

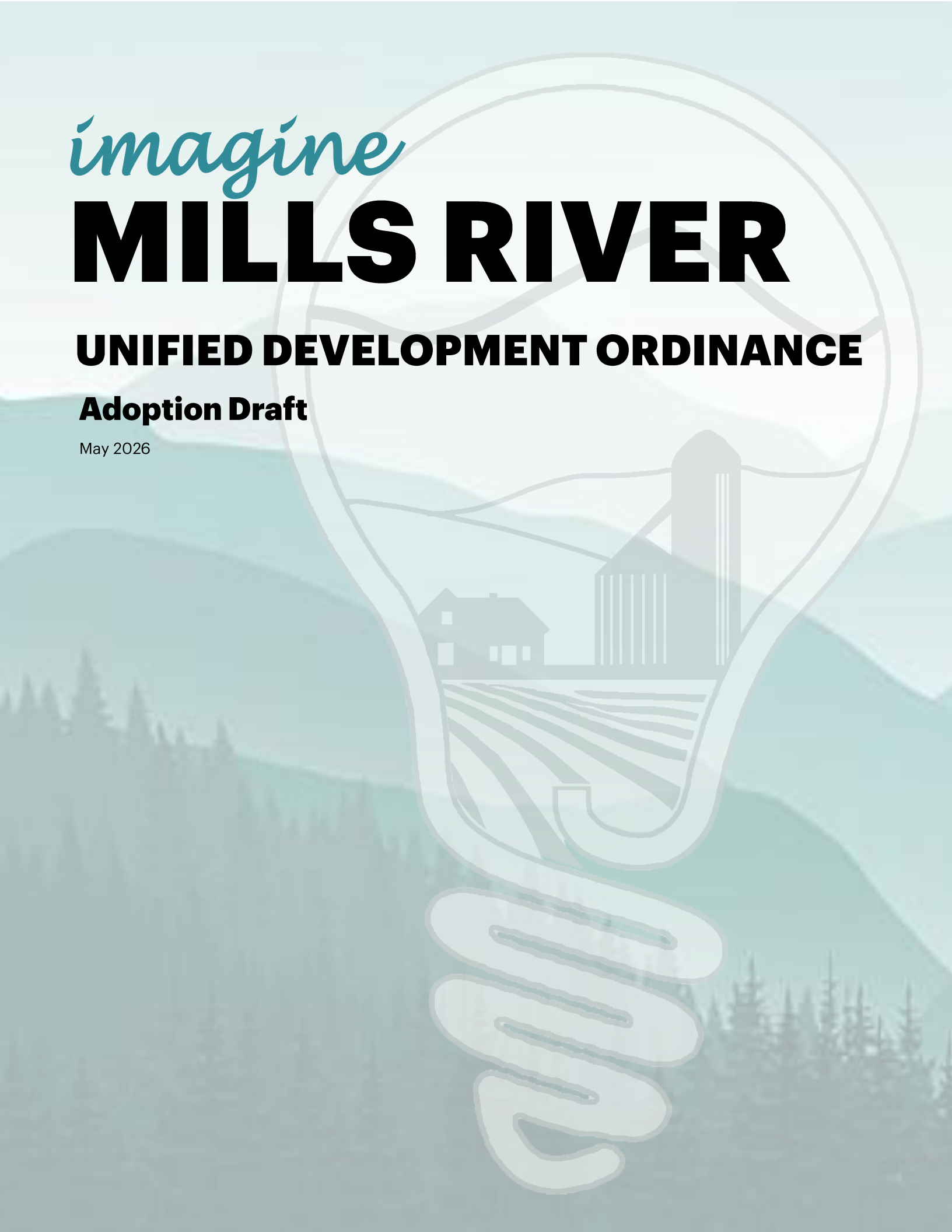
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MILLS RIVER

UNIFIED DEVELOPMENT ORDINANCE

Adoption Draft

May 2026



CHAPTER 8.

WORD USAGE

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CHAPTER 8. WORD USAGE – KEY CHANGES IN THE NEW UDO

Chapter 8, Word Usage consolidates all the definitions in the current Zoning, Subdivision, Lighting, and other development related ordinances and Town Code chapters into a single location.

Other key changes in this Chapter 8 include:

- A glossary of acronyms and abbreviations used in the Ordinance.
- The rules for language construction that explain discretionary and mandatory terms along with explanations of common or typical phrases or concepts.
- A set of rules of measurement that explain how calculations are addressed, including illustrations. In some cases, there are cross references to other sections in new Chapter 6.
- A comprehensive set of definitions of all use types, procedures, review authorities, and concepts in the UDO.



§ 8.1 ABBREVIATIONS

Table <>, Abbreviations, is a list of the abbreviated terms used in this Ordinance.

TABLE 8.2 ABBREVIATIONS	
ABBREVIATION	MEANING
AASHTO	American Association of State Highway and Transportation Officials
ABC	Alcoholic Beverage Control
ac	Acre
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
AM	Ante Meridiem (before noon)
ANSI	American National Standards Institute
ATM	Automated Teller Machine
Avg	Average
BFE	Base Flood Elevation
BMP	Best Management Practice
BOA	Board of Adjustment of Mills River, North Carolina
BUA	Built-Upon Area
CBU	Cluster Mailbox Unit
CCRC	Continuing Care Retirement Community
CFR	Code of Federal Regulations
CLG	Certified Local Government
CO	Certificate of Occupancy
CON	Conservation Zoning District
CZC	Conditional Commercial Zoning District
CZI	Conditional Industrial Zoning District
CZM	Conditional Mixed-Use Zoning District
CZR	Conditional Residential Zoning District
CTS	Cooperating Technical State
CWA	Clean Water Act
DADU	Detached Accessory Dwelling Unit
DAS	Distributed Antenna System
dBA	A-weighted decibels of perceived loudness to humans
DBH	Diameter at Breast Height
DEMLR	Department of Energy, Mineral, and Land Resources
du	Dwelling Unit
e.g.	For Example
EIFS	Exterior Insulation and Finish System
EMC	Environmental Management Commission
EMS	Emergency Medical Service
EPA	Environmental Protection Agency



TABLE 8.2 ABBREVIATIONS

ABBREVIATION	MEANING
Etc.	And so on
EV	Electric Vehicle
EVAD	Enhanced Voluntary Agricultural District
FAA	Federal Aviation Administration
FBFM	Flood Boundary and Floodway Maps
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIS	Flood Insurance Study
FIRM	Flood Insurance Rate Map
ft	Feet
FSA	Farm Service Agency
GFA	Gross Floor Area
GIS	Geographic Information System
GLC	General Commercial Zoning District
HPM	Hazardous Production Material
HTM	Highly Toxic Material
HVAC	Heating, Ventilation, and Air Conditioning
IADU	Internal Accessory Dwelling Unit
IND	Industrial Zoning District
ITE	Institute of Traffic Engineers
LAG	Lowest Adjacent Grade
LDR	Low Density Residential Zoning District
LED	Light-Emitting Diode
LOS	Level of Service
Max	Maximum
MDC	Minimum Design Criteria
Min	Minimum
MXR	Mixed Residential Zoning District
NAVD	North American Vertical Datum (of 1988)
N/A	Not Applicable
NC	North Carolina
NCAC	North Carolina Administrative Code
NCDCR	North Carolina Department of Cultural Resources
NCDEQ (DEQ)	North Carolina Department of Environmental Quality
NCDOT	North Carolina Department of Transportation
NCGS	North Carolina General Statutes
NEA	Non-Encroachment Area
NFPA	National Fire Protection Association
NHWL	Normal High Water Line
NPDES	National Pollutant Discharge Elimination System



TABLE 8.2 ABBREVIATIONS

ABBREVIATION	MEANING
OSS	Open Space Set-Aside
PA	Protected Area
PB	Planning Board of Mills River, North Carolina
PCE	Passenger Car Equivalent
PIN	Parcel Identification Number
PM	Post Meridien (after noon)
POD	Portable On-Demand Storage Container
PSI	Pounds Per Square Inch
RPV	Rural Preservation Zoning District
ROW	Right-of-Way
RUM	Rural Mix Zoning District
RUR	Rural Residential Zoning District
RV	Recreational Vehicle
SC	Superior Court for Henderson County
SCM	Stormwater Control Measure
SES	Solar Energy System
sf	Square Feet
SFHA	Special Flood Hazard Area
TCIA	Tree Care Industry Association
TIA	Traffic Impact Analysis
TNC	Town Center Zoning District
TRC	Technical Review Committee of Mills River, North Carolina
TSS	Total Suspended Solids
UDO	Unified Development Ordinance
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USGS	United States Geologic Survey
UV	Ultraviolet
VAD	Voluntary Agricultural District
WSE	Water Surface Elevation
WSPO	Water Supply Watershed Protection Overlay District



§ 8.2 RULES OF LANGUAGE CONSTRUCTION

This section is related to the interpretation of words and phrases.

8.2.1. MEANINGS AND INTENT

- A.** All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Chapter 1, Administration, and the specific purpose statements set forth throughout this Ordinance.
- B.** When a specific section of these regulations gives a different meaning than the general definition, the specific section's meaning, and application of the term shall control.
- C.** Terms that are not defined are subject to their common or customary meaning.

8.2.2. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," "etc." or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

8.2.3. TIME-RELATED LANGUAGE

- A.** Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town.
- B.** The term "day" means a calendar day, or any day during a week, including business days and weekend days.
- C.** The term "holiday" means a legal holiday recognized by the Town.
- D.** The term "week" means five business days and two weekend days.
- E.** Weeks commence on a Monday.
- F.** The term "month" means a calendar month.
- G.** The term "year" means a calendar year.
- H.** The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

8.2.4. REFERENCES TO THIS ORDINANCE

A reference to an chapter, section, sub-section, or paragraph means an chapter, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

8.2.5. REFERENCES TO OTHER ORDINANCES OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

8.2.6. REFERENCES TO THE NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

8.2.7. DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.



8.2.8. JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

8.2.9. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8.2.10. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Town of Mills River, North Carolina, unless otherwise indicated.

8.2.11. MANDATORY AND DISCRETIONARY TERMS

- A.** The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision.
- B.** The words “may,” “can,” and “should” are permissive or discretionary in nature.

8.2.12. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A.** “And” indicates that all connected items, conditions, provisions or events apply.
- B.** “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

8.2.13. TENSES, COUNTABLE NOUNS, AND GENDER

- A.** Words used in the past or present tense include the future tense as well as the past and present.
- B.** Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- C.** Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

8.2.14. OATH

The term “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms “swear” and “sworn” shall be equivalent to the terms “affirm” and “affirmed.”

8.2.15. TERMS NOT DEFINED

If a term used in any article of this Ordinance is not defined, the Planning Director is authorized to interpret the term in accordance with Section <>, Determination, based upon the definitions used in professionally accepted sources.



§ 8.3 RULES OF MEASUREMENT

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and secondary uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

8.3.1. BASIC MEASUREMENT

A. ABUTTING VERSUS ADJACENT

01. ABUTTING

The term abutting describes a condition where two or more features (a lot line, building, driveway, etc.) are immediately beside or next to one another either on the same lot or on different lots sharing a common lot line.

02. ADJACENT

The term adjacent describes a condition where two or more similar features (a lot line, building, use type, structure, site feature, etc.) are proximate to one another, but are separated by some form of intervening feature, such as a street, alley, water feature, railroad, lot or property under separate ownership, or natural feature of sufficient size so as to prevent direct site visibility or impede the movement of sound from one feature to another.

B. IRREGULAR SHAPES

In cases where an irregular shape complicates the application of these standards, the Planning Director shall determine the applicable dimensional, setback, or bulk standards in accordance with the standards in this section and Section <>, Determination.

C. ROUNDING

Except for density and lot area, all calculations that result in a fractional unit or part of a whole number, the number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this Ordinance. Fractional numbers pertaining to density and lot are shall be rounded downwards to the next lowest whole number.

D. SEPARATION

01. LOT TO LOT

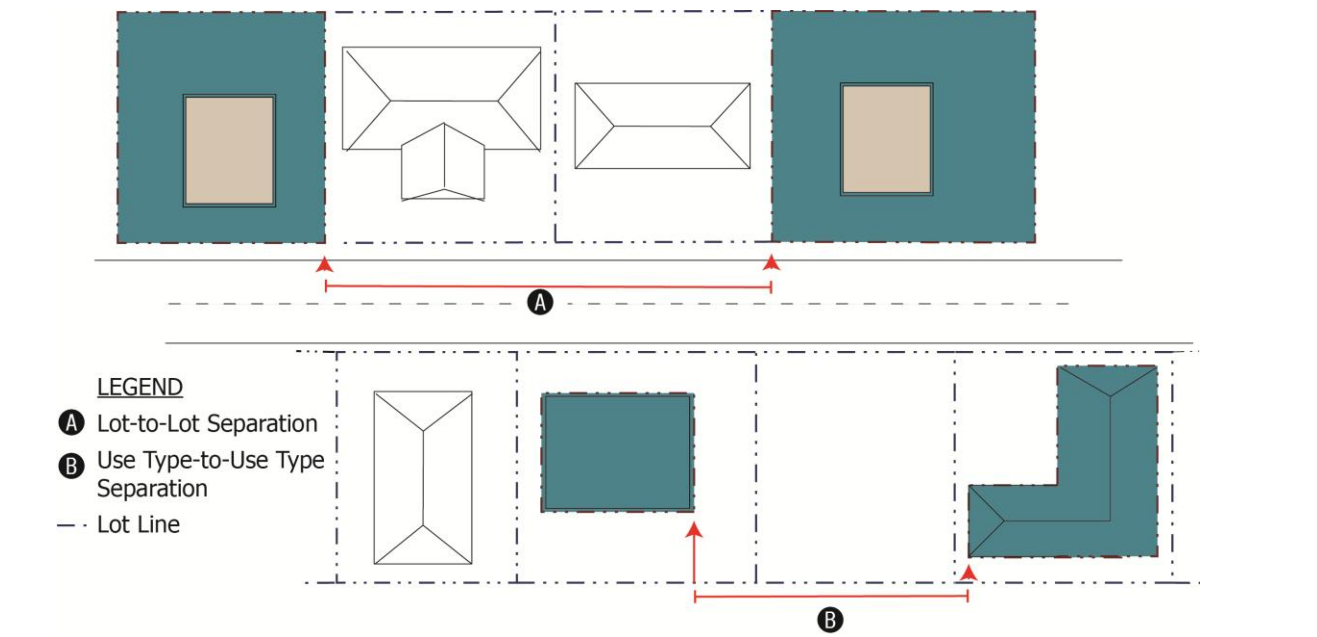
When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see **Figure <>**: Use Separation).

02. USE TYPE TO USE TYPE

When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of one existing or proposed principal structure to the nearest point of the wall of another existing or proposed structure subject to the separation requirement (see **Figure <>**: Use Separation).



FIGURE <>: USE SEPARATION



8.3.2. BUILDING FACADE DETERMINATION

Determination of which exterior building wall constitutes a primary, secondary, or tertiary building facade of a non-residential principal structure shall be in accordance with Section <>, Non-Residential Building Walls Distinguished.

8.3.3. COMPUTATION OF TIME

- A.** The time in which an act is to be done shall be computed by excluding the first day and including the last day of the number of days listed.
- B.** If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town.

8.3.4. DENSITY AND YIELD CALCULATIONS

A. GENERALLY

- 01.** Density is the maximum allowable number of residential dwelling units permitted on a particular site, tract, lot, or other unit of land area, typically expressed as a maximum number of residential units per acre.
- 02.** Lot area is the minimum size of a lot, in square feet, that is devoted to a residential dwelling unit as identified for the zoning district where located. Lot area is used to determine the maximum number of lots that can be accommodated on a particular site, tract, lot, or other unit of land area, typically expressed as a whole number.
- 03.** Yield is the total number of residential dwelling units permitted within a particular development. Yield is the lesser of the allowable density or the maximum number of lots.
- 04.** Fractional numbers resulting from a calculation of density, maximum number of lots, or yield shall be rounded downwards to the next whole number.

B. CALCULATION OF DENSITY

- 01.** Maximum residential density is calculated by dividing the square footage of a lot by the number of square feet in an acre (43,560), then multiplying the maximum number dwelling units allowed in the zoning district, and rounding the product downwards (in the tenths place) to remove any fractions.



a. EXAMPLE 1: 67,000 SQUARE-FOOT SITE IN THE LDR DISTRICT WITH LOW AVERAGE SLOPE

- i. Lot size: 67,000 square feet / 43,560 = 1.53 acres.
- ii. Zoning district maximum density for single-family detached dwellings or two-family dwellings is 1.45 units per acre on lots with average slopes under 25 percent: $1.53 \times 1.45 = 2.21$.
- iii. Maximum residential density = 2 units (density fractions are rounded downwards).

b. EXAMPLE 2: 67,000 SQUARE FOOT SITE IN THE LDR DISTRICT WITH AN AVERAGE SLOPE OVER 25 PERCENT

- i. Lot size: 67,000 square feet / 43,560 = 1.53 acres.
- ii. Zoning district maximum density for single-family detached dwellings or two-family dwellings is 1.25 units per acre on lots with average slopes over 25 percent: $1.53 \times 1.25 = 1.91$.
- iii. Maximum residential density = 1 unit (density fractions are rounded downwards).

02. Land area associated with floodplains and other unbuildable areas shall be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.

03. Land area located within a public right-of-way shall not be included in the calculation of allowable density.

C. CALCULATION OF MAXIMUM NUMBER OF LOTS

The maximum number of lots is calculated by dividing the total square footage of a lot or tract by the minimum lot area for the type of use proposed, the resulting number (the quotient) is then rounded downwards to the next lowest whole number to produce the total number of lots permissible for the type of use proposed.

a. EXAMPLE 1: 67,000 SQUARE-FOOT SITE IN THE LDR DISTRICT FOR SINGLE-FAMILY DETACHED DWELLING LOTS WITH LOW AVERAGE SLOPE

- i. Lot size: 67,000 square feet.
- ii. Minimum lot area for a single-family detached dwelling: 30,000 square feet.
- iii. Maximum number of single-family detached dwelling lots: $67,000 / 30,000 = 2.23$.
- iv. Maximum number of lots = 2 lots (fractions are rounded downwards).

b. EXAMPLE 2: 67,000 SQUARE-FOOT SITE IN THE LDR DISTRICT FOR SINGLE-FAMILY DETACHED DWELLING LOTS WITH AVERAGE SLOPES OVER 25 PERCENT

- c. Lot size: 67,000 square feet.
- d. Minimum lot area for single-family detached dwellings on lots with average slopes over 25 percent: 34,850 square feet.
- e. Maximum number of single-family detached dwelling lots: $(67,000 / 34,850) = 1.92$.
- f. Maximum number of lots = 1 lot (fractions are rounded downwards).

D. CALCULATION OF YIELD

Residential yield is the lesser of the maximum allowable density or the maximum number of lots for a given site.

01. Example 1: 67,000 Square-foot Site in the LDR District for Single-Family Detached Dwelling lots

- a. Maximum density (based on Example a in Subsection B above): 2units.
- b. Maximum number of lots (based on Example n Subsection C above): 2 lots.
- c. Yield = 2 units.

02. Example 2: 67,000 Square-foot Site in the LDR District for Two-Family Dwelling lots

- a. Maximum density (based on Example a in Subsection B above): 2 units.
- b. Maximum number of lots (based on Example in Subsection C above): 1 lot (2 dwelling units).
- c. Yield = one two-family dwelling structure.

E. DENSITY EQUIVALENCE OR EXEMPTION

- 01.** Accessory dwelling units associated with a single-family residential principal use shall not be counted towards the maximum allowable residential density.
- 02.** When calculating the density for a private dormitory associated with an educational use, two bedrooms in a private dormitory shall be equivalent to one regular dwelling unit.
- 03.** Maximum density amounts do not apply to congregate care facilities or continuing care retirement communities, with the exception of independent living units, which may not exceed the density for the district in which they are located.



8.3.5. EXTERIOR LIGHTING

Measurement of exterior illumination shall be in accordance with Section <>, Exterior Lighting Measurement.

8.3.6. FLOOR AREA

Gross floor area (GFA) shall be defined as the sum in square feet of all floors of the building measured from the exterior face of the exterior walls. The gross floor area shall include or exclude areas as indicated below:

A. INCLUDED IN FLOOR AREA

01. All enclosed habitable space.
02. Elevators, hallways, and stairwells on stories containing habitable space.

B. EXCLUDED FROM FLOOR AREA

01. Unenclosed porches or decks.
02. Off-street parking areas, including the elevators, hallways, mechanical equipment, and stairwells serving structured parking.
03. Utility services areas devoted to the electric service, the potable water service, the wastewater system, the telephone service, the cable service, or to a backup generator.
04. Mechanical areas and uninhabited enclosed spaces on tops of roofs not intended for general storage.

