such as snack bars, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal recreational use.

**Recreation Facility - Outdoor:** Use or structure for active outdoor amusement or recreation including uses not primarily conducted within a structure such as swimming pool, tennis court, ball field, or court, skateboard park, miniature golf, and outdoor theatre. This definition is inclusive of both non-profit and for profit operations and home owner/property owner associations. Such uses shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

**Redevelopment:** The demolition and reconstruction of a building or a portion of a building.

**Redesignation of Land:** A change in the district assigned to a lot pursuant to a public hearing before the Board of Commissioners and a subsequent decision by the Board. (Also called a "Rezoning" or a "Map Amendment".)

**Regulatory Flood:** A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

**Religious Institution:** A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care

center, or dwelling, located on the same lot.

**Research Laboratory:** A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic.

**Residential Care Facility:** A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include dependent and independent living facilities, group homes (NCGS 131D), nursing homes (NCGS 131E-101), residential child-care facilities (NCGS 131D-10.2), assisted living residences (NCGS 131D-2), adult care homes (NCGS 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes residential/family care homes and halfway houses.

**Resource, Historic or Cultural:** A site, object, or landscape with architectural, engineering, archaeological, or cultural remains present in districts, sites, buildings, or structures that possess integrity of location, design, setting, materials, workmanship, feeling and association. Each resource should be associated with one or more of the following historical or cultural themes:

1. Those that are associated with the events that have made a significant contribution to the broad patterns of history;
2. Those that are associated with the lives of persons significant in a community's past;
3. Those that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose

components may lack individual distinction;

4. Those that have yielded, or may be likely to yield, information important to prehistory or history.

**Retail, Primary:** Uses in which the principal purpose is the sale of goods, products, merchandise, or services directly to the consumer. Retail establishments promote high walk-in customer counts, are shopping destinations, provide visual interest and create active street life but are not detrimental to the district in which they are located. Uses include, but are not limited to: alcoholic beverage retail sales; bar/tavern/nightclub, beer or wine shops, or brewpubs; clothing, shoe, dry goods, or notions store; cosmetic and beauty supply store; department, furniture, home furnishings and small appliances; drugstore; electronics store; grocery store; hardware, paint, hobby, or handcraft store; indoor movie theater with six screens or fewer; interior decorating store (with incidental interior consulting); music/video sales or rental; optical/auditory store (with incidental exam); pet shop; vintage or consignment shop; sporting goods store; and variety store.

**Retail, Secondary:** Art or antique shop, including art supplies and framing materials; book, stationery, card store, or newsstand; florist, flower or plant store; gift shop; restaurant, coffee shop, or delicatessen; specialty food store, including bakery, fruit, vegetable, fish, or meat market.

**Restaurant:** A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter, but does not include mobile food service (food trucks) or vending carts.

**Retail Establishment:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise

directly to the consumer.

**Ridgeline:** The top most point of a roof pitch, excluding chimneys, antennas or utility equipment.

**Roof Line:** The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

**Rezoning:** See “Redesignation of Land”.

## S

**Sanitary Landfill:** A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

**School:** Publicly owned or privately owned preschools, elementary schools, middle schools, junior high schools, vocational schools, high schools, colleges and universities; but not including institutions where the primary function of which is child day care.

**Screening:** A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

**Septic Tank System:** A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

**Setback Established:** The distance between a street right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also “Yards”.

**Setback Required:** The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In the Village Center district, the setback is measured from the back of the curb to the building line. See also “Yards”.

**Shrub:** A woody, branching plant of relatively low height.

1. **Small:** A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes.
2. **Medium:** A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.
3. **Large:** An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

**Sight Triangle:** The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), with one point 10 feet and one point being 35 feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being 10 feet and 70 feet, respectively, from the point of intersection.

**Sign:** Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields. Flags of nations or artwork that intends to identify a product or business are considered signs.

**Sign Area:** The sign area is calculated by drawing one parallelogram around the text, images, and logos adding a 2-inch border on all sides and calculating the size of the resulting box.