8.3.7. HEIGHT

A. MEASUREMENT

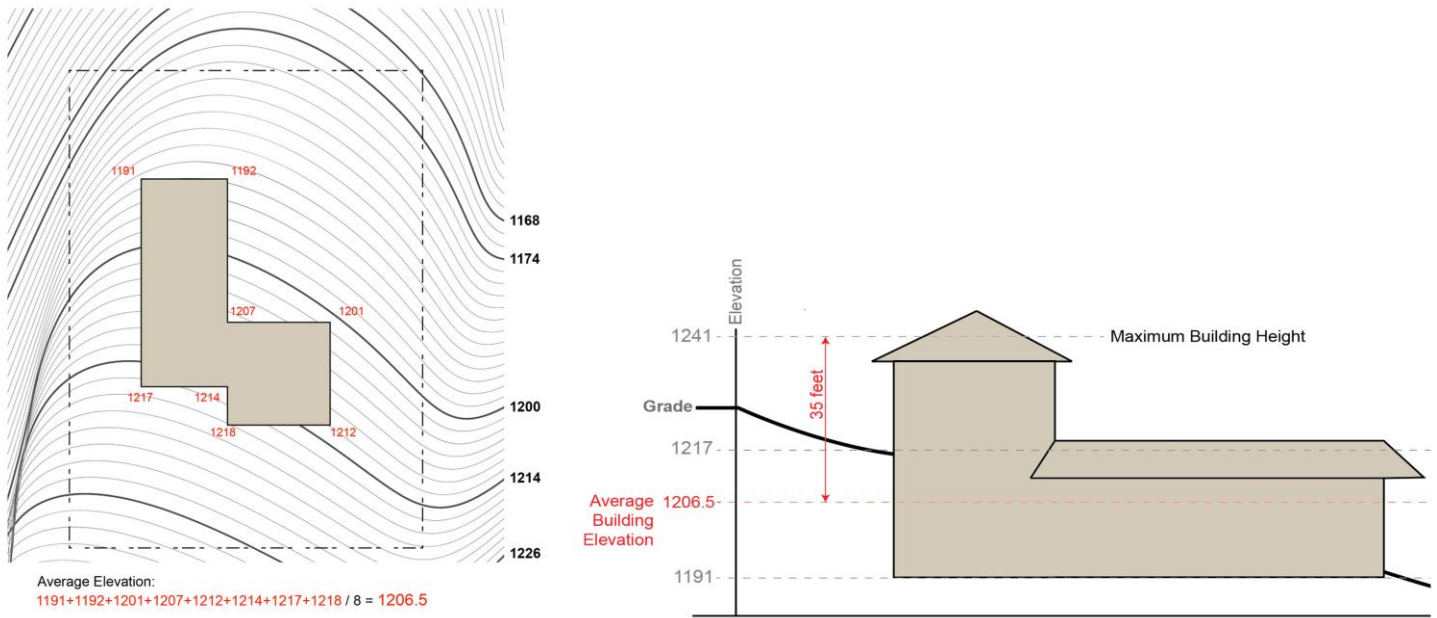
Building height shall be measured from the finished or established grade elevation following any land disturbing activities.

B. DETERMINATION

01. Building height is the vertical distance from a point established as the average elevation of the finished grade along each of the main building facades (see Figure <>: Average Elevation). The average elevation is determined by:
 - a. Identifying the elevation at each major corner of the building;
 - b. Summing all elevation measurements;
 - c. Dividing the sum of elevation numbers by the number of corners where elevation was determined.
02. In the case of round buildings, elevations should be derived at the building wall corresponding with each of the four main compass points.

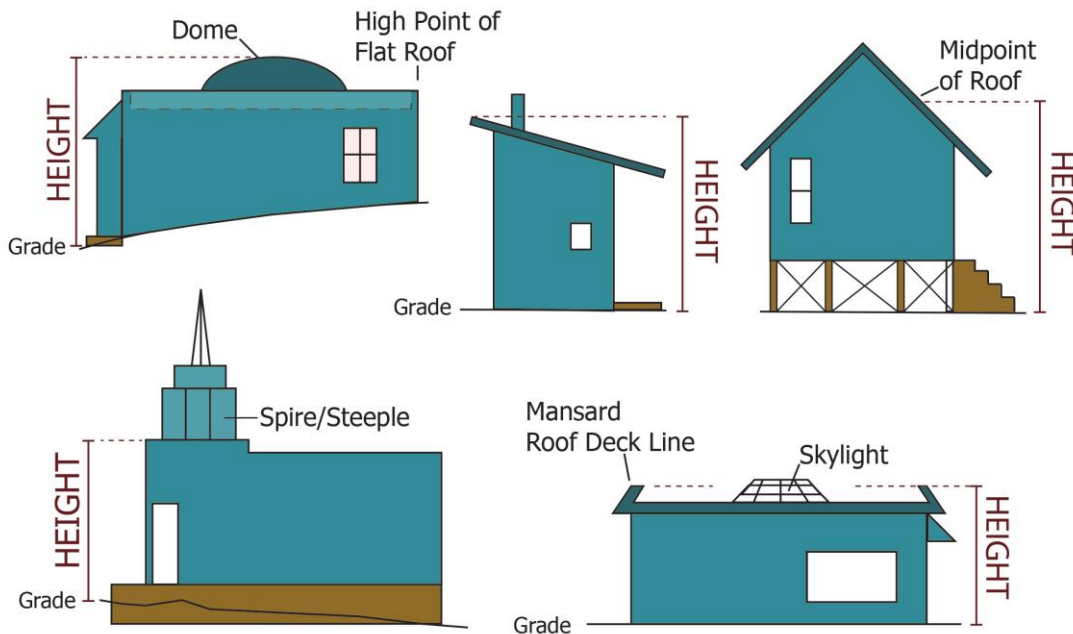


FIGURE <>: AVERAGE ELEVATION



- 03.** Building height is measured from the average elevation to the following points (see **Figure <>**: Building Height):
- The highest point of a flat roof (excluding coping or parapet walls shorter than five feet above the roof deck);
 - The deck line of a mansard or gambrel roof;
 - The mid-point of the roof between the ridge and the eaves for a gable or hip roof; or
 - To the highest point of a dome, mono-pitch shed, or cricket-style roof.

FIGURE <>: BUILDING HEIGHT



C. STORY

A building story is the portion of a building where all rooms share the same floor and ceiling level.

- 01. A crawlspace, basement, or climate controlled space with an interior ceiling height of less than six feet is not considered as a story.
- 02. An attic with an average ceiling height of less than six feet is not considered a story.

D. EXCEPTIONS

The following features are exempted from the maximum height requirements in this Ordinance:

- 01. Parapet walls of less than five feet in height above the roof deck;
- 02. Spires, steeples, minarets, belfries, cupolas, domes, and similar architectural features not intended for human habitation;
- 03. Water tanks, vent housings, elevator housings, and equipment covers;
- 04. Chimneys, vent pipes, skylights, or mechanical equipment; and
- 05. Bulkheads or a single-story penthouse occupying 25 percent or less of the total roof area.

8.3.8. LANDSCAPING MATERIAL

Measurement of trees, shrubs, and landscaping materials shall be in accordance with Section <>, Plant Measurement.

8.3.9. LOTS

A. LOT MEASUREMENTS

01. ACREAGE

The total number or gross number of acres on a tract or site.

02. LOT DEPTH

The dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregularly shaped lots, the mean depth shall be taken.

03. LOT WIDTH

The width of a lot is measured at right angles to its depth at the edge of the street setback or at a proposed building setback line, whichever is further from the street right-of-way. If the lot line parallel to the street edge is not straight, the lot width is measured as a chord between the intersection of the street setback line and the two side lot lines.

04. MINIMUM LOT AREA

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see **Figure <>**: Lot Measurement). Lands located within any easements shall be included within the lot area, but public rights-of-way shall not.

05. STREET FRONTAGE

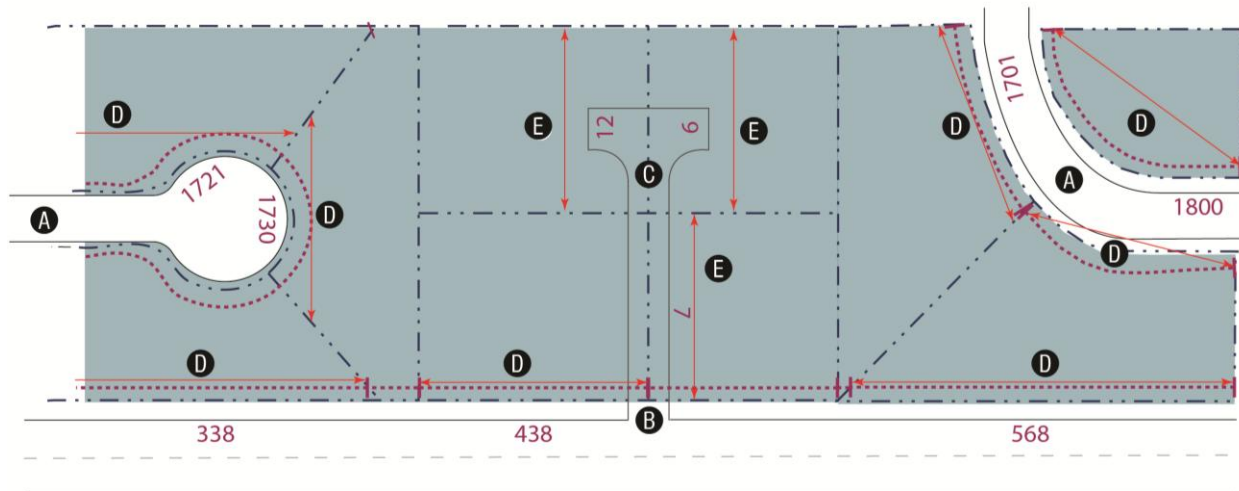
The length of the lot line of a single lot abutting a public or existing private street right-of-way.

FIGURE <>: LOT MEASUREMENT



LEGEND

- · Lot Line
- Included in Lot Area
- · - · Street Setback
- ↔ Lot Width
- 12 Street Address Number
- Ⓐ Public or Private Street
- Ⓑ Access Drive (Private)
- Ⓒ Private Easement Included in Lot Area
- Ⓓ Lot Width = Measured at Street Setback
- Ⓔ Lot Width Measured at Building Setback Line



B. LOT LINES

A lot line is a line of record bounding a lot which separates one lot from another lot or separates a lot from a public or private street or any other public space (see [Figure <>](#): Lot Lines). The following terms describe differing types of lot lines:

01. STREET LOT LINE

The lot line along the edge of the street that provides a lot's street address or the primary entrance of a building. Street setbacks are applied to any lot line abutting a street, but only one lot line serves as the street lot line. The street lot line is the lot line corresponding the front or primary building façade.

02. REAR LOT LINE

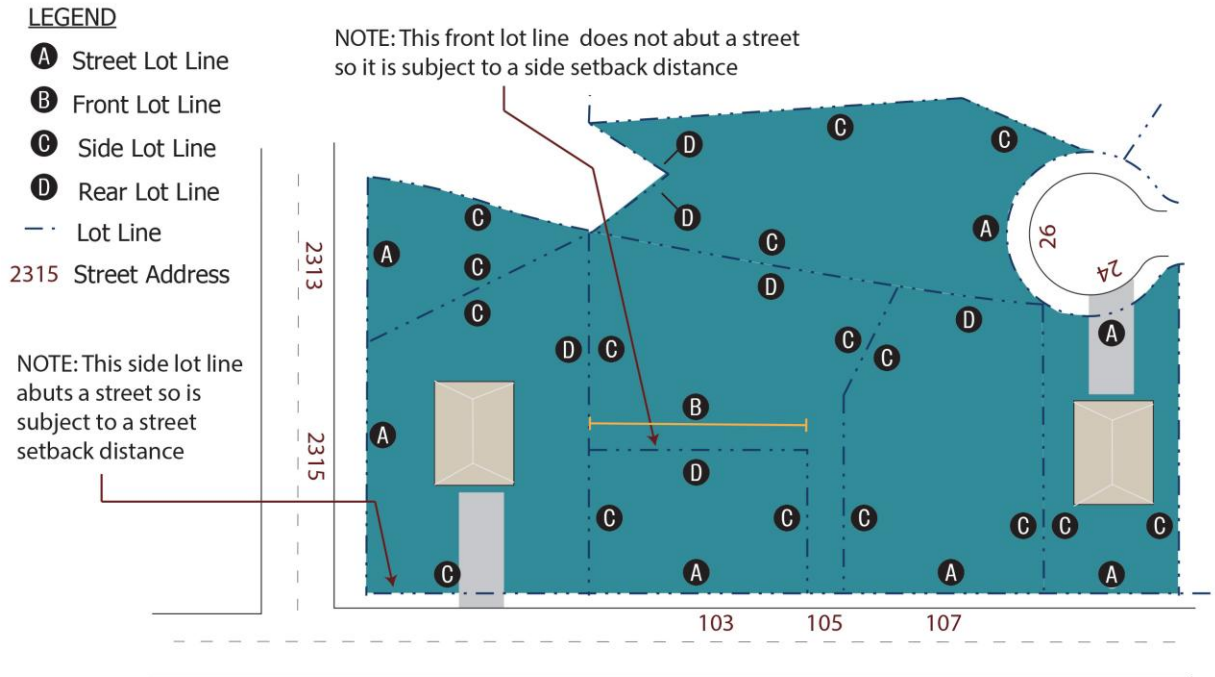
The lot line is opposite the street lot line.

03. SIDE LOT LINE

The lot line connecting the street and rear lot lines regardless of whether it abuts a right-of-way or another lot line.



FIGURE <>: LOT LINES



C. LOT TYPES

01. CORNER LOT

A lot which occupies the interior angle at the intersection of two street lines or a single street which make(s) an angle of more than 45 degrees and less than 135 degrees.

02. FLAG LOT

A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.

03. INTERIOR LOT

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

04. LOT OF RECORD

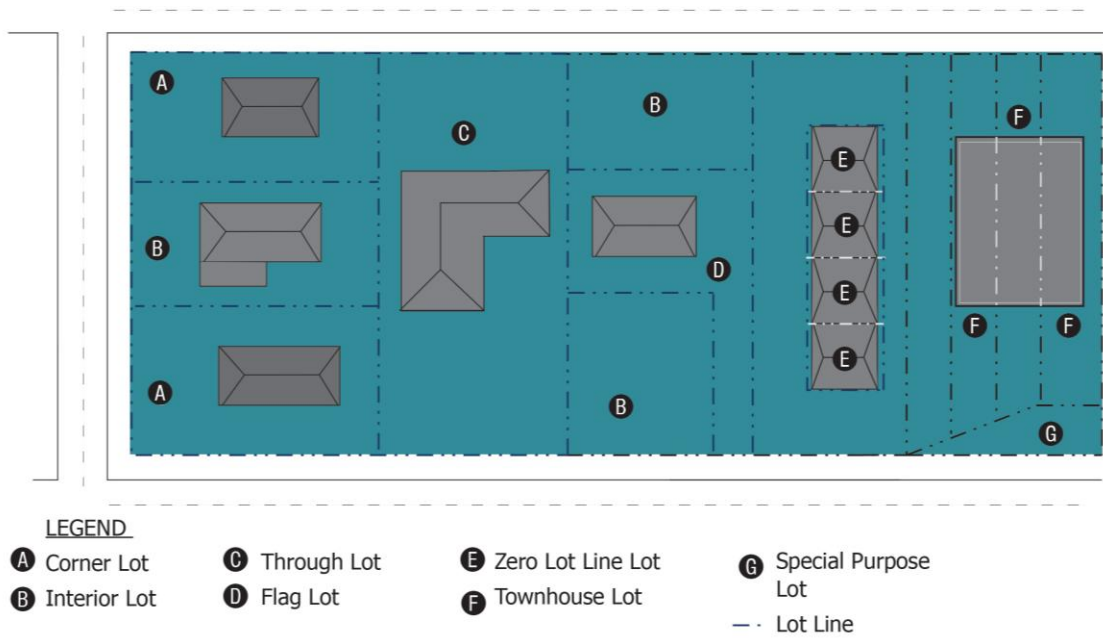
A lot that is a part of a subdivision, a plat of which has been recorded in the office of the Henderson County Register of Deeds, as appropriate or a lot described by metes and bounds, the description of which has been recorded with the Henderson County Register of Deeds, as appropriate.

05. THROUGH LOT (DOUBLE FRONTAGE LOT)

A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

FIGURE <>: LOT TYPES





D. ZERO LOT LINES

Zero lot line lots serving individual attached structures, whether residential or non-residential, that do not have individual lot frontages are exempted from minimum lot area requirements in this Ordinance but shall be located on a larger site or parent tract that meets the site size standards for the zoning district where located

8.3.10. LOT COVERAGE

Lot coverage is the percentage of a lot or development site that is covered by buildings, roof structures, and impervious surfaces (e.g. an uncovered driveway, patio, or walkway).

8.3.11. OFF-STREET PARKING SPACES

Measurement of vehicular use areas, parking spaces, and parking lot access aisles shall be in accordance with Section <>, Dimensional Standards for Parking Spaces and Aisles.

8.3.12. SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line. Setbacks are measured from lot lines, not easements or required landscaping areas; however, limitations on uses, structures, or plantings in easements or required landscaping areas still apply, regardless of required setbacks (see Figure <>: Setbacks)

A. PERIMETER SETBACK

Setbacks applied to unified developments or multiple building developments or two or more lots apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets, where the minimum or maximum required street setback shall prevail.

B. REAR SETBACK

A setback from an interior lot line lying on the opposite side of the lot from the street setback.

C. SETBACKS FROM RAILROADS

Lots serving industrial or commercial uses and abutting a railroad or railroading siding are not required to provide a side or rear setback from the railroad or siding.



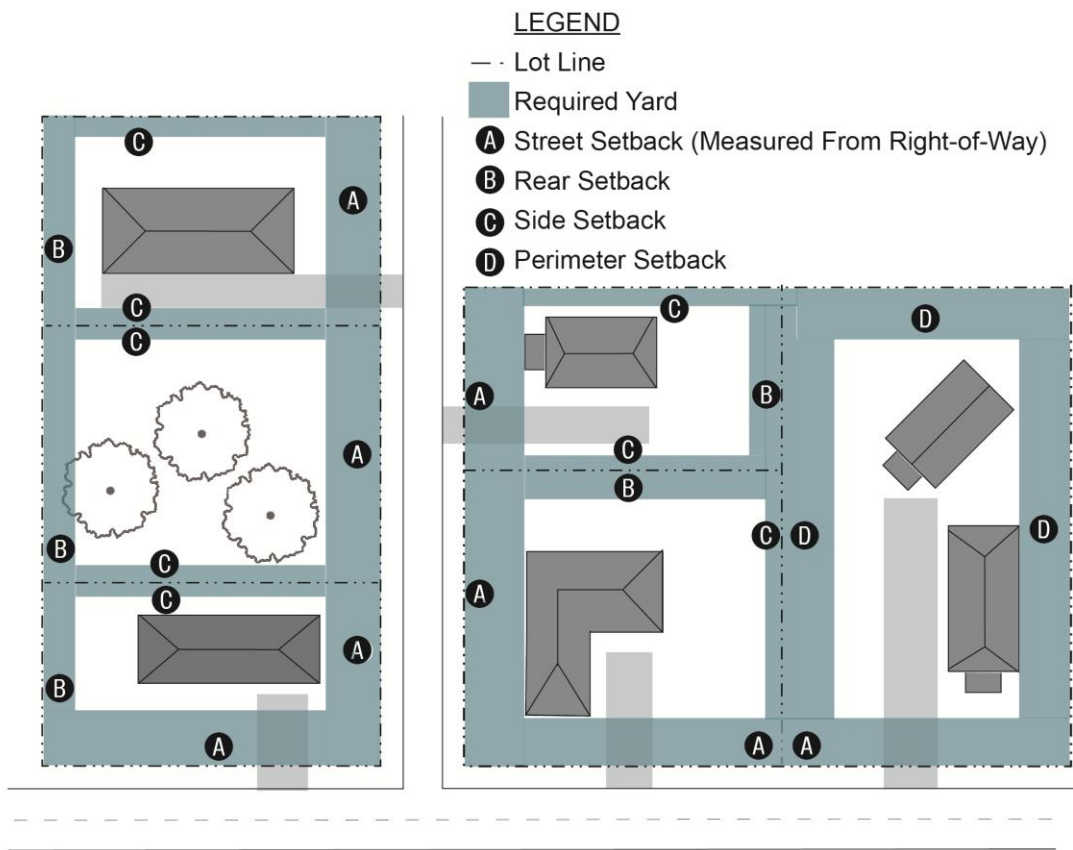
D. SIDE SETBACK

Any interior property line setback other than a rear setback.

E. STREET SETBACK

- 01. A setback measured from the right-of-way edge associated with a public street.
- 02. The street setback is a minimum setback, and nothing shall prohibit a building from being located farther from the street right-of-way, except where a maximum street setback is specifically identified by this Ordinance or a condition of approval.
- 03. In cases where the street right-of-way edge is not readily identifiable, the location of the right-of-way edge shall be determined by measuring outwards from the street centerline one-half of the total right-of-way width. The right-of-way edge location shall be certified by a professional engineer or land surveyor licensed by the State of North Carolina.
- 04. Lots shall provide a street setback from all lot lines abutting a street (excluding alleys).
- 05. Lots abutting private streets shall not be subject to a street setback.

FIGURE <>: SETBACKS



F. USE-BASED SETBACKS

In cases where a particular use type has setback requirement or an applicable condition of approval that differs from the generally-applicable setback requirements for the zoning district where located, then the more restrictive setback requirement shall apply.

G. SETBACK ENCROACHMENTS



Table <>, Allowable Encroachment into Setbacks, sets out the kinds of features that are permitted to encroach within a required setback, provided they do not obstruct visibility for motorists at any street intersection (see Figure <>: Setback Encroachment Diagram) or be placed within a public utility easement.

TABLE <> ALLOWABLE ENCROACHMENTS INTO REQUIRED SETBACKS	
ENCROACHING FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO A REQUIRED SETBACK
Art Installation	May encroach into a required setback but no closer than five feet from any lot line
Awnings	May encroach into any setback up to eight feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access
Balcony or Bay Window	May extend up to four feet into any required setback within a residential zoning district, but shall be no closer than three feet from any lot line
Bicycle Parking Facilities	Allowed within a setback, but no closer than five feet to the edge of the pavement of a street
Building Eave or Roof Overhang	May encroach up to 24 inches into a required setback, but must maintain at least seven-and-one-half feet above a sidewalk, greenway, or street
Canopy, Attached	May encroach into any setback up to three feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access
Canopy, Freestanding	May be located in a setback provided no portion is closer than 15 feet to a street right-of-way
Chimneys, Fireplaces, Outdoor Kitchens, or steps	May extend up to four feet into any setback, but shall be no closer than three feet from any lot line
Cluster Mailbox Unit	May encroach into a required setback but no closer than five feet from any lot line
Cornice, Beltcourse, or Sill	May extend up to two feet into any required setback but no closer than five feet from any lot line
Decks, Covered	Subject to the setbacks applied to principal structures
Decks, Uncovered	May extend up to four feet into a required side yard or ten feet into a required street or rear yard but no closer than five feet from any lot line
Driveways	May be located in any required setback
Elevators and Similar Mechanical Devices	May encroach into side setbacks no more than 18 inches and rear setbacks no more than 36 inches
Fences, Gates, or Walls, excluding Retaining Walls	May be located in any required setback but shall not be located within a required sight distance triangle
Fire Escape	May encroach up to eight feet into any required yard, but must maintain at least seven-and-one-half feet above a sidewalk, greenway, or street
Flagpoles, Mailboxes, Lamp and Address Posts	May be located in any required setback but no closer than three feet from any lot line
Detached Carport or Garage	May be located within rear yard but no closer than five feet from any lot line, and no closer than 10 feet to the principal structure
Gazebo or Garden Structure	May not be located within a street setback or closer than five feet from any lot line



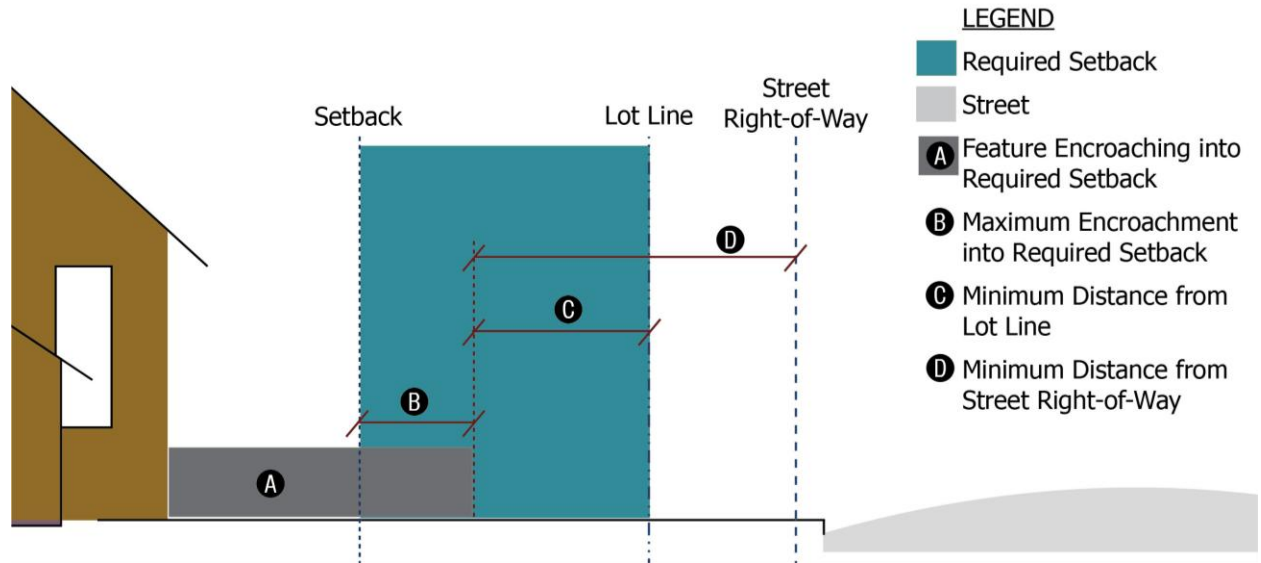
TABLE <> ALLOWABLE ENCROACHMENTS INTO REQUIRED SETBACKS

ENCROACHING FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO A REQUIRED SETBACK
Handicap Ramps	May be located in any required setback provided it does not unduly obstruct pedestrian or vehicular access
Outdoor Display of Merchandise for Sale (when proposed as part of a non-residential use)	May encroach into a required setback but no closer than five feet from any lot line
Outdoor Equipment (e.g., HVAC condenser, water heater, etc.) Serving Single-family Detached Residential Use	May extend up to four feet into any required setback but no closer than five feet from any lot line
Outdoor Equipment Serving a Use other than Single-family Detached Residential	May encroach by up to five feet into a required setback
Outdoor Seating Areas Serving a Non-residential Use	May encroach into a setback up to eight feet but no closer than three feet from any lot line
Outdoor Storage	May not encroach into a required setback
Parking Structure	May extend up to four feet into a rear yard
Patio or Porch, Covered	May extend up to four feet into a required side yard or ten feet into a required street or rear yard but no closer than five feet from any lot line
Patio or Porch, Uncovered	May be located in any required setback but no closer than five feet from any lot line
Pet Shelters	Subject to the setbacks applied to principal structures
Playground Equipment Accessory to a Residential Use	When located ten or more feet from the principal structure, may be located within five feet of a side or rear lot line, but shall not be located within a required street setback
Produce Stand	May encroach into a required setback but no closer than five feet from any lot line
Retaining Walls	May encroach into a required setback
Roof Eaves, Rakes, and Overhangs	May extend up to four feet into any required setback but no closer than three feet from any lot line
Signs	May extend into any required setback in accordance with Section <>, Signage
Swimming Pool/Hot Tub, (including all ancillary appurtenances)	May extend into a required side or rear setback, but shall be no closer than five feet to a lot line
Tool Shed	May be located within rear yard but no closer than five feet from any lot line, and no closer than five feet to the principal structure
Underground Structures (including septic systems but excluding swimming pools)	May be located in any required setback but no closer than three feet from any lot line



TABLE <> ALLOWABLE ENCROACHMENTS INTO REQUIRED SETBACKS	
ENCROACHING FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO A REQUIRED SETBACK
Vegetation and Landscaping Features	May be located in any required setback
Well House (functional or aesthetic)	May be located in any required setback, but shall be no closer than eight feet from a right-of-way

FIGURE <>: SETBACK ENCROACHMENTS



8.3.13. SIGNAGE

Measurement of sign height, sign face area, wall area for the purposes of wall signage shall be in accordance with Section <>, Sign Measurement.

8.3.14. SLOPE AND ELEVATION

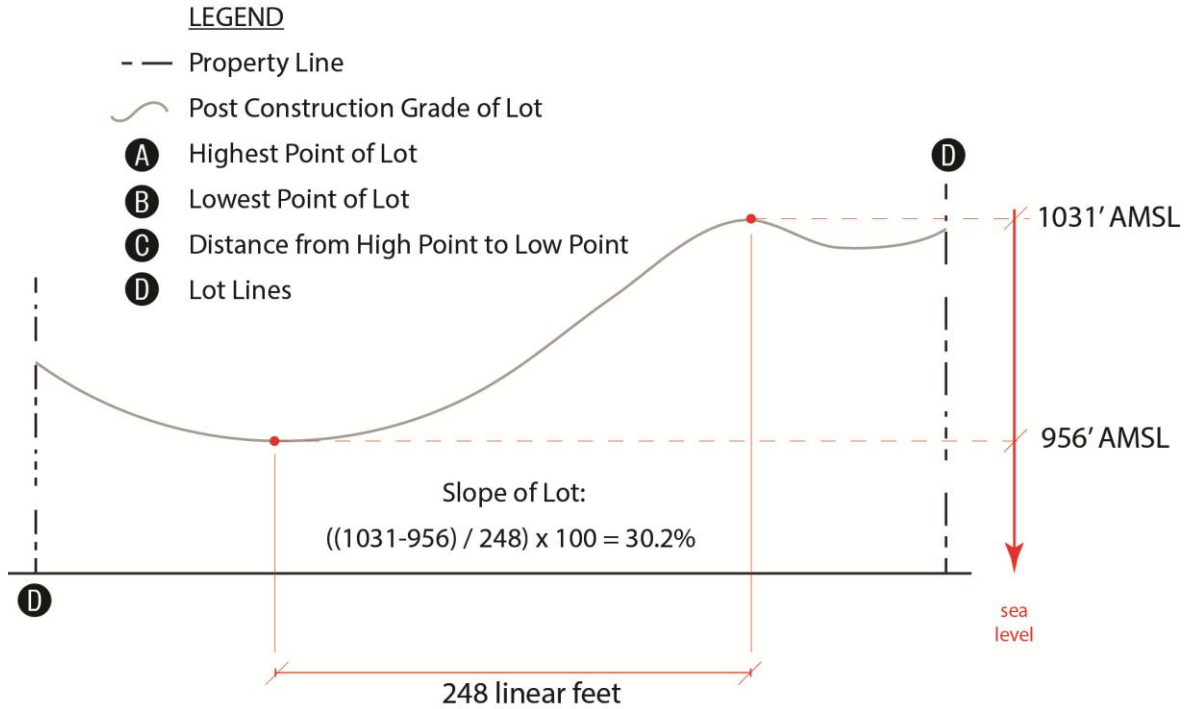
A. AVERAGE SLOPE

The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal (see Figure <>, Slope Determination). The slope of a lot may be determined using the following approach:

01. Determine the highest point of natural elevation of a lot or site;
02. Determine the lowest point of natural elevation of the same lot or site
03. Subtract the lowest elevation from the highest elevation
04. Divide the difference in slopes by the linear distance (in feet) between the two point.

FIGURE <>: SLOPE DETERMINATION





B. ELEVATION

- 01.** Elevation may be determined by:
 - a. A North Carolina licensed surveyor using benchmarks tied to a known vertical datum (e.g., NAVD88);
 - b. Use of a GIS-based map (such as from Henderson County); or
 - c. Use of a USGS 7.5 minute map.
- 02.** Elevation determined from the following sources may not be used as a means of determining elevation:
 - a. Proprietary internet-based mapping applications such as Google Earth or Apple Maps; or
 - b. Hand-held GIS devices, unless used by a North Carolina licensed surveyor.

C. FINISHED GRADE

The established grade following grading, excavation, or other land-disturbing activity.

D. NATURAL GRADE

The level of the ground elevation prior to the commencement of development or land disturbing activity.



§ 8.4 TERMS DEFINED

This section sets out the definitions of terms used in the UDO, including all use types, all procedures, all review authorities, and terms common to development standards and use standards. The section will include notes that some definitions, like those associated with signs, lot dimensions, or flood protection standards are located elsewhere in the Ordinance.

8.4.1. TERMS STARTING WITH 'A'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
ABANDONED APPLICATION	See "Application, Abandoned."
ABANDONMENT	The relinquishment of property or a cessation of the use of the property for a continuous period.
ABROGATE	To abolish or annul.
ABUTTING	The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street, water body, or right-of-way.
ACCELERATED EROSION	For the purposes of Soil Erosion and Sedimentation, any increase over the rate of natural erosion as a result of land-disturbing activity.
ACCENT	The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.
ACCESS EASEMENT	See "Easement, Access."
ACCESSIBLE PARKING SPACE	An off-street parking space provided for the exclusive use of vehicles serving disabled persons.
ACCESSORY DWELLING UNIT	See "Dwelling Unit, Accessory."
ACCESSORY OR APPURTENANT STRUCTURE	See "Structure, Appurtenant."
ACCESSWAY	A paved or unpaved travelway intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site.
ACQUISITION	Act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights or remainder interest).
ACT	For the purposes of Soil Erosion and Sedimentation, act shall mean the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.
ACTIVE OPEN SPACE SET-ASIDE	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
ADDITION (TO AN EXISTING BUILDING)	For the purposes of the Special Flood Hazard Area standards, an extension or increase in the floor area or height of a building or structure.
ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE	For the purposes of Soil Erosion and Sedimentation, one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
ADJACENT	A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
ADMINISTRATIVE ADJUSTMENT	A request by an applicant to deviate from a specified numerical standard of this UDO by a specified percentage, subject to consistency with applicable review criteria.
ADMINISTRATIVE DECISION	A decision on an application, filed under this ordinance, that is made by a Town staff member such as the Planning Director.
ADMINISTRATIVE SEARCH WARRANT	An order signed by a court of competent jurisdiction authorizing a Town official to enter land or a structure for the purposes of inspection for compliance with the requirements of this Ordinance.
ADMINISTRATOR	Unless otherwise specified, the Planning Director. For purposes of the Special Flood Hazard Area, the individual appointed to administer and enforce the flood hazard prevention regulations contained herein.
ADOPTED POLICY GUIDANCE	The combined future land-use policy guidance provided by the adopted comprehensive plan, the comprehensive transportation plan, area or corridor plans prepared for specific parts of the Town, and system plans related to the Town's infrastructure systems.
ADULT DAY CARE	A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.
ADVISORY OPINION	See "Determination, Advisory (Opinion)."
AFFECTED PARTY	Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.
AFFILIATE	For the purposes of Soil Erosion and Sedimentation, a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.
AGRICULTURAL LAND	Land, including water areas, engaged in the production of crops, plants, livestock, or other agricultural commodities. Agricultural land does not include land used for processing or altering agricultural products.
AGRICULTURAL PRODUCTS	Products derived from the cultivation of soil, planting and harvesting of crops, and the raising, breeding, and management of livestock, poultry, fish, and other farm animals, including, but not limited to, fruits, vegetables, grains, forages, fiber crops, nursery and greenhouse plants, trees, sod, mushrooms, honey, beeswax, eggs, milk, meat, wool, hides, and other products of agricultural operations. The term also includes aquaculture products and forest products when produced as part of a bona fide farm.
AGRICULTURE (AGRICULTURAL ACTIVITY)	A commercial establishment engaged in farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products for trade or re-sale.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
AGRICULTURE / BONA FIDE FARM	For the purposes of Special Flood Hazard Areas only, the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS §§106-581.1 and 160D-903, however this does not include the use of a farm property for nonfarm purposes, or the preparation of a bona-fide farm property for future non-farm development.
AGRICULTURE / BONA FIDE FARM MAINTENANCE	For the purposes of Special Flood Hazard Areas only, the filling, grading, and excavation of agricultural land actively used for farm purposes within flood prone areas where the land maintenance activities directly related to the farm use do not cause a significant change in the topography of the property nor a significant change in the elevation of the farm land.
AGRI-TOURISM	Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.
AIRSTRIP	A prepared surface, either paved or unpaved, designed and used primarily for the takeoff and landing of aircraft, typically consisting of a single runway and limited or no permanent aviation facilities. An airstrip may be privately or publicly owned and may include minimal accessory improvements such as lighting, windsocks, or tie-down areas, but does not include a full-service airport with terminal buildings, control towers, or commercial passenger operations.
ALCOHOL SALES	The on-premises or limited off-premises sale or service of alcoholic beverages that is clearly incidental and subordinate to a lawfully-established principal use and conducted primarily to serve patrons of that principal use. The sale of alcohol shall not constitute the primary activity on the site, shall not exceed a 50 percent of the gross floor area or revenue.
ALL-WEATHER SURFACE	Paving or surface treatment to a walkway or vehicular use area that is capable of withstanding adverse weather while still maintaining is regular or typical surface characteristics.
ALTERATION	Any physical change to an existing structure, site, or any change in the manner of operation of an existing use, that results in a modification to building area, height, footprint, layout, parking demand, intensity, site operations, or external appearance. Alteration includes additions and expansions, but excludes routine maintenance or repair that does not enlarge, intensify, or otherwise increase the level of activity occurring or the degree of nonconformity.
ALTERNATIVE FORM OF COMPLIANCE	Use or a different approach, configuration, set of materials, or other means of complying with a particular standard in this Ordinance that has been considered and approved by the Town.
ALTERNATIVE PLAN	See "Plan, Alternative."
AMATEUR HAM RADIO	Equipment, including antennas, transmitters, and antenna support structures used by a non-professional person in the transmittal of messages and information within the radio frequency portion of the electro-magnetic spectrum.
AMENDMENT	A significant change, revision, addition, or deletion to a legal statutory document such as a development approval, the text of this Ordinance, or the Official Zoning Map. Amendment to a development approval is also referred to as a "major modification."



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
ANIMAL BOARDING, INDOOR AND OUTDOOR	A commercial establishment providing socialization, training, or housing, in the absence of the owner, during the daytime or overnight for domesticated pets owned by the general public for which a fee is charged. Such uses may include any outdoor activity areas, runs, enclosures, or storage.
ANIMAL BOARDING, INDOOR ONLY	A commercial establishment providing socialization, training, or housing, in the absence of the owner, during the daytime or overnight for domesticated pets owned by the general public for which a fee is charged. Such uses do not include any outdoor activity areas, runs, enclosures, or storage.
ANIMAL GROOMING	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.
ANIMAL SHELTER	A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.
ANNEXATION	The process where land not located within the Town's corporate limits is added to the corporate limits.
ANSI STANDARDS	Standards published by the American National Standards Institute (ANSI), a private, non-profit organization [501(c)(3)] that administers and coordinates the U.S. voluntary standardization and conformity assessment system.
ANTENNA	Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.
ANTENNA COLLOCATION, MAJOR	Uses involving the placement of antennas on building's roof or wall, placement of antennas on a vertical projection not constructed for communications purposes, or placement of antennas on a communications structure that requires "substantial modifications" as defined in NCGS§160D-931.
ANTENNA COLLOCATION, MINOR	Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an "eligible facility" in NCGS§160D-931.
ANTENNA SUPPORT STRUCTURE	The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a wireless telecommunications tower, building, utility pole, or other vertical projection.
APPEAL	A request for a review of a determination, decision, or the application of any provision of this Ordinance.
APPLICANT	A person who has submitted a development application for review under applicable provisions of this Ordinance.
APPLICATION	The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town department or board as part of the development review processes.
APPLICATION, ABANDONED	An application for development approval that has been delayed and has not met the timing standards in Section <>, Abandonment.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
APPLICATION, COMPLETE	A complete application is one that: 1. Contains all information and materials established by the Planning Director as required for submittal of the particular type of application; 2. Is in the form established by the Planning Director as required for submittal of the particular type of application; 3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and 4. Is accompanied by the fee established for the particular type of application. An application is not considered as submitted until it is determined to be a complete application.
APPLICATION, INCOMPLETE	An application for proposed development that does not meet the minimum requirements in Section <>, Determination of Application Completeness.
APPLICATION, MULTI-PART	An application for development approval submitted under this Ordinance that is comprised of two or more different application types described in Chapter 2, Applications.
APPROVING AUTHORITY	For the purposes of Soil Erosion and Sedimentation, the division or other state or local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provision of the Act.
ARBOR	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARBORETUM OR FORMAL GARDEN	A place where trees, shrubs, or other woody plants are grown, exhibited, or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.
ARCADE	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARCH OR ARCHWAY	A curved, semicircular opening in a wall.
ARCHITECTURAL METAL PANEL	A strip or sheet of high-quality metal (typically stainless steel, copper, or bronze) applied to the exterior wall of a building for decorative purposes.
AREA OF SPECIAL FLOOD HAZARD	See "Special Flood Hazard Area (SFHA)."
ART GALLERY, LIBRARY, OR MUSEUM	An institutional use devoted to the exhibition, preservation, interpretation, or lending of works of art, historical or cultural artifacts, books, documents, or similar materials for public education, enrichment, or research. Such uses may include reading rooms, exhibit spaces, archives, classrooms, and related accessory areas, and may host occasional lectures or events incidental to the primary purpose. The term does not include facilities operated primarily for commercial retail sales, entertainment, or assembly purposes.
ART INSTALLATION	Two- or three-dimensional art (such as sculpture, painting, or other physical form of expression) that is created, constructed, and installed on the site where it is displayed for the purposes of expressing an idea, feeling, or desire to evoke a reaction from the viewer.
ARTERIAL STREET	See "Street, Arterial."
ARTICULATION	The presence or projections, recesses, or other architectural features along a building façade.
AS-BUILT PLAN	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
ASSISTED LIVING	See "Congregate Care."