**Sign Board:** The sign area together with any material or color forming an integral part of the display or used to differentiate the sign

from the background against which it is placed and all of its components, including the frame. The sign structure is not considered a component of the sign board.

**Sign Copy:** Texts, images, and logos used or displayed for the purpose of advertising.

**Sign Package:** Application submittal requirements for commercial and mixed-use developments.

**Single Family Home:** A free standing detached building type designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

**Site Plan:** Plan view drawing including but not limited to existing and proposed structure footprints, rooflines, driveways, sidewalks, outbuildings and accessory structures, landscaping, tree preservation, important environmental features, walkways and stormwater facilities. See Section 7 for more information.

**Sleeping Unit:** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

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

**Solar Farm (Utility-Scale, Ground-Mounted Solar Application):** A solar photovoltaic facility, along with its ancillary equipment, whose primary purpose is to generate electric power from sunlight for sell or for use by the property owner, but excluding roof mounted solar collectors.

**Solid Waste:** Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air

pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
  - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
  - b. Irrigation return flows; or
  - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.) and permits granted under NCGS 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (NCGS 104E- 1 through 104E- 23); or
5. Mining refuse covered by the North Carolina Mining Act (NCGS 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under NCGS 143B-290).

**Square / Green:** Open spaces that are spatially defined by building frontages and/or landscaping. They provide space for unstructured recreation and civic purposes. Square / Green is one of the Park types established in Section 7.

**Square Footage:** For detached house building

type, square footage shall mean the heated floor area of all floors of the primary dwelling, including any above-grade, attached garage and the livable floor space above the garage (whether heated or not), but excluding the area of any basement (whether heated or not).

**Stable/Riding Academy:** A facility, the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis.

**Storage, Outdoor:**

1. All goods and materials not returned to an enclosed building at the end of each business day, regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot. (To be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day.)
2. Up to 2 storage trailers placed on a single lot or in conjunction with a single principal use;
3. All items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
4. Vehicles with more than 2 axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair.

**Storefront Building Type:** Minimum two story building, adjacent to the public sidewalk, that includes a high percentage of transparency (windows and doors) on the ground level facade to encourage pedestrian activity. Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use center. Individual storefront buildings can provide

some commercial uses close to homes.

**Storm Drainage Design Manual:** The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of stormwater management systems.

**Story:** A story is a habitable level in a building, typically no more than 15 feet in height from finished floor to finished ceiling. The following elements shall not be calculated as stories:

1. Under-roof areas with dormers,
2. Unoccupied attics less than seven feet above the eaves, and
3. Raised basements less than four feet above the lowest grade at the front facade.

**Street Line:** The outer boundary of a street right-of-way.

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

**Street, Private:** An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

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

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

**Structure:** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

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

**Subdivision:** A subdivision will include all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following are exempt from this definition:

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

the standards of the appropriate district classification.

5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into 2 or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemnor.

**Substantial Improvement:** Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50% of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

**T**

**Temporary Use or Structure:** An event, structure, or use placed on a lot for a specific purpose which is to be removed within a specific time period. See Section 3.3.; Temporary Use Standards.

**Theater - Indoor:** A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplex and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

**Theater - Outdoor:** An establishment for the performing arts with open-air seating for audiences.

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

**Thoroughfare Plan:** The most recent map adopted by the Board of Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

**Town Attorney:** The attorney for the Town of Davidson, duly retained by the Board of Commissioners.

**Town Manager:** The Town Manager of the Town of Davidson.

**Townhouse Building Type:** A residential buildings with two or more dwelling units that share common walls. Each unit has its own entrance, is a minimum of two stories and provides off-street parking behind the building only. Units are typically aligned close to the public sidewalk, although sometimes with a small variations in setback to provide landscaping or private courtyards.