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
ATHLETIC FIELD OR COURT	An outdoor facility used for organized or unorganized sports or recreation. Such facilities may include storage or gathering structures, equipment housing, lights, spectator areas, hard or soft surface play areas, fences, walls, or netting. Swimming pools are not athletic fields or courts.
ATRIUM	An open, central area of a building with large windows or a glass roof available for use by the occupants of the building or the public at large. The atrium typically includes or open onto the building's primary entrance.
AUDITORIUM, COLISEUM, OR CONVENTION CENTER	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with secondary functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
AUTHORIZED AGENT	A person or legal entity with express written consent to act upon another's behalf.
AUTOMATED TELLER MACHINE	An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it. Such uses may not serve as the principal use of a parcel of land or site.
AWNING	A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
AXIS	See "Building Axis."

8.4.2. TERMS STARTING WITH 'B'

TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
BALCONY	A sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. Flags are mounted along one side and shall not be considered banners.
BANK OR CREDIT UNION	An establishment that provides retail banking services, mortgage lending, cash or checks for the purposes of payments or investments, or similar services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities including bail bond brokers. Banks or credit unions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only, as well as drive-through facilities. Establishments where patrons compete against others for cash or other prizes in games where the outcome is based on skill are electronic gaming operations.
BANNER	A sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. Flags are mounted along one side and shall not be considered banners.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BARBER OR BEAUTY SALON	A personal services establishment where one or more persons provides grooming services to members of the general public. Such uses may include secondary retail sale of personal products for patrons.
BASE FLOOD	For the purposes of the Special Flood Hazard Area standards, the flood having a 1 percent chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION (BFE)	For the purposes of the Special Flood Hazard Area standards, a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a flood prone area, it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies.
BASEMENT	Any area of a building with its floor subgrade (below ground level) on all sides.
BAY WINDOW	A window, typically with two or more sides that is built to project outward from an outside wall.
BED AND BREAKFAST	A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to breakfast for guests only. A bed and breakfast with more than six rooms available for rent is considered a hotel or motel.
BEING CONDUCTED	For the purposes of Soil Erosion and Sedimentation, a land-disturbing activity has been initiated and not deemed complete by the approving authority.
BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BEST MANAGEMENT PRACTICE (BMP)	A practice or combination of practices that is determined to be an effective and practicable means of preventing or reducing the amount of stormwater pollution to a level compatible with adopted water quality goals.
BICYCLE LANE	A portion of a street designated solely for use by bicyclists.
BICYCLE PARKING SPACE	Land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
BILLBOARD	See "Outdoor Advertising."
BIO-RETENTION CELL	A stormwater infiltration device consisting of an excavated area that is filled with a specialized soil media and plants, grass, or sod.
BLOCK	The land lying within an area bounded on all sides by streets.
BLOCK FACE	The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.
BOARD OF ADJUSTMENT	A quasi-judicial decision-making body responsible for hearing Appeals, Variance requests, and Special Use Permits in Mills River, North Carolina.
BOARDING HOUSE	A residential dwelling that offers five or fewer sleeping rooms for rent by lodgers staying one or more nights. The dwelling contains a single common kitchen and may include other common areas for dining, laundry, and congregating. Boarding houses are not intended as group homes or halfway houses.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
BOAT SALES AND RENTAL	A commercial establishment engaged in the sale, lease, or short-term rental of boats or watercraft, including motorized and non-motorized vessels, together with customary accessory activities such as display, storage, customer instruction, and minor preparation for use or delivery. This use may include associated equipment and accessory merchandise customarily incidental to boat sales or rental. The term does not include boat manufacturing, major repair or service facilities, dry-stack marinas, or marine fueling operations.
BOLE	For the purposes of this Ordinance, a specific location on the trunk or main stem of a tree where the adjacent soil touches the tree trunk or stem. Tree size is determined by measuring the tree's circumference at specified distances upwards from the bole. The portion of the tree below the established soil line around the base of the trunk is not considered to be the bole.
BONA FIDE FARM	Any tract or tracts of land used for farm purposes as defined in NCGS§160D-930, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS§106-581.1. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under NCGS§106-743.2 is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: <ol style="list-style-type: none"> 1. A farm sales tax exemption certificate issued by the Department of Revenue; 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS§105-277.3; 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; 4. A forest management plan; 5. Listing of the agricultural products produced on-site as a "Goodness Grows in North Carolina" product; and 6. A Farm Service Agency (FSA) farm identification number.
BORROW	For the purposes of Soil Erosion and Sedimentation, fill material that is required for on-site construction that is obtained from other locations.
BOTTLE SHOP (ON-PREMISE CONSUMPTION)	A commercial establishment engaged in the retail sale of beer, wine, or spirits in sealed containers offered for sale to an individual solely as a sealed container such as a bottle or can. Beverages may be sold for off-site or on-site consumption only in accordance with all applicable State laws and permits. Incidental sale of food or associated merchandise may also take place. Bottle shops that do not permit on-site consumption are considered general retail, high intensity.
BOW	An exterior building wall that is curved.
BOW SIGN	See "Sign, Bow."
BROADCASTING TOWER	Uses including buildings, studios, and transmission facilities for the production and distribution of radio and television signals.
BUFFER	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use. For the purposes of riparian buffers or watershed protection, a buffer is a vegetated area bordering a body of water such as a stream, pond, or lake.
BUFFER ZONE	For the purposes of Soil Erosion and Sedimentation, the strip of land adjacent to a lake or natural watercourse.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
BUFFER, PERIMETER	Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including the type A Separation, type B Intermittent, type C Semi-Opaque, and type D, Opaque.
BUFFER, STREETScape	Landscaping provided on individual lots abutting arterial, collector, or local streets, but located outside the street right-of-way.
BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy.
BUILDING AXIS	An imaginary line between two points on a building that describes or explains how the building is organized. For example, the ridgeline of a roof gable depicts a building's axis.
BUILDING CORNERSTONE	A stone that forms the base of a building's most prominent corner.
BUILDING FACADE	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.
BUILDING FLOOR AREA	The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.
BUILDING FLOORPLATE	The area occupied by the outermost perimeter of a building or structure at the ground level only.
BUILDING FOOTPRINT	The area occupied by the perimeter of a principal building. Accessory structures and non-building facilities are not included in the building footprint.
BUILDING PERMIT	Authorization granted by the Town for an applicant to begin construction of a building or structure.
BUILDING PROJECTION	An extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to conceal or screen a service element of site feature like a refuse collection container.
BUILDING RECESS	The portion of a building wall or building façade receding or directed inwards from the primary building façade plane typically used as an entryway or as an area for outdoor activity. A recess may or may not include an overhanging roof.
BUILDING WALL	See "Wall, Building."
BUILDING WING	A portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
BUILT-UPON AREA (BUA)	The portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. Built-upon area does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. The project site or area must exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, State, or local stormwater regulation.
BULB OUT	A curb extension used to extend the sidewalk, reducing the street crossing distance for pedestrians while also allowing approaching vehicle drivers to see pedestrians when vehicles parked in a parking lane would otherwise block visibility.
BULKHEAD	A vertical or horizontal wall used to enhance structural integrity or to conceal mechanical equipment.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
BULKY ITEM SALES	A commercial establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.
BUNGALOW COURT	A series of single-family detached homes configured as a cohesive development that incorporates smaller lot sizes, reduced setbacks, shared accessways, a shared driveway, perimeter landscape buffering, and where each home complies with the residential design guidelines in this Ordinance.
BUS SHELTER	A structure or covering located within or adjacent to a street right-of-way or vehicular driveway that includes areas for standing or seating for patrons waiting to board or disembark from a bus or other form of public transportation. Such uses may include un-manned ticket sales or vending machines, secondary bicycle parking, or refuse collection.
BUS STATION	A permanent transit facility whose primary function is to serve as a terminal for scheduled passenger bus operations, including passenger loading and unloading and associated indoor amenities. Accessory uses may include retail kiosks or offices when clearly subordinate to the transit function. The term excludes bus stops, maintenance yards, and facilities used primarily for vehicle repair.
BUSINESS DAY	Any day in which normal business is conducted. A business day does not include a holiday or a weekend day.
BUSINESS INCUBATOR	A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses. Some use types are specifically prohibited within a business incubator use, as specified in this Ordinance.

8.4.3. TERMS STARTING WITH 'C'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CALENDAR DAY	Any day of the week.
CALIPER	Measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches or 12 inches above the ground, depending upon the size of the tree.
CAMPER	A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.
CAMPGROUND	A commercial establishment containing two or more campsites or cabins available for overnight camping use whether by rental fee or short-term lease. Campgrounds may include recreational facilities, a store for the sale of food or camping supplies while on the premises, and facilities for the assembly of campers and guests. Campground does not include a summer camp, migrant labor camp, manufactured or mobile home park, or recreational vehicle park.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CAMPUS-STYLE DEVELOPMENT	A development of two or more principal buildings along with any secondary structures that are planned, designed, and operated as an integral unit. Campus-style developments are typically organized around a central feature such as a central open space or common area, and use consistent architecture, landscape plantings, street configurations, and other features to reinforce the idea that all buildings are part of one centralized campus.
CANDLE	A measure of light intensity in a certain direction, which is useful in determining how much light is shining out of a fixture and in what direction.
CANOPY (DRIVE THROUGH, FUEL, ETC.)	A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CANOPY TREE	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
CARETAKER DWELLING	See "Dwelling, Caretaker."
CARPORT	A permanent structure comprised of a roof and vertical supports typically used to house an automobile or other vehicle. A carport is open or lacks structural walls on two or more sides and may be detached or attached to a principal structure. Overhead coverings for vehicles not intended as a location to park a vehicle are canopies.
CARRIER OR WIRELESS CARRIER	An entity licensed by the FCC to provide radio frequency communications services to individuals.
CASUALTY DAMAGE	The damage to or loss of a nonconforming structure or use that is sudden, unexpected, and unusual. Typically associated with fire, severe weather, or Act of God.
CATERING ESTABLISHMENT	A commercial establishment that prepares, delivers, and may or may not serve food and/or beverages to clients in a pre-arranged on-site or off-site location at a pre-arranged time. Catering operations associated with a restaurant are considered eating establishments, and catering associated with a hotel, motel, or conference venue is considered a secondary use.
CELLULAR REINFORCED PAVING SYSTEM	Plastic, metal, or polymers that are installed into a matrix of earth or crushed stone and used to reinforce or stabilize parking or vehicular use areas.
CEMETERY OR MAUSOLEUM	Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.
CENTRAL LEADER	The dominant upright branch (or trunk) of a tree.
CERTIFICATE OF COMPLIANCE	Authorization granted by the Town for the County to receive and process a request for a Certificate of Occupancy for development in the Town of Mills River.
CERTIFICATE OF OCCUPANCY	Authorization granted by Henderson County for the occupancy of a building or site reviewed and approved under this Ordinance and the applicable County regulations.
CERTIFIED ARBORIST	An individual who has successfully completed the International Society of Arboriculture (ISA) exam process.
CERTIORARI	A court process to used to seek judicial review of a decision of a lower court or government agency. Cases reviewed in the manner of certiorari are cases reviewed by a court solely upon the record that exists, and new testimony, facts, or evidence are not typically considered.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CHANGE OF USE	The change in the use of a building, structure, or land in accordance with Section <>, Change of a Principal Use.
CHANGEABLE COPY	Text or other depictions on the face of a sign that are capable of being revised on a regular or infrequent basis.
CHANNEL	As used in the riparian buffer standards, a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
CHEMICAL AND PETROLEUM STORAGE FACILITY	For the purposes of the Special Flood Hazard Area standards, a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products or petroleum products.
CHILD CARE, INCIDENTAL	A secondary use where, at any one time, three or more children under the age of 13, receive child care on a regular basis of at least once per week for at least four (but less than 24) hours per day from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This definition does not include child day care centers, cooperative arrangements among parents, or other activities not defined as child care by NCGS§110-86. Provision of child care services for more than six children in a residential dwelling is not a secondary use and is subject to the standards for a child day care center.
CHILD DAY CARE	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
CHRONIC VIOLATOR	A responsible party who owns or maintains property whereupon, in the previous 12 months since issuance of the first notice of violation, the Town has given notice of violation of this Ordinance or the Town Code of Ordinances at least three separate times.
CITATION	As used in Chapter 7, Violations, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.
CIVIL ACTION	A legal action at law brought between a private party(ies) and the Town to protect a civil right or to compel a civil remedy (as opposed to criminal prosecution).
CIVIL PENALTY	A fine or other financial penalty imposed by a court, the County, or another governmental entity as restitution for violation of this Ordinance or other wrongdoing.
CLEAN WATER ACT	For the purposes of stormwater management, the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et seq.
CLEARING	The act of removing existing vegetation. Grading of the land includes clearing when grading is taking place while vegetation is still present.
CLIMATE CONTROL EQUIPMENT	Heating, ventilation, air conditioning, and similar heating or cooling equipment typically located outdoors.
CLOSE FAMILIAL RELATIONSHIP	An instance where a review authority responsible for a decision under this Ordinance has or maintains any of the following types of relationships with an applicant: spouse, parent, child, brother, sister, grandparent, or grandchild, including step, half, and in-law relationships.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CLUSTER MAILBOX, OR BOX UNIT	A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
CLUSTER DEVELOPMENT	For the purposes of water supply watershed protection, the grouping of buildings to conserve land and minimize stormwater runoff impacts. Non-residential, multi-family, and single-family development can be clustered, and planned and mixed-use development are also considered cluster developments for the purposes of the WSPO standards.
COCKTAIL LOUNGE	See “Bar, Cocktail Lounge, or Private Club.”
COFFEE SHOP OR RETAIL BAKERY	A commercial establishment engaged in the retail sale of coffee, tea, related beverages, as well as bread, baked goods, and confections for on-site and off-site consumption. Coffee shops or bakeries may also offer a limited range of food available for on-site or off-site consumption as well as merchandise associated with home consumption of coffee or tea. A coffee shop may also include, as a secondary use, equipment, and facilities to prepare coffee beans for consumption. Uses engaged solely in coffee bean, flour, sugar, fruit, or other food staple processing for off-site consumption are manufacturing uses. Uses that derive the majority of their income from sales of food are restaurant uses.
COLD-HARDY	A plant’s ability to withstand normal winter temperatures while remaining alive.
COLLECTOR STREET	See “Street, Collector.”
COLLEGE OR UNIVERSITY	A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
COLLOCATION	See “Antenna Collocation Major,” or “Antenna Collocation, Minor.”
COLOR CORRECTED HIGH-PRESSURE SODIUM	A form of exterior illumination from a bulb with a compact arc tube that, when energized, produces a warm, deep yellow light.
COLUMN	An upright pillar, typically cylindrical and made of stone or concrete, supporting an entablature, arch, or other structure, or standing alone as a monument.
COMBINATION / RECOMBINATION	The assembling or joining of two or more different lots of record into a different configuration of lot lines.
COMMISSION	For the purposes of Soil Erosion and Sedimentation, the North Carolina Sedimentation Control Commission.
COMMON AREA	Land within a subdivision or development that is owned in common by two or more residents or property owners. Common area may or may not be open to use by members of the general public.
COMMON LAW VESTED RIGHT	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor, or energy in a good faith reliance on a permit from the government, that they acquire “vested rights” or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
COMMON PLAN OF DEVELOPMENT	For purposes of Stormwater Management, a site where multiple separate and distinct development activities may be taking place at different times on different schedules but governed by a single development plan regardless of ownership of the parcels. Information that may be used to determine a common plan of development include plats (including exempt), blueprints, marketing plans, contracts, building permits, public notices or hearings, zoning requests, and infrastructure development plans.
COMMUNITY CENTER	A building and grounds, open to members of the general public to be used as a place of meeting, recreation, or social activity and not operated for profit. Community centers are operated by governmental agencies, not-for-profit entities, or other private institutions.
COMMUNITY CHARACTER	The sum or combined effect of the attributes and assets that make the Town unique and that establish the Town's "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
COMMUNITY GARDEN	See "Garden, Community, Public, or Private."
COMMUNITY RECREATION FACILITY (PRIVATE)	A non-commercial establishment engaged in the provision of recreational opportunities, features, or facilities to the owners or residents of a specific development or subdivision and their guests. Such uses are not typically available for use by non-members. A community recreation facility may or may not include a habitable structure.
COMPLETE APPLICATION	See "Application, Complete."
COMPLETE RESIDENTIAL DWELLING OR HOUSEKEEPING UNIT	A structure primarily devoted to residential occupancy that complies with all applicable requirements for a dwelling for human habitation in the North Carolina Building Code and that contains its own kitchen, bathroom facilities for sanitation and washing, and sleeping area(s).
COMPLETENESS DETERMINATION	The process of determining if an application for a development approval is or is not complete. An application for development is not considered as "submitted" until it is determined to be complete.
COMPLETION OF CONSTRUCTION OR DEVELOPMENT	For the purposes of Soil Erosion and Sedimentation, no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
COMPREHENSIVE PLAN	A comprehensive plan that has been officially adopted by the Town Council in accordance with NCGS§160D-501.
COMPUTER RELATED SERVICES	A commercial establishment engaged in diagnosis and repair of personal computers and associated peripherals, including printers, network equipment, monitors, and related equipment. Such uses may also procure replacement parts and construct computer components or systems for clients. Limited sale of new or reconstructed computers and computer equipment is a secondary use. Manufacture or assembly of computer systems on an industrial scale or for resale to members of the general public is a light manufacturing use.
CONCEPT PLAN	See "Plan, Concept."
CONCRETE PLANT	See "Asphalt or Concrete Plant."
CONDITION OF APPROVAL	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant and the Town to become binding.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CONDITIONAL REZONING	A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.
CONDITIONAL ZONING DISTRICT	A type of zoning district subject to one or more conditions included as part of the legislative approval by the Town Council that establishes the conditional zoning district. Conditions may address dimensional standards, development standards, subdivision requirements, or other elements, as permitted by this Ordinance.
CONDOMINIUM	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
CONE OF ILLUMINATION	The detectable spread of illumination from a source of exterior lighting.
CONGREGATE CARE	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.
CONNECTIVITY	The relative degree of connection between streets, sidewalks, or other means of travel.
CONSERVATION AND DEVELOPMENT AREA	The two portions of a conservation subdivision. The conservation area is the portion of the land protected from development and the development area is the portion of the subdivision utilized for development purposes. Agricultural and forestry activities may take place in either or both portions.
CONSERVATION EASEMENT	See "Easement, Conversation."
CONSERVATION SUBDIVISION	See "Subdivision, Conservation."
CONSISTENT	Architectural design, site configuration, or building materials or colors that are compatible, accordant, or harmonious with one another or with similar features in other developments in the general vicinity.
CONSTRUCTION	The erection of any building, structure, on-site improvement, or any preparations (including land disturbing activities) for the same, regardless whether the site is presently improved, unimproved, or hereafter becomes unimproved by "demolition," destruction of the improvements located thereon by fire, windstorm, or other casualty.
CONSTRUCTION DRAWINGS	Technical diagrams, drawn to scale, depicting the placement and configuration of buildings, structures, site features, and public infrastructure, such as streets, water lines, sewer lines, or sidewalks.
CONTAINERIZED STOCK	Trees or other vegetation delivered for planting or establishment in individual or group containers.
CONTIGUOUS	See "Abutting."
CONTINUANCE	The adjournment or postponement of review or a decision on an application for development approval to a specified future date.
CONTINUING CARE RETIREMENT COMMUNITY (CCRC)	A retirement community configured as a single unified campus that includes independent living dwellings, assisted living facilities, and skilled nursing facilities that are owned and operated by a private company that provides a continuum of care to residents of the community. It may include on-site dining, medical care, and recreation and social facilities in addition to guest lodging and employee housing.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CONTRACT PURCHASER	A person who has entered into a contract with another party to purchase real property, but who has not yet settled on the purchase.
CONTRACTOR SERVICES OFFICE/YARD	Offices for building, heating, plumbing, electrical, or similar contractors, along with related indoor and outdoor storage facilities. Such uses may include minor assembly of parts but do not include fabrication of finished products from raw materials.
CONVENIENCE STORE (WITH GASOLINE SALES)	A retail establishment which offers for sale, primarily, the following types of articles: gasoline, vehicle-related products, pre-packaged, canned, and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Site-prepared food products may also be offered for sale but only as a secondary activity of a convenience store and subject to the standards of this Ordinance. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.
CONVENTION CENTER	See "Auditorium, Coliseum, or Convention Center."
CONVENTIONAL ZONING DISTRICT	A designation or classification applied to certain lots or tracts as shown on the Official Zoning Map. Conventional zoning districts specify the broad range of allowable land use types permitted on lots or tracts within the particular district. The conventional zoning district standards also specify the applicable dimensional requirements for lots and buildings as well as any unique provisions that apply to solely lands in the particular district.
COPING	A finishing or protective course of masonry or cap of metal located at the top of a brick, stone, or masonry wall.
CORNICE	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
CORPORATE LIMITS	The legal name that refers to the boundaries of a municipal corporation (i.e., the Town of Mills River, North Carolina).
CORRECTIONAL OR DETENTION FACILITIES	Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.
COUNTY	Henderson County, North Carolina.
COURT-ORDERED SUBDIVISION	See "Subdivision, Court-Ordered."
COURTYARD	An open, unoccupied space, other than a required yard, on the same lot as a building and bounded on two or more sides by a building on the same lot.
COVENANT	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
CO-WORKING SPACE	A land use that serves as a shared workspace for employees of different organizations. Co-working spaces consist of private, self-contained offices as well as shared or common office workspaces available for rent by more than one individual. Co-working spaces may include shared administrative staff, document production, presentation equipment, storage, kitchens, or private meeting rooms.
CRIMINAL PENALTY	A fine, fee, imprisonment, or other activity ordered by a court or governmental agency as punishment for a violation of this Ordinance or other applicable law.
CRITICAL ROOT ZONE	The area around the stem or trunk of a tree located around the trunk, the radius of which is 12 inches in distance from the base of the trunk for every inch of tree diameter measured at 4.5 feet above grade.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
CUL-DE-SAC STREET	See "Street, Cul-de-Sac."
CUPOLA	A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.
CURB	A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
CURB OUTLET SYSTEM	For purposes of Stormwater Management, curb and gutter with breaks or other outlets used to convey stormwater runoff to vegetated conveyances or other vegetated areas.
CURVILINEAR WALL FEATURE	A portion of a building's exterior wall that is curved or arced relative to the primary wall plane.
CUT-OFF ANGLE	The angle, measured up from the nadir, between the vertical axis and the first line of sight at which a source of illumination (bulb) is not visible.
CUT-OFF BULB	A device providing a source of visible illumination that is painted, shielded, or otherwise configured so that the direction of light is controlled and prevented from travelling upwards, downwards, or sideways from the bulb's relative location.

8.4.4. TERMS STARTING WITH 'D'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
DAM	A barrier, whether constructed or natural that holds back water.
DANCE HALL	See "Nightclub or Dance Hall."
DATA PROCESSING	See "Cryptomining and Data Processing."
DAY CARE, ADULT	See "Adult Day Care."
DAY CARE, CHILD	See "Child Day Care."
DAY SPA (MEDICAL OR NON-MEDICAL)	A commercial or institutional use engaged in the provision of health, relaxation, exercise, diet, or lifestyle training or related services to members of the general public during regular business hours. Day spas do not offer overnight lodging or accommodations.
DEAD-END STREET	See "Street, Dead-End."
DECK	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
DEDICATION	The act of giving, donating, or dedicating land or infrastructure improvements to a unit of government for their operation and maintenance.
DEED RESTRICTION	A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.
DEPARTMENT	For the purposes of Soil Erosion and Sedimentation and Stormwater Management, the North Carolina Department of Environmental Quality (DEQ).
DESIGN FLOOD	See "Regulatory Flood Protection Elevation."
DESIGN MANUAL	For purposes of Stormwater Management, the stormwater design manual approved for use in Phase II jurisdictions by the Department for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Design Manual are to the latest published edition or revision.
DESIGNEE	A person selected or designated to carry out a duty or role.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
DETACHED GARAGE/CARPORT	See "Carport," or "Garage."
DETENTION BASIN	Surface storage basins or facilities that provide flow control through attenuation of stormwater runoff. They also facilitate some settling of particulate pollutants. Detention basins are normally dry and in certain situations the land may also function as a recreational facility.
DETERMINATION, ADVISORY (OPINION)	An oral interpretation of a provision in this Ordinance, a boundary on the Official Zoning Map, or a prior development approval that is not binding on the Town or the Town official making the interpretation.
DETERMINATION, FORMAL	A determination, made in writing, by the Planning Director or Town Attorney regarding the proper application of provisions in this Ordinance, vested rights, the boundaries on the Official Zoning Map, or a prior-approved condition of approval.
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	<p>Development means any of the following:</p> <ul style="list-style-type: none"> [1] The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; [2] Excavation, grading, filling, clearing, or alteration of land; [3] The subdivision of land, as defined in NCGS§160D-802; or [4] The initiation or substantial change in the use of land or the intensity of the use of land. <p>For the purposes of the Special Flood Hazard Area standards, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, except development does not include agriculture / bona-fide farm land maintenance activities directly related to the farm use, nor does the definition of development include the removal of storm debris from a property due to the impacts from a declared natural disaster, as long as the property is returned to its pre-storm condition only.</p> <p>For the purposes of Stormwater Management, any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the soil.</p>
DEVELOPMENT ACTIVITY	For the purposes of the Special Flood Hazard Area standards, any activity defined as Development which will necessitate a Hazard Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures, except development activity does not include agriculture / bona-fide farm land maintenance activity, nor does it include the removal of storm debris from a property due to a declared natural disaster.
DEVELOPMENT AGREEMENT	A written agreement between the Town and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
DEVELOPMENT APPROVAL	Any written authorization issued by the Town that permits or authorizes development of land or the establishment, expansion, or modification of a use or a site. The term does not include purely ministerial permits issued solely upon verification of compliance with previously granted approvals, such as Building Permits or Certificates of Occupancy.
DEVELOPMENT APPLICATION	See "Application."
DEVELOPMENT ENTRY POINT	A vehicular access point providing ingress or egress to an individual neighborhood or development.
DIAMETER AT BREAST HEIGHT (DBH)	Measurement for determining the size of existing trees to be credited towards landscaping requirements or for violations of this Ordinance. DBH is the measurement of the diameter of an existing tree trunk taken at a height of 4 ½ feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.
DIRECTOR	For the purposes of Soil Erosion and Sedimentation, the Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.
DISCHARGE POINT OR POINT OF DISCHARGE	For the purposes of Soil Erosion and Sedimentation, that point where runoff leaves a tract of land where a land disturbing activity has occurred or enters a lake or natural watercourse.
DISH ANTENNA	A directional antenna consisting of a parabolic reflector used to send and receive microwave or radio frequency communication signals.
DISPOSAL	For the purposes of the Special Flood Hazard Areas standards, as defined in NCGS§ 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
DISTRIBUTED ANTENNA SYSTEM (DAS) NODE	Wireless telecommunications equipment that includes one or more antennas mounted on a support structure (such as a utility pole, building, or other vertical projection) which is connected via cable or wirelessly to an equipment cabinet on site that is joined via cable to the internet and/or other communication network. Applications for the establishment of a DAS node are reviewed and decided in accordance with the procedures for establishment of a small wireless facility.
DISTURBED AREA	Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation including but not limited to grubbing, stump removal, grading, or removal of structures.
DITCH OR CANAL	For the purposes of the Riparian Buffer standards, a man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.
DIVISION	For the purposes of Stormwater Management, the Division means the Division of Energy, Mineral, and Land Resources.
DOCK OR PIER, PUBLIC	A fixed or floating structure extending from the shoreline or over a water body and used for the mooring, loading, unloading, launching, or temporary berthing of boats or watercraft, or for pedestrian access to navigable waters. A dock or pier may include associated appurtenances such as ramps, walkways, pilings, or finger piers. The term does not include boat ramps, bulkheads, seawalls, or structures used primarily for commercial marine services.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
DOG TRAINING FACILITY	A facility or site used primarily for the instruction, conditioning, or behavior training of domesticated or service dogs, whether conducted individually or in groups, and whether indoors or outdoors. Activities may include obedience training, agility, scent work, working-dog training, or similar programs. Accessory uses may include classrooms, limited retail of training-related items, and temporary holding areas for dogs actively participating in training.
DOMED	A roof having a circular, polygonal, or elliptical base and a generally spherical shape.
DORMER WINDOW	A window that projects vertically from a sloping roof.
DOUBLE FRONTAGE LOT	See "Lot, Double Frontage."
DOWNZONE	A reduction in the available development potential of a lot or lots based on a zoning map amendment that establishes a new zoning district for the lot(s) in question.
DRAINFIELD	The portion of an on-site septic or wastewater treatment system designed to allow treated wastewater to percolate into the adjacent soil.
DRIP LINE	An area on the ground that corresponds to the outer extents of a tree's canopy where rainwater falls from leaves and branches downward to the ground.
DRIVE AISLE	A vehicular accessway within a surface parking lot or a parking structure.
DRIVE THROUGH	A primary or secondary facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc., but not automated teller machines (ATMs), gas stations, or other vehicle services such as car washes.
DRIVEWAY	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
DRIVEWAY APRON	The portion of a driveway within or adjacent to a street right-of-way.
DRIVEWAY MEDIAN	A constructed device, whether raised or lowered from grade level, located within a driveway or drive aisle that is used to control traffic direction or limit turning movements.
DRIVEWAY, SHARED	A driveway serving two to five single-family detached or up to six two-family dwelling units.
DROUGHT TOLERANT TREE	See "Tree, Drought Tolerant."
DUPLEX	See "Dwelling, Duplex."
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 or appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.
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.
DWELLING UNIT, ACCESSORY	A separate or distinct residential dwelling or housekeeping unit that is located either internally or fully detached from a principal single-family dwelling. An accessory dwelling unit is a complete residential dwelling or housekeeping unit.
DWELLING UNIT, ACCESSORY (DETACHED)	An accessory dwelling unit established on the same lot as a principal single-family detached dwelling but within a separate structure that is clearly separate and detached from the principal single-family detached dwelling.
DWELLING UNIT, ACCESSORY (INTERNAL)	An accessory dwelling unit established within the perimeter walls and roof of an existing single-family detached residential dwelling unit.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
DWELLING, CARETAKER	A secondary dwelling unit on a non-residential, mixed-use, or multi-family development site that houses staff responsible for security or maintenance of the site. Accessory dwelling units are not considered as a caretaker dwelling.
DWELLING, DUPLEX	A single residential structure on one fee simple lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. A residential structure containing two units, each on its own fee simple lot, is a townhouse structure.
DWELLING, LIVE/WORK	A structure or portion of a structure combining a dwelling unit with an integrated non-residential work space used by one or more of the residents. The non-residential work space is found on the building's ground floor.
DWELLING, MANUFACTURED HOME	See "Manufactured Home."
DWELLING, MOBILE HOME	See "Mobile Home."
DWELLING, MULTI-FAMILY	A structure containing five or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not townhouse dwellings since townhouse dwellings are on their own individual lots. Structures containing two dwelling units on one lot are two-family uses. Structures containing three dwelling units on one lot are triplexes. Structures containing four dwelling units on one lot are quadplexes.
DWELLING, QUADPLEX	A single residential structure on one fee simple lot that contains four dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. A residential structure containing four units, each on its own fee simple lot, is a townhouse structure.
DWELLING, SINGLE-FAMILY DETACHED	A dwelling in a single structure located on its own fee simple lot containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, mobile homes, or recreational vehicles. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.
DWELLING, TEMPORARY	A structure established to serve as a temporary domicile while an existing principal residence is constructed, repaired, or established. A temporary dwelling may also be located on a non-residential construction site and occupied by persons having construction or security responsibilities over the construction.
DWELLING, TEMPORARY DISASTER	A residence (which may be a manufactured home) that is located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster.
DWELLING, TOWNHOUSE	A principal dwelling unit in its own structure located on its own fee simple lot. One or more dwelling unit walls on each lot may be shared, party walls. Lots may maintain individual lot frontages on a public street, or may be located entirely within a larger parcel owned in common that incorporates shared parking, recreation features.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
DWELLING, TRIPLEX	A single residential structure on one fee simple lot that contains three dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. A residential structure containing three units, each on its own fee simple lot, is a townhouse structure.
DWELLING, UPPER-STORY MULTI-FAMILY	A residential dwelling unit located on the second or higher floors of a building with some form of non-residential use on the first or ground floor. Dwelling units may be configured as apartments or condominiums. Buildings devoted entirely to residential apartments or condominiums are multi-family.

8.4.5. TERMS STARTING WITH 'E'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
EASEMENT	The right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
EASEMENT PLAT	See "Plat, Easement."
EASEMENT, ACCESS	An easement granted for the purpose of allowing others access to or across land, a site, or a development feature.
EASEMENT, CONSERVATION	An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.
EASEMENT, DRAINAGE	An easement granted for the purpose of allowing stormwater runoff to collect and be conveyed to another location.
EASEMENT, MAINTENANCE	An easement granted to enable the Town or other non-owning party to maintain a building, site, or site feature.
EASEMENT, PUBLIC UTILITY	An easement granted for the purpose of overhead or underground public utilities.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
EFFECTIVE DATE	The date that this Ordinance becomes effective, as directed by the Town of Mills River Town Council.
EGRESS	An exit from a building or site.
ELECTRIC VEHICLE CHARGING STATION	An off-street parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle.
ELECTRICAL, HVAC, OR PLUMBING FABRICATION	An industrial establishment operated by a contractor, supplier, or distributor engaged in the fabrication and assembly of plumbing fixtures, electrical fixtures, HVAC ducting and equipment, fireplaces, or similar household or commercial features for off-site installation.
ELECTRONIC MESSAGE BOARD	See " Sign, Electronic Message Board."



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
ELEVATED BUILDING	For the purposes of the Special Flood Hazard Area standards, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELIGIBLE FACILITY REQUEST	An application for the installation of new or replacement antennas and related telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a “substantial modification” as defined in this Ordinance and NCGS§160D-931. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
EMPLOYEE HOUSING	Short-term living accommodation provided for employees, often by employers, to support staff who are on temporary assignments, seasonal workers, or new hires relocating for work. Employee housing is typically associated with short-term construction or other limited duration projects instead of long-term or on-going principal uses.
ENCROACHMENT	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, or other area typically required to remain free of buildings or structures. For the purposes of the Special Flood Hazard Area standards, the advance or infringement of uses, fill, excavation, buildings, structures, or development into a flood prone area, which may impede or alter the flow capacity of that area.
ENERGY DISSIPATOR	For the purposes of Soil Erosion and Sedimentation, a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
ENLARGEMENT	Increasing the floorplate, footprint, or square footage of a building, structure, outdoor use area, or activity.
ENTABLATURE	A horizontal, continuous lintel on a classical building supported by columns or a wall, comprising the architrave, frieze, and cornice.
ENTRANCE, PRIMARY	See “Primary Entrance.”
EQUIPMENT CABINET	A non-habitable structure, such as a box, enclosure, vault, shelter, or pedestal, typically located above ground, that contains radios, computers, or other equipment necessary for the transmission or reception of telecommunication signals.
EQUIPMENT COMPOUND	An area containing telecommunications equipment serving antennas on a nearby telecommunications tower, utility pole, building, or other vertical projection. An equipment compound is commonly fenced or surrounded by walls that limit access to members of the general public. Nothing shall limit an equipment compound from being located within a building, on the roof of a building, or underground.
EQUIPMENT SALES, RENTAL, & REPAIR	A commercial established engaged in the retail sale, rental, or service of hand tools, small electrical or gasoline-powered tools, or similar devices typically used by home or business owners for non-professional purposes as well as construction, agricultural, forestry, earth-moving, or similar large-scale equipment, whether self-propelled or trailer-mounted, typically by professionals for professional purposes. Such uses may also provide for rental of furniture, household goods, or appliances on a non-continuous short-term basis, outdoor display and storage of equipment, parts storage, fueling incidental to repair activities, and accessory offices or showrooms.
EQUITABLE REMEDY	A court-ordered non-monetary remedy that directs a party to take a particular action for violation of this Ordinance or other applicable law.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
EROSION	For the purposes of Soil Erosion and Sedimentation, the wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.
EROSION CONTROL FACILITY	Site features and elements on a construction site configured to prevent erosion and contain sediment.
EROSION CONTROL PLAN	See "Plan, Erosion Control."
ESTABLISHED GRADE	See "Grade, Established."
EVENT VENUE, INDOOR ONLY	A facility designed and operated primarily for hosting private or public gatherings, ceremonies, receptions, performances, or similar events that occur entirely within enclosed buildings. Accessory uses may include catering preparation areas, staging, audio-visual equipment, and temporary event furnishings. The use does not include outdoor event spaces, restaurants or bars operating primarily for daily service, theaters, nightclubs, or facilities where retail sales constitute the principal activity.
EVENT VENUE, INDOOR & OUTDOOR	A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical secondary uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, on- and off-site parking, and outdoor recreation facilities.
EVERGREEN TREE	See "Tree, Evergreen."
EVIDENTIARY PUBLIC HEARING	See "Public Hearing, Evidentiary."
EXCESSIVE NOISE	A steady-state or short pulse of sound that exceeds maximum allowable levels.
EXEMPTION	A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements.
EXISTING BUILDING AND EXISTING STRUCTURE	For the purposes of the Special Flood Hazard Areas standards, any building or structure for which the start of construction commenced before the effective date of the hazard prevention regulations adopted by the community, dated 10/06/2025.
EXISTING DEVELOPMENT	Those projects that are built prior to <i>(insert the effective date of this Ordinance)</i> , or those projects with an established a vested right established in accordance with Section <>, Vested Rights, as of the effective date of this Ordinance.
EXISTING TREES	Trees or other woody vegetation that exist prior to development or land disturbance and that are retained on a development site after construction, development, or land disturbance.
EXPANSION	An increase in the floor area of an existing structure or building, or the increase of area of a use.
EXPIRATION (OF AN APPROVAL)	The lapse and invalidation of a development approval due to failure to initiate or make substantial progress on the approved development within the applicable time limits. Expired approvals confer no continuing rights, and any subsequent development activity shall require new approval under the regulations in effect at the time of expiration.
EX-PARTE COMMUNICATION	Any communication between a member of a decision-making body and another person involved in a development application that is made without the presence or knowledge of the other members of the same decision-making body.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
EXTERIOR ARCHITECTURAL FEATURES	Includes the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" shall include historic signs, color and significant landscape, archaeological and natural features of the area.
EXTERIOR LIGHTING	Illumination of a building, parking lot, or site feature.
EXTRACTIVE INDUSTRY	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved Site Plan or Subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.
EXTRATERRITORIAL JURISDICTION	The land area located outside the corporate limits of a municipality, but still subject to the planning and zoning laws associated with the municipality.
EYEBROW WINDOW	A low dormer window with no sides located on the slope of a roof where the roofing material is carried over the top of the window without interruption.

8.4.6. TERMS STARTING WITH 'F'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
FAÇADE	See "Building Façade."
FAÇADE, FRONT	The exterior façade of a building where the primary or front entrance is located. Typically, the front façade faces the street from which the building derives its street address.
FAÇADE, PRIMARY	See "Façade, Front."
FAÇADE, REAR	The exterior façade of a building that is opposite the front façade.
FAÇADE, SIDE	The exterior façade of a building perpendicular to the front façade.
FALSE (OR OPAQUE) WINDOWS	An exterior building material provided to replace or approximate a window.
FAMILY	One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit. The number of persons, but not exceeding a total of three unrelated persons, living, and cooking together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
FAMILY CARE HOME	A North Carolina licensed facility home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. A mental health facility licensed by the State of North Carolina for up to six people shall also be considered a family care home. A disabled person is a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS§122C-3(11)b.
FAMILY HEALTH CARE STRUCTURE	A transportable residential structure that is primarily assembled at a location other than its site of installation and provides an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.
FAMILY SUBDIVISION	The division of land into two or more parcels or lots for the purpose of conveying the resulting parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within four degrees of collateral kinship to the grantor, such division to be referred to herein as a "family subdivision." Degrees of kinship shall be computed in accordance with NCGS§104A-1.
FARMERS MARKET	A principal use that includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.
FASCIA	A fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.
FEATHER FLAG	See "Sign, Feather Flag."
FEE	An amount charged in accordance with the regularly adopted fee schedule of the Town.
FEE-IN-LIEU	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
FENCE OR WALL	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection, retention, or confinement, but not including a hedge or vegetation.
FENESTRATION	The arrangement of windows, doors, and false casements on a building's façade.
FINAL PLAT	See "Plat, Final."
FINANCIAL GUARANTEE	See "Performance Guarantee."
FINANCIAL SERVICES	An office-based commercial use providing financial or monetary services to clients, including mortgage lending, investment advisory services, insurance agencies, brokerage services, tax preparation, and similar activities conducted primarily within enclosed buildings. Accessory services may include customer meeting areas.
FINE	A sum of money imposed on a violator as punishment for violation of law.
FINISHED GRADE	The grade after construction, exclusive of any filling, berming, mounding, or excavating.
FINS	A decorative or structural device consisting of a series of narrow vertical projections or ribs along a building's façade that provide screening to windows or that conceal structural supports that provide rigidity to the walls or support the roof.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
FIRE ESCAPE	A structural mechanism affixed to the exterior of a building that allows occupants to gain egress from each floor of the building without use of the primary entrance in the event of fire or other dangerous situation.
FIRE HYDRANT	A connection point to a public water supply system used by firefighters to access water as a part of fire suppression.
FIRE LANE	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
FIRE PROTECTION SYSTEM	A fire hydrant, water storage tank, or connection to a building's sprinkler system, typically referred to as a standpipe, all used for the purposes of providing water for fire suppression.
FIRE/EMS/POLICE STATION	A facility that serves as the base of operations for a fire company, police precinct, sheriff's office, or emergency medical technician operation. Such facilities may also include living quarters for personnel, equipment storage, and vehicular maintenance areas.
FIREPLACE	A structure, located within or outside a building, used for the sole purpose of combustion of wood or gas for recreational, food preparation, or climate control purposes.
FIRST CLASS MAIL	Correspondence, including postcards, sealed letters, and sealed packages deposited with the US Postal Service for transmittal to an addressee for a fee. First class mail is the basic level of service offered by the US Postal Service and does not include a guarantee of delivery or receipt.
FITNESS CENTER	A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Such uses may include indoor swimming pools, athletic courts, tracks, or other similar features. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as a secondary use.
FIXTURE (LIGHT)	The assembly that houses the lamp and can include all or some of the following parts: housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and refractor or lens.
FLAG	See Section <>, Sign Standards by Sign Type..
FLAG LOT	See "Lot, Flag."
FLAGPOLE	A freestanding structure or structure attached to the wall or roof of a building that is used to display flags.
FLEA MARKET	A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.
FLOOD AND FLOODING	A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)	For the purposes of the Special Flood Hazard Area, means an official map of the community, issued by the federal government, on which the flood prone areas and the floodways are delineated.
FLOOD HAZARD BOUNDARY MAP (FHBM)	For the purposes of the Special Flood Hazard Area standards, means an official map of the community, issued by the federal government, where the boundaries of the flood prone areas have been defined as Zone A.