**Traditional Neighborhood:** A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well-defined and detailed system of interconnected streets serve the needs of the pedestrian, bicyclists, and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.
7. Traditional Neighborhoods pursue certain objectives through their design, including:
  - a. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
  - b. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
  - c. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
  - d. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
  - e. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
  - f. Accessible places for public

assembly and civic engagement by identification of suitable sites for civic buildings.

**Transit Shelter:** A covered structure at a transit stop.

**Transitional Setback or Yard:** That area, if any, along a street, which lies between the minimum setback or yard line for the district measured from the existing street right-of-way line and the minimum setback or yard line measured from the proposed right-of-way line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

**Tree, Canopy:** Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

**Tree, Large Maturing:** A tree, usually deciduous, whose height is greater than 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.

**Tree, Medium Maturing:** A tree, usually deciduous, whose height is between 25 to 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.

**Tree, Small Maturing:** A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 12" DBH.

**Tree, Specimen:** A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological

significance as determined by the Arborist. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a DBH of 24" or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 10" or greater.

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

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

## V

**Vehicle Rental/Leasing/Sales:** Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or boat and marine craft dealers. This definition shall also include taxi and limousine services or other uses that include the storage/display of automobiles as a primary characteristic of the use.

**Vested Right:** The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.

**Veterinary Clinic:** A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

**Viewshed:** The sphere of locations and/or objects visible from one or more specified points or lines. Viewshed analysis involves identification of important landscape and site features, including spaces of cultural or

historic value, both within and external to the site. Analysis entails study of specific points within a defined topographical context, and how key features of the existing landscape are impacted by proposed development. It reflects both digital and site-collected data, as available.

**Vines:** A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

**Vocational School:** A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.

## W

**Waste Management Facility:** Any use that meets the definition for Sanitary Landfill, Off-Site LCID Landfill, Junkyard or Materials Recovery and Waster Transfer Facility.

**Wastewater Treatment Facility:** A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than 4 dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to 4 dwelling units.

**Water Dependent Structures:** Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

**Watershed:** The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

**Watershed Administrator:** The individual appointed and duly sworn by the Board of Commissioners to administer and enforce the provisions of this ordinance as follows:

1. The Watershed Administrator shall issue permits according to the provisions of this ordinance. A record of all permits issued shall be kept on file in the office of the Watershed Administrator.
2. The Watershed Administrator or designee shall serve as staff to the Board of Adjustment when it is serving in its capacity as the Watershed Review Board.

**Wholesale Establishment:** A building, property, or activity the principal use of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

**Wildlife Habitat:** Areas where animals live and where ecologically supportive environments provide animals the necessities of life, food, water, cover and places to raise young.

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

1. **Stealth:** Equipment that is unobtrusive in its appearance such as the co-location on existing tower facilities; and the placement of equipment on flagpoles, buildings, silos, water tanks, lighting standards, steeples, and electric transmission towers.
2. **Tower:** The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:
  - a. Amateur radio facilities with antennas mounted on supporting structures less

- than 100 feet in height;
- b. Residential antennas for receiving television or AM/FM radio broadcasts;
- c. Residential satellite dishes; or,
- d. Commercial or industrial satellite dishes that are less than 20 feet in height.

**Woonerf:** An ultra-low-speed narrow lane with shared space for pedestrians, cyclists, and cars. Commonly used as community space where children can play legally and safely. Their design aims to reduce automobiles' dominance by limiting their speed to a walking pace. Typically, they have minimal demarcation between vehicle traffic areas and pedestrian areas.

**Workplace Building Type:** Minimum two story building that includes a required percentage of transparency on the ground level facade. May have either single or multiple uses or tenants. Office, industrial, commercial, and residential uses are typical. Southern mill villages provide examples of these buildings reasonably coexisting with other businesses and homes.

**Working Day:** Any day on which the offices of the Town of Davidson are officially open, not including Saturdays, Sundays, and other holidays designated by the Board of Commissioners.

## Y

**Yard, Rear, Required:** When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

**Yard, Rear, Established:** The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

**Yard, Side, Required:** When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

**Yard, Side, Established:** The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.