TABLE <=>: TERMS DEFINED

TERM	DEFINITION(S)
FLOOD HAZARD PERMIT	For the purposes of the Special Flood Hazard Area standards, any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.
FLOOD PRONE AREA	For the purposes of the Special Flood Hazard Area standards, any land area susceptible to being inundated by water from any source. See "Special Hazard Area."
FLOOD ZONE	For the purposes of the Special Flood Hazard Area standards, a geographical area shown on a Flood Hazard Boundary Map that reflects the severity or type of flooding in the area.
FLOODLIGHT OR SPOTLIGHT	Any light fixture or lamp that incorporates a reflector or a retractor to concentrate the light output into a directed beam in a particular direction.
FLOODPLAIN	See "Flood Prone Area"
FLOODWAY	For the purposes of the Special Flood Hazard Area standards, means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
FLOOR	The top surface of an enclosed area in a building, including basement, such as, top of slab in concrete slab construction or top of wood flooring in frame construction.
FLUORESCENT	A method of providing illumination by a bulb coated in a material that releases photons when subject to an electrical current.
FOOD TRUCK	See "Mobile Restaurant."
FOOTCANDLE	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.
FOOTPRINT	See "Building Footprint."
FORESTLAND	Land used for the purposes of growing trees for harvest.
FORESTRY	An activity related to planting, maintaining, or removing trees as part of a forestry management plan or bona fide farming activity.
FORESTRY MANAGEMENT PLAN	"See Plan, Forestry Management."
FORMAL DETERMINATION	See "Determination, Formal."
FRATERNAL CLUB OR LODGE	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
FREIGHT TERMINAL	A use where trucks, trailers, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. A commercial use engaged solely in short- or long-term storage is a warehouse use.
FRONT FAÇADE	See "Façade, Front."
FRONTAGE	The portion of a lot a strip or extent of land abutting and extending along a street.
FRONTAGE STREET	See "Street, Frontage."
FUEL OIL/BOTTLED GAS DISTRIBUTION	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
FULL CUT-OFF FIXTURE	A fixture light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.
FUNCTIONALLY DEPENDENT FACILITY	For the purposes of the Special Flood Hazard Area standards, a facility which cannot be used for its intended purpose unless it is located in close proximity to water.
FUNERAL RELATED SERVICES	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are secondary uses. Uses for the interment of human or animal remains are cemeteries.
FUTURE LAND USE MAP	A portion of the Town's Comprehensive Plan that identifies the locations and boundaries of adopted future land use designations, including information on the types of appropriate land uses and the desired density or intensity of development.

8.4.7. TERMS STARTING WITH 'G'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
GABLE	A triangular area of an exterior wall formed by two sloping roofs.
GALLERY	A balcony or platform on an upper floor that projects from the primary wall plane of the building that is open underneath.
GAMES OF SKILL	A game or activity in which a participant's skill or judgment is the primary factor determining success or failure, and in which chance plays no more than an incidental role. The term excludes games or devices where the award of prizes or outcomes is materially influenced by random number generation, programmed odds, or other elements of chance.
GARAGE	A secondary structure that includes four connected walls and a roof that is typically used for the storage of automobiles or equipment. A garage may be attached to or detached from the principal structure it serves.
GARAGE OR YARD SALE	A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.
GARDEN (COMMUNITY, PUBLIC, OR PRIVATE)	An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include crop production and nurseries.
GAS AND PETROLEUM DISTRIBUTION	An industrial use involving the bulk storage, transfer, loading, unloading, or wholesale distribution of gasoline, diesel fuel, heating oil, propane, natural gas liquids, or other petroleum-based or gaseous fuels for delivery to off-site locations. The use may include storage tanks, pumping equipment, tanker truck bays, pipelines, and related accessory offices or control facilities.
GASOLINE SALES	A commercial establishment engaged in the retail sale of gasoline for use by consumers in private vehicles. Gasoline sales uses may also offer minor vehicle repairs and similar services as well as the secondary sale of food or beverages for off-site consumption. Gasoline sales uses are not engaged in the sale of oil products unrelated to the operation of private vehicles.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
GATHERING AREA	A formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation. A gathering area may be a part of a required private common open space, and may be owned and operated by the Town or by a private landowner. Areas configured for outdoor dining or seating, outdoor performance spaces, plazas and beneath permitted public art installations are considered as gathering areas.
GENERAL ASSEMBLY	The General Assembly for the State of North Carolina. Also referred to as the Legislature.
GENERAL INDUSTRIAL SERVICES	Industrial uses primarily engaged in the servicing, repair, maintenance, testing, fabrication, processing, or handling of materials, equipment, vehicles, or products, typically involving industrial buildings, service bays, yards, or specialized equipment. Such uses may generate noise, vibration, dust, odors, truck traffic, or outdoor storage that are greater in intensity than those typically associated with office or retail uses. General industrial services may include accessory offices, parts storage, and outdoor storage or work areas customarily incidental to the principal activity.
GENERAL PUBLIC	Residents of and visitors to the Town on a lot, site, or within a building, but who do not own the lot, site, or building, or who do not belong to an owners' association with maintenance responsibility of the lot, site, or building.
GENERAL STATUTES	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
GENERATOR	A mechanical or electrical device that produces electrical power by converting energy from fuel, mechanical motion, or another source, including standby, emergency, or primary power generators. A generator, when proposed as a secondary use, is permanently installed and may include associated equipment such as fuel tanks, exhaust systems, sound attenuation enclosures, and transfer switches.
GLARE	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
GLAZING	The portion of an exterior building surface occupied by glass or windows. Also referred to as transparency.
GOLF COURSE (PUBLIC OR PRIVATE)	A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.
GOOD CAUSE	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
GOOD FAITH	Sincere conduct free from malice or a desire to defraud others.
GOVERNMENT MAINTENANCE, STORAGE, AND DISTRIBUTION	A lot or site engaged in the operation, storage, or maintenance of government equipment and associated materials. Such uses may include secondary offices, membrane structures, outdoor storage areas, vehicle storage, and related aspects
GOVERNMENT OFFICE	An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
GOVERNMENTAL TRAINING FACILITY, EXCLUDING FIRING RANGE	A governmental operation, including structures, open areas, and other facilities intended for training use by governmental emergency service providers and personnel. Governmental training facilities are not open to members of the general public.
GRADE, ESTABLISHED	The ground elevation at a specific point on a site after completion of development activity or prior to development activity on a vacant site.
GRADE, FINISHED	See "Finished Grade."
GRADING	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
GRATE	Metal, wood, or plastic configured to cover or obscure an opening in a wall, roof, or the ground.
GRAVEYARD	See "Cemetery."
GREEN ROOF	The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
GREEN WALL	See "Wall, Green."
GREENHOUSE	A permanent or temporary structure, enclosed wholly or partially by transparent or translucent materials, used for the growing, cultivation, propagation, display, or protection of plants, flowers, vegetables, or nursery stock under controlled environmental conditions. Greenhouses may or may not be served by electrical and/or water service.
GREENWAY	Public open space under the control and maintenance of the Town which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GROCERY STORE	An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.
GROSS FLOOR AREA	See Section <>, Floor Area.
GROUND COVER	Low growing plants such as grasses, ivy, creeping bushes, and similar decorative plantings as well as mulch, pine straw, or other similar materials used to cover the ground within required landscaping areas. For the purposes of Soil Erosion and Sedimentation, any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
GROUND-BASED MECHANICAL EQUIPMENT	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
GROUP DEVELOPMENT	See "Unified Development."
GROUP HOME	A residential facility (such as an orphanage, shelter, crisis center) with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for more than six persons needing emergency or post-incarceration services (but not including those with mental illness who are dangerous to themselves or others).
GUARD HOUSE, SHELTER, OR GATEHOUSE	A secondary structure typically located on the perimeter or at the entry of a development and used to screen visitors or maintain records of persons entering or leaving a development.
GUYED TOWER	A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.



8.4.8. TERMS STARTING WITH 'H'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
HABITABLE SPACE	A space in a building for living, sleeping, eating, or cooking, or used as a home occupation.
HAIR, NAIL, AND SKIN RELATED SERVICES	A commercial establishment engaged in the provision of services pertaining to hair care, hair styling, hair removal, nail care, makeup, facial treatments, tanning, massage therapy, and similar cosmetic treatments. Such uses may or may not include other spa or salon facilities such as showers, baths, and the incidental sales of food for on-site consumption and personal skin or hair care products. Commercial uses engaged in hair cutting, hair styling, or hair coloring are barber and beauty salons.
HALF STREET	See "Street, Half."
HALFWAY HOUSE	A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.
HARDSHIP	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.
HAZARD DEVELOPMENT PERMIT	See "Flood Hazard Permit"
HAZARDOUS WASTE	By-products, derivatives, or residuals taking the form of a solid, liquid, or gas that has a degree rating in health, flammability, or reactivity of Class 3 or 4 as ranked by the National Fire Protection Association's Document 704 and that is used directly in research, laboratory, or production processes that have as their end product materials that are not hazardous, as defined in the North Carolina Building Code, Volume V – Fire Prevention.
HAZARDOUS WASTE MANAGEMENT FACILITY	For the purposes of the Special Flood Hazard Overlay standards, as defined in NCGS§130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
HEAT ISLAND EFFECT	An effect, typically in more urban areas, where ambient heat builds up in localized areas due to increased absorption of solar radiation by constructed surfaces such as paving, building walls, and roofs.
HEDGE	A row of shrubs planted with close spacing that grow together to form a dense opaque screen.
HEDGEROW	A row of shrubs and trees planted with close or uniform on-center spacing that grow together to form a dense opaque screen that blocks wind or visibility between different areas.
HELISTOP	An area of land, water, or structural surface designed for discharge or pick-up of passengers or cargo from or by helicopters, but excluding field service or maintenance.
HIGH INTENSITY LED	One or more light emitting diodes that are optimized for providing an extra-bright, highly visible light.
HIGH INTENSITY OFFICE	See "Office, High Intensity."
HIGH PRESSURE SODIUM LAMP	A lamp of lightbulb that uses sodium under pressure to produce a broad spectrum of visible light for the purposes of providing exterior illumination.
HIGHEST ADJACENT GRADE	For the purposes of the Special Flood Hazard Area standards, the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
HILLSIDE	Any portion of a site with an elevation at or above 4,200 feet AMSL typically forming the side of a hill or ridge and visibly rising above adjacent lower elevations. The term refers to undisturbed topography and excludes slopes created by prior grading or excavation.
HILL TOP	Any portion of a site with an elevation at or above 4,200 feet AMSL that includes the uppermost portion of a hill or inclined landform, measured from the base of the landform to its highest natural point, including the crest and immediately adjacent slopes. For purposes of this Ordinance, hilltop elevation shall be determined using existing (pre-development) topography.
HISTORIC MARKER	A sign, plaque, or other visual appurtenance used to identify a particular location, activity, or event of historic significance.
HOLIDAY DISPLAY	Lights or other exterior display in recognition of a holiday, tradition, or event.
HOME OCCUPATION	A commercial or other non-residential secondary use of a portion of a principal dwelling that may employ the dwelling's residents as well as other non-residents, including limited assembly, limited in-person sales, and a slightly higher level of anticipated traffic to the site where located. The use incorporates aspects to help mitigate any potential negative impacts on adjacent residential uses.
HOMELESS SHELTER	A facility or structure established by a governmental, institutional, or non-profit agency intended to provide shelter from the elements, food, and other services to community members who lack individual homes or who are in danger of losing their home.
HORIZONTAL FAÇADE MODULATION	Projections, recesses, ribs, fins, or building wings distributed evenly across the façade of a building.
HORIZONTAL MIXED-USE	A development that includes use types from at least two different use classifications on the same lot or on different lots within a unified development.
HOSPITAL	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by State law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
HOT TUB	See 'Swimming Pool/Hot Tub.'
HOTEL OR MOTEL	A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels or motels may include an associated eating establishment, conference facilities, and on-site recreational amenities. Hotels or motels regularly offering extended duration stay facilities to patrons are extended stay facilities. Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses.
HOURS OF OPERATION	The period(s) of time during which a business, use, or facility is open to the public or otherwise actively conducting its primary activities on a site, including customer service, production, loading or unloading, or other operational functions.



8.4.9. TERMS STARTING WITH 'I'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
IMPERVIOUS SURFACE	Any material that prevents or reduces the infiltration of stormwater into the soil as it entered in natural conditions prior to development.
IMPOUNDED VEHICLE	A private vehicle that is being stored in a controlled location pending action by the vehicle's owner.
IMPROVEMENT	The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks, and the like) and other similar construction or establishment.
INCANDESCENT	A method of providing illumination by a bulb with a filament that is heated to incandescence by an electrical current.
INCOMPLETE APPLICATION	See "Application, Incomplete."
INDOOR ATRIUM	An interior court enclosed by building walls with or without a roof.
INDOOR RECREATION, COMMERCIAL	A commercial establishment located entirely indoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as billiards, bingo, bowling, video games, escape rooms, fortune tellers, skating rinks, laser tag, trampolines, and climbing walls.
INDOOR RECREATION, PUBLIC	An institutional or public use that provides generalized or specialized recreational services or opportunities to members of the general public for free or for a fee. Recreation services could include swimming, court-based sports, fitness activities, or other forms of community-based recreation.
INDOOR SHOOTING RANGE	A fully enclosed facility designed and operated for the discharge of firearms or air-powered weapons for training, practice, or recreational shooting, in which all shooting activities occur within a building and are directed toward engineered bullet traps or backstops. The use typically includes firing lanes, target retrieval systems, ventilation and air-filtration equipment, sound attenuation measures, and safety controls. Accessory uses may include classrooms, equipment rental, or retail sales, when clearly subordinate to the operation.
INFRASTRUCTURE, PUBLIC	See "Public Infrastructure."
INGRESS	Access or entry to a building or site.
INJUNCTIVE RELIEF	A court-order act or inhibition of an act by a violator granted to the County or other governmental agency for a violation of this Ordinance or other applicable law.
IN-LIEU FEE	See "Fee-in-Lieu."
INSTRUCTIONAL SERVICES	A commercial establishment that offers instruction in arts, sports, crafts, skilled trades, or recreational activities to members of the general public for a fee.
INTEGRAL PLANTER	A structure provided for the purpose of cultivating plants that is located within or connected to an exterior building wall.
INTERMITTENT	Lighting, movement, or other activity that alternately starts or stops at regular intervals.
INTERNALLY ILLUMINATED	An awning, sign, or canopy with an internal source of illumination.
INTERNATIONAL BUILDING CODE	The model building code developed by the International Building Code Council.
INVASIVE SPECIES	A plant species identified as noxious or dangerous by the North Carolina Forest Service, the NC Invasive Plant Council, the NC Agricultural Extension Office,



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
	or other recognized source, be utilized as landscaping materials to meet the requirements of this Ordinance.
ISOLUX LIGHT PLAN	See "Plan, Isolux Lighting."
ITINERANT MERCHANT SALES	An individual or business offering goods or services for sale at retail to members of the general public either in their homes, their place of business, or from a vehicle on a lot with an established use or a vacant lot, but not within a street right-of-way.

8.4.10. TERMS STARTING WITH 'J'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
JUNK	Any discarded or scrapped copper, brass, metal, rope, rags, batteries, appliances, paper or rubber; discarded, dismantled or wrecked automobiles or other vehicles or parts thereof; dismantled or abandoned mobile/manufactured homes or RV's or travel trailers or parts thereof; discarded, dismantled or wrecked motorized or non-motorized equipment or parts thereof; discarded or scrapped iron, steel or other scrapped ferrous material; or any other materials, or similar items or equipment. This definition specifically excludes solid waste.
JUNKYARD	See "Salvage and Junkyard."
JURISDICTION	The official power to make legal decisions and judgments. The term can also be used to describe the geographic boundaries of a municipal corporation or the extent over which a particular agency has control.
JURISDICTIONAL STREAM	A stream or other waterbody that meets the definition of "waters of the United States" or "waters of the State," and is thus subject to the jurisdiction of the US Army Corps of Engineers or the NC Department of Environmental Quality.
JUST CAUSE	Legitimate cause; legal or lawful ground for action.

8.4.11. TERMS STARTING WITH 'K'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
KENNEL	A facility where dogs, cats, or other domestic animals over six months of age are kept, raised, boarded, bred, or shown. This use is also referred to as animal boarding. The facility may be indoors, outdoors, or both.

8.4.12. TERMS STARTING WITH 'L'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
LABORATORY	An institutional use type engaged in the analysis, testing, identification, or research of chemicals, compounds, tissue, animals, or equipment.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
LAKE OR NATURAL WATERCOURSE	For the purposes of Soil Erosion and Sedimentation, any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond.
LAMP	The component of a luminaire that produces the actual light.
LAND TRUST	A legal agreement in which a property owner transfers the title to a property to a trustee. The property owner is typically the beneficiary and directs the trustee in all matters relating to the management of the property, as outlined in the trust agreement or deed.
LAND-DISTURBING ACTIVITY	For the purposes of Soil Erosion and Sedimentation, any use of the land by any person in residential, industrial, education, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
LANDFILL	A facility for the disposal of solid waste other than compost on land in a sanitary manner in accordance with Chapter 130A, Article 9, of the North Carolina General Statutes.
LANDOWNER	The holder of the title to land in fee simple. Absent evidence to the contrary, the Town may rely on county tax records to determine the landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as their representative for the purpose of making applications for development approvals.
LANDSCAPE FABRIC	A geotextile material used to control weeds by inhibiting their exposure to sunlight.
LANDSCAPE ISLAND	The portion of a parking lot intended for landscaping material and pervious surfaces.
LANDSCAPE STRIP	Linear landscape islands located between two parallel rows of off-street parking spaces.
LANDSCAPING	The improvement of a lot, parcel, or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.
LARGE FORMAT RETAIL	See "Retail, Large Format."
LATTICE TOWER	A guyed or self-supporting, open, steel frame structure, with three or more sides, that is used to support telecommunications equipment.
LAUNDRY AND CLEANING SERVICES	A commercial establishment engaged in the cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents. Such uses may provide cleaning and laundering services on-site or in off-site locations.
LEGISLATIVE DECISION	A discretionary action by a the Town Council that establishes, amends, or repeals laws, policies, or regulations of general applicability, including the adoption or amendment of zoning maps, text amendments, and conditional zoning approvals. Legislative decisions involve the exercise of policymaking authority and are based on legislative judgment rather than evidentiary findings applied to a specific application.
LEGISLATIVE PUBLIC HEARING	See "Public Hearing, Legislative."
LEVEL 1 EV CHARGING STATION	A facility or device providing 120-volt electric service and at least one dedicated off-street parking space intended for charging an electric vehicle.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
LEVEL 2 EV CHARGING STATION	A facility or device providing 240-volt single-phase electric service and at least one dedicated off-street parking space intended for charging an electric vehicle.
LEVEL 3 EV CHARGING STATION	A facility or device providing 480-volt triple-phase electric service and at least one dedicated off-street parking space intended for charging an electric vehicle. May also be referred to as a "DC" EV charging station.
LIBRARY	A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.
LIGHT DUTY TRUCK	For the purposes of the Special Flood Hazard Area standards, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 C.F.R. 86.082-2 and is: <ol style="list-style-type: none"> 1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or 2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or 3. Available with special features enabling off-street or off-highway operation and use.
LIGHT TRESPASS	The shining of light produced by a luminaire beyond the boundaries of the property on which it is located and desired, as measured at the border of the lot.
LIGHTING PLAN	A graphic deposition of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.
LIVE/WORK DWELLING	See "Dwelling, Live/Work."
LOADING SPACE, ZONE, FACILITY	Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
LOCAL GOVERNMENT	For the purposes of Soil Erosion and Sedimentation, any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
LOCAL STREET	See "Street, Local."
LOT	A parcel of land not divided by streets that is or will be occupied by a building and its secondary building(s) or an open-air use of land, together with all required yard and other required open spaces, with all forms of required access and necessary utilities.
LOT DEPTH	See Section <>, Lot Depth.
LOT FRONTAGE	For the purposes of the subdivision regulations, the distance for which the front boundary line of a lot and the street line are coincident. In the case of corner lots, this shall be the lot line adjacent to the street from which the lot obtains its street address.
LOT OF RECORD	A lot or tract of land that is either part of a subdivision or identified by a set of metes and bounds that has been recorded in the office of the Register of Deeds for the county where it is located prior to the effective date of this Ordinance.
LOT WIDTH	See Section <>, Lot Width.
LOT, CORNER	See Section <>, Corner Lot.
LOT, DOUBLE FRONTAGE	A lot with frontage on streets located at the front and rear of the lot.
LOT, FLAG	An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
LOT, NONCONFORMING	A lot of record that that was lawful at the date on which it was established, but does not conform to the current dimensional requirements of the zoning district in which it is located.
LOT, THROUGH	A lot having frontage on two parallel or approximately parallel streets.
LOUVERS	A set of angled slats or flat strips fixed or hung at regular intervals in a door, shutter, screen, or light fixture to allow air or light to pass through.
LOW IMPACT DEVELOPMENT	A method of site development and stormwater management that mimics the natural hydro- logic functions of infiltration, runoff, and evapotranspiration on a site before development occurs.
LOW INTENSITY OFFICE	See "Office, Low Intensity."
LOWEST ADJACENT GRADE (LAG)	For the purposes of the Special Flood Hazard Area standards, the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
LOWEST FLOOR	An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
LUMEN	A quantitative unit measuring the amount of light emitted by a light source.
LUMINOUS TUBE LIGHTING	Tubing, whether flexible or rigid, mounted to a building wall or other building feature for the purposes of providing illumination, security, attracting attention, or displaying a message.

8.4.13. TERMS STARTING WITH 'M'

TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
MAJOR INTERSECTION	An intersection between two or more local or higher-traffic streets.
MAJOR MODIFICATION	A significant deviation in an application, proposed development, or portion of a development that impacts the operation, appearance, function, value, or compatibility of proposed development with its surroundings. A change in the meaning or language of a legal document, such as a contract, agreement, or approval that is made by one party to the document without the consent of the other after it has been signed or completed.
MAJOR SUBDIVISION	See "Subdivision, Major."
MAJOR UTILITY	See "Utility, Major."
MAJOR VARIANCE (WATERSHED)	A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of greater than 10 percent of any of the management requirements. Major variances shall be approved by the North Carolina Environmental Management Commission after initial review and recommendation from the Town of Mills River. The Stormwater Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
MAKERSPACE	A collaborative workspace that includes shared tools, workspaces, technology, and knowledge in order to assist participants working alone or with collaborators to create and produce ideas, products, and services. Makerspaces can be formed for the purpose of instruction, creation of material for sale, or a combination of the two.
MANUFACTURE	A commercial or industrial activity devoted to the production, assembly, refinement, or processing of raw or semi-finished materials into a finished product.
MANUFACTURED HOME	<p>A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include recreation vehicles.</p> <p>For the purposes of the Special Flood Hazard Area standards, a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."</p>
MANUFACTURED HOME PARK	<p>The location of two or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.</p> <p>For the purposes of the Special Flood Hazard Area standards, a manufactured home park or subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>
MANUFACTURED HOME SPACE	A leasehold or designated area for the placement of a single manufactured home plus all associated secondary uses.
MANUFACTURING, HEAVY	Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Heavy manufacturing uses include, but are not limited to, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
MANUFACTURING, LIGHT	Uses that involve indoor processing or assembly of finished or partially finished goods and do not require large stockpiles of raw material. Processing and storage activities take place solely within enclosed buildings, which helps limit (but does not completely prevent) the creation of noise, vibration, dust, glare, heat, odor, and smoke. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.
MANUFACTURING, MICRO	A small-scale manufacturing or production use conducted primarily within an enclosed building, characterized by low levels of noise, vibration, odor, dust, and truck traffic, and compatible with nearby commercial or mixed-use development. Activities may include fabrication, assembly, processing, or production of goods in limited quantities, often with an accessory retail, showroom, or instructional component. The use typically involves work by only one or by a small number of persons using hand tools or small machinery and may include accessory storage and office space. The term does not include heavy manufacturing, bulk processing, large-scale distribution, or operations requiring outdoor industrial yards.
MAP AMENDMENT	See "Conditional Rezoning," or "Conventional Rezoning."
MARKET VALUE	The building value, not including the land value and that of any secondary structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
MASS GRADING	Movement or redistribution of large quantities of soil or fill material on a development site.
MASTER PLAN	See "Plan, Master."
MATERIAL CHANGE	A modification to an approved development or development approval that alters a substantive aspect of the approval, including but not limited to site layout, building placement, height, density or intensity, access, parking, buffers, conditions of approval, or the type or scale of permitted uses, such that the change would reasonably be expected to affect compliance with applicable regulations or the impacts evaluated at the time of approval. A material change requires review and approval in accordance with the procedure used to establish the initial approval.
MATERIAL RETURN	The continuation of one or more exterior building materials on one building façade beyond an inside or outside building corner to a logical termination point on a different wall plane.
MATURE TREE	A tree that has reached more than one-third of its expected maximum size.
MAUSOLEUM	See "Cemetery or Mausoleum."
MAXIMUM EXTENT PRACTICABLE (POSSIBLE)	No feasible or practical alternative exists, as determined by the Town, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
MEAN SEA LEVEL	The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a federal flood map are referenced.
MECHANICAL EQUIPMENT	Equipment and fixtures used for HVAC, fabrication, assembly, or production purposes.
METAL FABRICATION	A commercial establishment engaged in the alteration or modification of metal goods, building supplies, tools, or other products comprised primarily of metal. Such uses may include welding, folding, shaping, assembly, coating, or other activity associated with raw forms of metal, but metal fabrication uses are not involved in the creation of metal products from raw materials.
METAL HALIDE	A method of providing illumination by a bulb filled with gas or vapor that provides illumination when an electrical current is passed through it.
MICRO BREWERY, MICRO DISTILLERY, OR MICRO WINERY	An establishment engaged in the production and packaging of malt beverages, wine or spirits for distribution, retail, or wholesale both on and off-premises. A micro brewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A micro winery produces less than 100,000 gallons of wine per year. A micro distillery produces less than 15,000 gallons of alcoholic spirits per year. Secondary uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
MICRO RETAIL	See "Retail, Micro."
MINISTERIAL DECISION	A determination or action by a Town staff member that involves no discretion and is made solely upon verification that an application or request complies with objective standards and requirements of this Ordinance or a previously granted development approval. A ministerial decision does not involve policy judgment, evidentiary findings, or interpretation of regulations.
MINOR MODIFICATION	An insignificant deviation in an application, proposed development, or portion of a development that does not impact the operation, appearance, function, value, or compatibility of proposed development.
MINOR SUBDIVISION	See "Subdivision, Minor."
MINOR UTILITY	See "Utility, Minor."
MINOR VARIANCE (WATERSHED)	A variance from the minimum statewide watershed protection rules that results in a relaxation by a factor of up to 10 percent of any management requirements.
MIXED-USE DEVELOPMENT	A format that includes some combination of integrated residential, commercial, industrial, or institutional use types in one single building or within one single development that is planned, built, themed, or operated in a unified manner. Mixed use development may include different use types within the same building or different use types within the same development that is comprised of multiple buildings.
MOBILE FOOD VENDOR	A commercial operation that prepares, cooks, or sells food or beverages from a motorized vehicle, trailer, cart, or other movable unit designed to be readily relocated, and that operates at various locations rather than from a permanent building. The use may include on-board food preparation, limited outdoor service to customers, and accessory equipment incidental to mobile operations.



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
MOBILE HOME	A detached residential dwelling unit constructed prior to July 15, 1976, that does not bear a certification of compliance with National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and similar features. Mobile homes are typically 16-feet-wide or less.
MOBILE HOME PARK	A commercial use where land is divided into individual leaseholds, but not individual lots owned in fee simple that are intended for occupation by individual mobile, manufactured, or modular homes. Mobile home parks may include shared or individual accessways, recreation facilities, and other shared secondary uses like laundries, storage, or refuse collection areas.
MOBILE RESTAURANT	A motorized vehicle that is designed to be readily moved and operated for the purpose of preparing and or selling food and or non-alcoholic beverages to the general public on a recurring basis.
MODIFICATION, MAJOR	See "Amendment."
MODIFICATION, MINOR	A change, revision, addition, or deletion to a development approval of a de minimum or small nature that does not impact the basic configuration or operation of development.
MOLDING	An ornamentally shaped outline as an architectural feature, especially in a cornice.
MONOPOLE TOWER	A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
MONUMENT	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
MULTI-BUILDING DEVELOPMENT	See "Unified Development."
MULTI-FAMILY DWELLING	See "Dwelling, Multi-Family."
MULTI-PART APPLICATION	See "Application, Multi-Part."
MULTI-PHASE DEVELOPMENT	A development consisting of two or more different phases where each phase is reviewed and constructed at different times.
MULTI-PHASE DEVELOPMENT PLAN	See "Plan, Multi-Phase Development."
MULTI-TENANT DEVELOPMENT	A single building or a single development with two or more different non-residential uses located within it on one or more lots that is planned, developed, and operated as a single entity.
MURAL	A painting or other work of art executed directly on a wall.

8.4.14. TERMS STARTING WITH 'N'

TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
NATIVE TREE	See "Tree, Native."



TABLE <=>: TERMS DEFINED

TERM	DEFINITION(S)
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.
NATURAL EROSION	For the purposes of Soil Erosion and Sedimentation, the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
NEIGHBORHOOD	A distinct area including two or more building lots that share some defining characteristics such as the type of development, the time of development, architecture, general location, socio-economic or demographic characteristics, or other feature that allows the area to be distinguished as a single unit from its surroundings.
NEIGHBORHOOD INFORMATION MEETING	A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.
NEON LIGHTING	See "Luminous Tube Lighting."
NEW CONSTRUCTION	For the purposes of the Special Flood Hazard Area standards, structures for which the start of construction commenced on or after 10/06/2025, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
NIGHTCLUB OR DANCE HALL	Any establishment, whether public or a private club, serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance. An establishment is not a nightclub if the establishment: (1) has a Class A restaurant license from the State of North Carolina; (2) maintains a full-service restaurant on its premises at all times when it is open to the public for business; or (3) provides facilities for seating not less than 40 persons simultaneously at tables for the service of meals. The establishment is also not a nightclub if the establishment allows entrance at all times to any person regardless of age.
NONCONFORMING LOT	See "Lot, Nonconforming."
NONCONFORMING SIGN	See "Sign, Nonconforming."
NONCONFORMING SITE OR SITE FEATURE	A site that was legally established, but that is not presently in full compliance with elements of this Ordinance pertaining to landscaping, lighting, access and on-site circulation, fences and walls, parking areas, and screening.
NONCONFORMING STRUCTURE	A structure that was lawful on the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this Ordinance.
NONCONFORMING USE	A use type which was lawful on the date on which it was established, but is now no longer a permitted use of that lot, building, or structure under this Ordinance. A use that when established did not require a special use permit, but now requires a special use permit shall be considered a nonconforming use until special use permit approval is obtained.
NONCONFORMITY	Any land use, development, structure, sign, or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.
NON-CUT OFF FIXTURE	A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
NON-ENCROACHMENT AREA (NEA)	For the purposes of the Special Flood Hazard Area standards, the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in federal flood maps and studies.
NON-EROSIVE VELOCITY	For purposes of Stormwater Management, the flow rate of water, usually measured in feet-per-second that does not exceed the maximum permissible shear stress for the condition and type of soil and groundcover over which the water is flowing. Erosion occurs when the maximum permissible shear stress is exceeded.
NON-STRUCTURAL SCM	For the purposes of Stormwater Management, non-structural stormwater control measures (SCM) are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) Education programs for developers and the public about minimizing water quality impacts; and (4) Other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance, and spill prevention.
NO-RISE CERTIFICATION ANALYSIS	For purposes of the Special Flood Hazard Area, an engineering analysis of the impact that a proposed development in a flood prone area is expected to have on the flood prone area boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting minimum federal requirements.
NORTH CAROLINA BUILDING CODE	The most-recently adopted construction code(s) for buildings adopted by the North Carolina Department of Insurance.
NOTICE OF APPEAL	The formal legal notification that an applicant or aggrieved party disagrees with a decision or action taken by the Town and seeks further consideration by an appellate authority like the Board of Adjustment.
NOTICE OF PUBLIC HEARING	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application.
NOTICE OF VIOLATION	A notice indicating a violation of this Ordinance.
NURSERY (RETAIL OR WHOLESALE)	The cultivation and production of orchard, garden, or nursery crops on a small or large scale, for retail or wholesale sales to members of the public. Such uses may also include secondary sales of ground cover, soil, compost, and planting materials, along with tools, pots, and equipment needed for plant propagation. Such uses may also include a sales or display area, greenhouses, outdoor storage, secondary structures, and offices where consultation or training may take place as a secondary use.



8.4.15. TERMS STARTING WITH 'O'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
OATH	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."
OBSOLETE SIGN	See "Sign, Obsolete."
OCCUPANCY	The act, state, or condition of holding, possessing, residing, or otherwise using a premises, lot, site, building, or dwelling.
OFFICE, HIGH INTENSITY	A use, typically involving two or more persons who are engaged in the provision of business, medical, professional, financial, or other related services to customers or clients who come to the office to receive care or services. High intensity office uses typically serve two or more customers at once. Such uses may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OFFICE, LOW INTENSITY	A use where one or more persons are engaged in the operation of a business or the provision of professional, clerical, administrative, financial, research, or sales activities. Low intensity offices provide services and information only to a limited number of customers on the premises (seldom more than one at a time) and are engaged primarily in activities that do not require significant amounts of face-to-face interaction or significant amounts of in-person interactions with clients, suppliers, or the public. Such uses may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OFFICIAL ZONING MAP	The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.
OFF-SITE VIEWS	Views of or into a development site from off-site locations such as other lots, rights-of-way, or locations within the public realm.
OFF-STREET LOADING SPACE	An area provided for the purpose of loading and unloading goods or materials for use.
OFF-STREET PARKING SPACE	An area designated for the temporary storage of one vehicle.
ON-CENTER SPACING	Placement of landscape material in a regularly-spaced pattern of equal distance between plants.
ON-SITE WASTEWATER SYSTEM	A wastewater treatment system serving an individual lot or site.
OPACITY	A measurement indicating the degree of obscuration of light or visibility.
OPAQUE	A building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.
OPEN AIR USE	A use type that does not include any habitable buildings or structures.
OPEN SPACE SET-ASIDE	Land or water areas within the site designated for a particular development, not individually owned, or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, but not including any lands occupied by streets, street rights-of-way or off-street parking.
ORDINANCE	A legislative enactment of the Town of Mills River, North Carolina.
ORDINARY REPAIRS AND MAINTENANCE	Work done on a sign or structure to prevent deterioration or to replace any part thereof in order to correct any deterioration, decay, or damage to any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.



TABLE <->: TERMS DEFINED

TERM	DEFINITION(S)
OTHER SPECIAL EVENTS	Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.
OUTDOOR ADVERTISING	Billboards or other forms of signage as defined in NCGS§160D-912.
OUTDOOR COMMERCIAL RECREATION	A commercial establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as: water parks, miniature golf, go cart racing, obstacle or ropes courses, zip lines, paintball, mechanical rides, four-wheel drive off-road courses, and similar attractions. Outdoor commercial recreation uses may include buildings or structures that also provide indoor recreational activities
OUTDOOR DINING OR SEATING	An outdoor area used primarily for gathering, dining, seating, or entertainment that includes chairs or other forms of seating and may also include tables. The area may also be used for the consumption of food and beverages.
OUTDOOR DISPLAY/SALES	The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing or sales purposes.
OUTDOOR KITCHEN	An outdoor activity area used for the preparation of food for on-site consumption.
OUTDOOR RECREATION, PUBLIC	An institutional or public establishment located outdoors and engaged in the provision of land and facilities for the purposes of recreation and leisure for the members of the general public. Outdoor public recreation uses include numerous athletic fields, performance space, large courts, or similar features that draw or host large groups of visitors or spectators. These uses are generally more intense than park uses. Such uses may include secondary structures offering concessions, providing storage, restroom facilities, or other related purposes.
OUTDOOR SEASONAL SALES	The temporary and seasonal sale of produce, agricultural, and seasonal products such as pumpkins, Christmas trees, mums, fireworks, and temporary farmers' markets. Outdoor seasonal sales may take place on vacant or occupied land but may not render an existing development site nonconforming in terms of compliance with the standards in this Ordinance.
OUTDOOR SHOOTING RANGE	A commercial establishment providing a location for patrons to discharge firearms in an outdoor setting in a safe manner that will not endanger nearby lands. Such uses may also include limited facilities for the repair of firearms or ammunition sales for on-site consumption.
OUTDOOR STORAGE, PERMANENT	The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, or the display and storage of vehicles as part of an automobile sales or rental use. Storage of goods or materials within a shipping or other container is not outdoor storage.
OUTPARCEL	A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.
OUTPATIENT FACILITY	A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists on a short-term basis. Patients may or may not receive care or lodging overnight, but the facility is not intended for long-term overnight care. Such facilities may include sleeping rooms for care workers and members of patient's families.



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
OVERHANG	The edge of a roof or upper building story projecting outwards.
OVERLAY ZONING DISTRICT	A zoning district designation that is applied over one or more previously established conventional or conditional zoning district designations. Overlay districts modify the existing zoning district provisions by either adding additional regulations or providing greater flexibility in deviations from the existing applicable standards. Typically, when overlay district standards conflict with the underlying conventional or conditional zoning district standards, the overlay zoning district standards control.
OWNER	The purposes of Stormwater Management, the legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. Owner shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of owner under another description in this definition, such as a management entity.
OWNERS' ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.

8.4.16. TERMS STARTING WITH 'P'

TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
PACKAGING AND SHIPPING SERVICES	A commercial establishment providing printing, faxing, copying, document binding, photographic processing, packing, mailbox, mailing, and related services. Printing, document production, and processing services may be provided either on- or off-site. Such uses may also provide computer terminals, copiers, and similar equipment for self-service use by customers.
PAD SITE	See "Outparcel."
PARAPET WALL	See "Wall, Parapet."
PARENT	For the purposes of Soil Erosion and Sedimentation, an affiliate that directly, or indirectly through one or more intermediaries, controls another person.
PARENT PARCEL	A tract of land further subdivided into one or more additional lots.
PARK AND RIDE FACILITY	Parking facilities close to or connected with public transport facilities that allow commuters and other transit users to leave their private vehicles and transfer to a bus, rail, ferry, or carpool for the remainder of the journey.
PARK LAND	Land intended for development as a public park or recreation area.
PARK OR PLAYGROUND (PUBLIC OR PRIVATE)	Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PARKING LOT	The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
PARKING LOT CROSS-ACCESS	Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a street.
PARKING OF HEAVY TRUCKS OR TRAILERS	The temporary storage of motor vehicles over 10,000 pounds of gross vehicle weight or that include three or more axles and associated trailers or equipment.
PARKING OF RECREATIONAL VEHICLES	The temporary storage of motorized or non-motorized recreational vehicles, campers, travel trailers, and 5 th wheels, as well as trailers containing vehicles and equipment used for recreational purposes, such as are used for boats, personal watercraft, and off-road vehicles.
PARKING PLAN	A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces). The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PARKING RELATED USES	A use of land devoted to the temporary off-street parking of vehicles, including vehicular ingress and egress, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
PARKING SPACE	A location where an automobile or passenger truck is temporarily stored, whether on-street or off-street.
PARKING SPACE, REVERSE ANGLE	On-street parking spaces configured at an angle to the direction of travel for the street where located. Vehicles back into reverse angle parking spaces.
PARKING STRUCTURE	A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.
PARKING STUDY	An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
PARKING, OFF-SITE	Off-street parking facilities located on a different lot or site than the use served.
PARKING, SHARED	Off-street parking spaces that are shared or used by two or more different use types with differing patterns of use through the day or the week.
PASSIVE OPEN SPACE SET ASIDE	Open space areas designated for passive recreation uses including trails, gazebos, greens, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
PATIO	An improved area, located at or below grade, with a paved or otherwise improved surface typically used for dining, gathering, recreation, or leisure activity. A patio may be covered or uncovered, but does not include walls that support a roof.
PAWN SHOP	A commercial establishment operated by a pawnbroker, who provides short-term loans to customers who leave collateral items with the pawnbroker to secure the loan for the agreed-upon holding period. Collateral from unpaid loans is made available for purchase at retail to customers following the end of the holding period. Such uses may include indoor storage areas.
PEAFOWL	A peacock, peahen, or any species of Pavo pheasant.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PEAK ATTENUATION VOLUME	The purposes of Stormwater Management, stormwater runoff in excess of the design volume that is conveyed to an SCM where it is not treated in accordance with the applicable MDC, but is released by the SCM in a controlled manner to address potential downstream erosion and flooding impacts to meet federal, state, or local regulations beyond the requirements of this section.
PEDESTRIAN LIGHTING	Exterior lighting scaled to pedestrians.
PEDESTRIAN WALKWAY	An on-site pedestrian access way connecting building entrances, parking areas, and the larger sidewalk network around the site.
PEDIMENT	The triangular upper part of the front of a building in classical style, typically surmounting a portico of columns.
PENALTY	Punishment for violation of a law or rule.
PENNANT	A lightweight plastic, fabric, or other material, whether containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
PERENNIAL STREAM	Streams located on United States Geological Survey (USGS) maps shown as solid blue lines with a well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year.
PERFORMANCE GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or required private site feature prior to issuance of a building permit, final plat, or other development approval.
PERIMETER BUFFER	See "Buffer, Perimeter."
PERIMETER PARKING LOT LANDSCAPING	Required landscaping located around the perimeter of a parking lot.
PERMANENT OUTDOOR STORAGE	See "Outdoor Storage, Permanent."
PERMANENT TINY HOME	See "Tiny Home, Permanent."
PERMIT CHOICE	State laws that permit an applicant to choose which set of development rules to follow if the development rules change between the time an applicant's application form is determined to be complete and when a decision is made on the application by the Town.
PERSON	An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity. For the purposes of Soil Erosion and Sedimentation, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
PERSON CONDUCTING THE LAND-DISTURBING ACTIVITY	Any person who may be held responsible for violation of any regulations governing land-disturbing activity, unless expressly provided otherwise. For the purposes of Soil Erosion and Sedimentation, any person who may be held responsible for violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PERSON WHO VIOLATES OR VIOLATOR	For the purposes of Soil Erosion and Sedimentation, as used in NCGS§113A-64, means: (1) Any landowner or other person who has financial or operational control over the land-disturbing activity; or (2) Who has directly or indirectly allowed the activity, and who has failed to comply with the provisions of the Act, the rules of this Ordinance, or any order or local ordinance adopted pursuant the Act, as it imposes a duty upon that person.
PERSONAL PROPERTY	All forms of property, except real property.
PERVIOUS SURFACE	A substance that allows water to pass through it.
PHARMACY	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons. Pharmacies that exceed the floor area thresholds for large format retail uses shall be considered as a large format retail use.
PHASE	The discrete portion of a proposed development.
PILASTER	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PLAN	For the purposes of Soil Erosion and Sedimentation, an erosion and sedimentation control plan.
PLAN, ALTERNATIVE	A plan, sketch, description, or combination of these features submitted by an applicant as part of an application for an Alternative Plan that proposes a different means of compliance based on unique site conditions, weather, topography, or other feature outside the direct or indirect control of the applicant. An alternative plan may not take the place of a Zoning-Related or Water-Related Variance.
PLAN, CONCEPT	A plan for development intended solely for illustrative purposes to assist a review authority in its consideration of a proposed development (like a Type 3 Conditional Rezoning or a Special Use Permit). A Concept Plan may, but does not necessarily need to include, the detailed elements typically found in a site plan (for example, detailed locations of buildings, location of off-street parking, location of landscaping, etc.).
PLAN, EROSION CONTROL	A plan illustrating the extent of land disturbance and the steps taken to prevent erosion and off-site sedimentation.
PLAN, FORESTRY MANAGEMENT	A plan depicting the location and extents of forestry activities.
PLAN, ISOLUX LIGHTING	A graphical and technical plan prepared by a qualified professional that illustrates levels of illumination (expressed in footcandles) across a site by means of contour lines or shaded bands connecting points of equal light intensity ("Isolux" lines). An Isolux lighting plan depicts existing and proposed luminaires, mounting heights, fixture types, aiming angles, and property boundaries, and demonstrates how a proposed development complies with applicable lighting standards.
PLAN, LANDSCAPE	A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.
PLAN, LIGHTING	A graphic deposition of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.
PLAN, MULTI-PHASE DEVELOPMENT	A site plan that includes development proposed in two or more distinct phases.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PLAN, PARKING	A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces). The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PLAN, PLOT	A simple drawing or sketch depicting compliance with one or more requirements of this Ordinance.
PLAN, SITE	A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.
PLAN, SITE-SPECIFIC VESTING PLAN	A plan that describes, with reasonable certainty, the type and intensity of use for a specific lot or lots. The plan may be in the form of a Subdivision plat, a Site Plan, a Special Use Permit, or a Conditional Rezoning Concept Plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.
PLAN, SKETCH	A simple drawing or schematic showing proposed site features or buildings in a conceptual fashion. Sketch plans may be, but are not required to be drawn to scale. In cases where the drawing is not to scale, accurate dimensions should be noted.
PLAN, VEGETATION PROTECTION	A plan identifying the location, type, and characteristics of existing vegetation to be preserved and protected during and after the development process. The plan also depicts proposed tree protection devices.
PLAN, UNIFORM SIGN	A coordinated, site-specific sign plan that establishes consistent standards for all signs within a multi-tenant development, shopping center, office park, mixed-use development, or unified development. A uniform sign plan specifies permitted sign types, locations, dimensions, materials, colors, illumination methods, mounting details, and graphic standards.
PLANNING BOARD	An advisory body responsible for making recommendations on certain applications for development approval to the Town Council. The Planning Board also makes special studies of land use and assists in the preparation and revision of the comprehensive plan.
PLANNING JURISDICTION	The geographic extents of where this Ordinance is applied that includes the Town's corporate limits and lands subject to annexation petitions or development agreements that require inclusion within the Town's corporate limits at some point in the future.
PLANTING SEASON	The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
PLANTING STRIP	Required landscaping material configured in a linear strip.
PLAT, EASEMENT	A surveyed map or plan depicting one or more easements granted to a party other than the landowner.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PLAT, FINAL	A map, plan, or survey document prepared by a licensed, registered land surveyor containing a drawing and description of the subdivided land with ties to permanent monuments (for the purposes of reproduction) prepared in a form that is suitable for recording with the Register of Deeds for Henderson County.
PLAT, PRELIMINARY	A drawing or plan prepared by a licensed professional showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, topography and drainage, and all proposed facilities unsized and without profiles, at suitable scale and in such detail as required by this Ordinance.
PLAY EQUIPMENT	Secondary structures devoted to active recreation by children associated with residential and institutional uses. Such uses typically include swing sets, trampolines, jungle gyms, play structures, obstacle courses, tree houses, slides, zip lines. Facilities and features devoted to the playing of organized or unorganized sports are outdoor recreation facilities.
PLAY STRUCTURE	A non-habitable structure intended for recreational purposes.
PLAZA	An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.
POCKET NEIGHBORHOOD	A master-planned development of small single-family detached dwellings, each on their own lot, located around a common open space and served by either on-street, on-site, or shared off-street parking. Each home fronts a shared common open space which can be configured as an open green, community garden, or recreation area.
PORCH	A covered or uncovered projection (can be glazed or screened) from the main wall of a building, located at or above grade, that provides ingress or egress to a building but is not used for livable space.
PORTABLE STORAGE CONTAINERS	A moveable container intended for storage of personal property, waste, or debris, that is brought to a site on a temporary basis.
PORTICO	A large porch usually with a pediment usually associated with an entrance, supported by columns.
POST OFFICE	An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.
PRE-APPLICATION CONFERENCE	A meeting or conference conducted by a potential applicant for a permit or development approval and Town staff for the purposes of discussing a potential application or Town rules regarding development.
PRELIMINARY PLAT	See "Plat, Preliminary."
PRESENT USE VALUE	The value of land in its current use as agricultural land, horticultural land, or forestland, based solely on its ability to produce income and assuming an average level of management.
PRESERVATION	The act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
PRIMARY BUILDING FAÇADE OR WALL	See "Façade, Front."
PRIMARY CONSERVATION AREA	The portion of a conservation subdivision required to be included within the conservation or set-aside area where development will not take place.



TABLE <=>: TERMS DEFINED

TERM	DEFINITION(S)
PRIMARY CORPORATE LIMITS	The contiguous corporate limits of the Town of Mills River, North Carolina.
PRIMARY ENTRANCE	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRIMARY FAÇADE PLANE	The largest uninterrupted exterior surface of a building wall from the grade to the underside of the eave or top of the parapet. The primary building façade excludes any offsets, projections, recesses, wings, bump-outs, or cornices.
PRIMARY ROOF RIDGELINE	The longest ridgeline on a building with a pitched roof.
PRIMARY SCM	The purposes of Stormwater Management, a wet pond, stormwater wetland, infiltration system, sand filter, bio-retention cell, permeable pavement, green roof, rainwater harvesting, or an approved new stormwater technology that is designed, constructed, and maintained in accordance with the MDC.
PRIMARY WALL PLANE	See "Wall Plane, Primary."
PRIME AGRICULTURAL LAND	Resource land best suited for agricultural activity.
PRINCIPAL BUILDING	See "Principal Structure."
PRINCIPAL STRUCTURE	A structure in which is conducted the principal use(s) of the lot on which it is located.
PRINCIPAL USE	A primary or predominate use of a lot or parcel.
PRINTING SERVICES	A commercial establishment primarily engaged in the reproduction of text, images, or graphics onto paper or other media for customers, including services such as digital printing, offset printing, photocopying, binding, laminating, typesetting, graphic layout, and finishing. Printing services may include small-scale production and walk-in customer service but do not include large-scale industrial printing operations, newspaper publishing plants, or manufacturing processes involving heavy equipment or hazardous materials.
PRIVATE CLUB	See "Bar, Cocktail Lounge, or Private Club."
PRIVATE COMMON INFRASTRUCTURE	Infrastructure or facilities such as streets, water, sewer, stormwater management, open space, streetlights, or street signs that are owned and maintained by a private owners' association.
PRIVATE SITE FEATURE	Structure, feature, or aspect of a development site that is owned and operated by a private individual. Such features include buildings, structures, landscaping, accessways, and similar features outside public rights-of-way or land dedicated to the public.
PRIVATE STABLES	A building or structure devoted to the care and keeping of horses or other livestock not open to members of the general public. Such uses may include outdoor storage, exercise areas, paddocks, and similar facilities.
PRIVATE STREET	See "Street, Private."
PRODUCE STAND	A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.
PROFESSIONAL ENGINEER	A civil, structural, or traffic engineer licensed by the State of North Carolina.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PROFESSIONAL LAND SURVEYOR	An expert knowledgeable in the delineation and demarcation of lot lines, land ownership, grading, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.
PROFESSIONAL LANDSCAPE ARCHITECT	An expert knowledgeable in plants, planting techniques stormwater management, outdoor structural design, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.
PROJECT	The purposes of Stormwater Management, the proposed development activity for which an applicant is seeking a stormwater permit from the town in accordance with this section. Project shall exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, state, or local stormwater regulation. Owners and developers of large developments consisting of many linked projects may consider developing a master plan that illustrates how each project fits into the design of the large development.
PROJECTION	Habitable space projecting outwards from the main wall of a building.
PROTECTED TREE	See "Tree, Protected."
PROTOTYPICAL ARCHITECTURE	Exterior building materials and architecture that is standardized for a particular use type or franchise operation.
PSYCHIATRIC SERVICES	Inpatient facility which provides care for persons with psychiatric problems, and which may include outpatient follow-up care to the facility's patients. Such uses may include overnight stays for patrons. Facilities for the involuntary commitment of persons are not psychiatric service uses.
PUBLIC ART	Art, in any media, that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all.
PUBLIC GATHERING AREA	See "Gathering Area."
PUBLIC HEARING, EVIDENTIARY	A public hearing involving the legal rights of specific parties conducted by the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and involve findings of fact and conclusions of law made by the review authority.
PUBLIC HEARING, LEGISLATIVE	A public hearing held for the purpose of soliciting public comments on a proposed development application. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike evidentiary hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.
PUBLIC INFRASTRUCTURE	Development features consisting of streets and public alleys, bicycle infrastructure within a public right-of-way, curb and gutter, potable water lines, sanitary sewer lines, electrical service (where applicable), street drainage facilities, public stormwater control measures, and sidewalks or trails located within public rights-of-way.
PUBLIC MEETING	A gathering of Town officials and interested members of the public to discuss an action of the Town or consider a development application. Unlike a public hearing, no prior public notification is required for a public meeting, and the acceptance of testimony from meeting attendees is at the discretion of the review authority conducting the public meeting.
PUBLIC REALM	Land, buildings, and structures owned by the government or a governmental entity that is made available for use by all persons.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
PUBLIC RIGHT-OF-WAY	For the purposes of the communications use-specific standards, a right-of-way owned, leased, or operated by the Town, but not including any street or alley that is a part of the State highway system.
PUBLIC SAFETY AND/OR NUISANCE	For the purposes of the Special Flood Hazard Area standards, anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons.
PUBLIC STREET	See "Street, Public."
PUSH CART	Any non-motorized piece of equipment designed to be readily moved from which a vendor or itinerant merchant prepares and or sells food, non-alcoholic beverages, or other products to the general public.

8.4.17. TERMS STARTING WITH 'Q'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
QUADPLEX	See "Dwelling, Quadplex."
QUASI-JUDICIAL	See "Public Hearing, Evidentiary."
QUASI-JUDICIAL DECISION	A decision made by a review authority that applies existing laws or ordinances to specific facts for an individual application or property, following an evidentiary hearing. Quasi-judicial decisions require sworn testimony, are based on competent, material, and substantial evidence in the record, and result in written findings of fact and conclusions of law. Such decisions determine the rights of particular parties and are subject to judicial review.
QUORUM	The minimum number of council, board, or commission members that must be present in order to conduct official business or take official action.

8.4.18. TERMS STARTING WITH 'R'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
RACETRACK	A track, whether paved or unpaved, for the competitive racing of automobiles, motorcycles, trucks, tractors, dogs, or horses. Such uses may also include seating for spectators, equipment and staging areas, and concessions areas.
RADII	Curves or bends in a street, sidewalk, greenway, or other travel route.
RAIL-RELATED USE	A commercial or industrial establishment engaged in the transportation, storage, and distribution of raw materials and products via railroad. Such uses may include storage of locomotives, rail cars, and loading facilities.
RAIN GARDEN	See "Bio-retention Cell."
RAW OR SEMI-FINISHED MATERIALS	Products, materials, or components in an original or unrefined state that are altered through the manufacturing process.
REAL PROPERTY	All land, all buildings, all structures, and other fixtures firmly attached thereto.
REAR FACADE	See "Façade, Rear."



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
REASONABLE ACCOMMODATION	Any change or adjustment to a provision of this Ordinance or condition of approval that would allow an individual with a disability to enjoy equal access to a dwelling, structure or site that is available to other individuals.
RECESS	Habitable space that is recessed inwards from the main wall of a building.
RECOGNIZED PROPERTY INTEREST	A financial or other interest in real property.
RECOMBINATION	See "Combination / Recombination."
RECORD DRAWING	See "As-Built."
RECREATIONAL VEHICLE	<p>A vehicle, which is:</p> <ol style="list-style-type: none"> 1. Built on a single chassis; 2. 400 square feet or less when measured at the largest horizontal projection; 3. Designed to be self-propelled or permanently towable by a light duty truck; 4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and 5. Is fully licensed and ready for highway use. <p>A recreational vehicle shall also include a boat or personal water craft and its associated trailer, a travel trailer, a camper, and a 5th wheel, regardless of size or capacity.</p> <p>For the purposes of the Special Flood Hazard Area standards, a vehicle, which is:</p> <ol style="list-style-type: none"> 1. Built on a single chassis; 2. 400 square feet or less when measured at the largest horizontal projection; 3. Designed to be self-propelled or permanently towable by a light duty truck; 4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and 5. Is fully licensed and ready for highway use.
RECREATIONAL VEHICLE (RV) PARK	A commercial establishment offering individual spaces or "sites" for short term rental to owners or operators of recreational vehicles. Such uses typically have shared or common restroom, showering, and laundry facilities, and may also include recreational features and incidental sale of food, travel supplies, and recreational vehicle equipment. Rental of an individual site for a period of more than three continuous months or uses that allow vehicles to be modified in ways that result in permanent, non-mobile structures are considered mobile home parks.
RECYCLING CENTER	A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.
REDEVELOPMENT	Installation of any improvements, new construction, or reconstruction on a lot or site that has pre-existing uses.
REFERENCE LEVEL	The purposes of Stormwater Management, any development on previously developed land, other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.
REFORESTATION	For the purposes of the Special Flood Hazard Area standards, the bottom of the lowest horizontal structural member of the lowest floor for structures within all flood prone areas.
REFORESTATION	The re-establishment of trees or tree canopy cover to land area that was cleared prior to or as part of the development process.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
REFORESTATION AREA	The portion of a lot or site designated for the retention of or planting of trees in accordance with the reforestation requirements.
REFUSE OR RECYCLING CONTAINER	A metal or plastic container used for the collection and temporary storage of refuse or waste for pickup by the Town or a solid waste management contractor.
REGISTER OF DEEDS	A public officer designated by Henderson County to register documents, mainly related to real estate. The register of deeds verifies mortgage ownership and property ownership, such as houses and land, in official record books.
RELIGIOUS INSTITUTION	Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their traditional secondary uses such as cemeteries, mausoleums, classrooms, offices, recreation facilities, and kitchen facilities.
REMEDY	The manner in which a right or law is enforced or satisfied when a violation of the UDO or related law has occurred.
REMEDY A VIOLATION	For the purposes of the Special Flood Hazard Area standards, to bring the structure or other development into compliance with the community hazard prevention regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations.
REMODELING	<p>Development activity associated with an existing building, structure, or use of land that includes:</p> <ul style="list-style-type: none"> - Replacement or upgrade of existing fixtures, fittings, or surfacing materials; - Refurbishment of internal systems or equipment; - Installation of new features such as doorways, windows, or habitable space within the existing footprint and floorplate; - Cosmetic changes to existing buildings or structures without any changes to existing footprint or floorplate; or - Enhancement of existing site features without the addition of new impervious surface area. <p>For the purposes of this Ordinance, “renovation” or “expansion” includes the construction of new floor area (principal or secondary) that extends the building’s footprint or floorplate.</p>
REPAIR SHOP	An establishment primarily engaged in the provision of repair services for electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment. Repair of cars, trucks, or similar heavy equipment is a vehicle-related establishment.
REQUIRED LANDSCAPE AREA	An area required to be planted with trees, shrubs, or ground cover as required by Section <>, Landscaping and Screening.
RESEARCH AND DEVELOPMENT	A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of prototypical devices as well as the creation and testing of drugs and compounds, vehicles, equipment, and industrial processes.
RESERVATION	An obligation, shown on a Subdivision or Site Plan, to keep land free from development and available for public acquisition for a stated period of time.
RESERVE STRIPS	Strips of land that are not developed as a means of limiting or preventing vehicular access.



TABLE <->: TERMS DEFINED

TERM	DEFINITION(S)
RESIDENTIAL DEVELOPMENT	Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, and their associated outbuildings such as garages, storage buildings, and gazebos and customary home occupations.
RESIDENTIAL TREATMENT FACILITY	Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.
RESIDUALS	Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under the authority of the Environmental Management Commission.
RESOLUTION	The official written expression of the opinion or the will of the Town Council, Board of Adjustment, or Planning Board.
RESTAURANT, HIGH INTENSITY	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. High intensity restaurants occupy spaces in excess of 5,000 square feet, offer drive-through and/or take out service, have full bar service, and may also offer entertainment during or after dinner service.
RESTAURANT, LOW INTENSITY	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on premises. Low intensity restaurants typically occupy 5,000 square feet of floor area or less, provide dine-in service only, have no or only a limited variety of alcoholic beverages available, do not include a drive through, and may be limited to breakfast and lunch only.
RESTAURANT, MOBILE-RELATED	A restaurant that occupies a permanent site and conducts operations as a restaurant or catering establishment, but that also operates a mobile restaurant or allows mobile restaurant operators to prepare food, maintain vehicles, or store products on-site.
RESTORATION	The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
RETAIL NURSERY	A commercial structure, or group of commercial structures designed and used primarily for the cultivation, propagation, growing, or finishing of plants within a controlled environment for wholesale or retail sale, including flowers, ornamentals, vegetables, herbs, and similar plant materials. The use may include customary accessory activities such as potting, transplanting, temporary storage, and on-site distribution of plants grown on the premises, but does not include outdoor nurseries, sale of products grown off-site, or facilities where manufacturing or food processing is the primary activity.
RETAIL, HIGH INTENSITY	A retail establishment with a footprint or floorplate of 6,000 or more square feet that often include outdoor display, sales, and storage. These uses are typically characterized by more than 200 customer visits-per-day with visit durations of typically less than 30 minutes each and hours of operation that extend well into the evening and/or on weekends. Such uses have average daily trip counts of 300 or more vehicle trips.
RETAIL, LOW INTENSITY	A retail establishment with a small footprint or floorplate of 5,000 square feet or less with a low daily customer count of less than 200 customers-per-day on average. Such uses typically serve customers who are there seeking specialty products or services and who remain on-site for typical durations exceeding 30 minutes. Such uses usually have average daily trip counts of less than 300 vehicle trips per day.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
RETAIL, LARGE FORMAT	A retail establishment consisting of a single or multiple tenants in one or more buildings totaling 70,000 square feet or more of indoor and outdoor area with 70 percent or more of the total floor area occupied by retail sales activities.
RETAIL, MICRO	Small-scale commercial operations employing two or fewer people on a shift in a building or individual tenant space of 1,000 square feet or less. A micro-retail use may share building floor area with other residential or non-residential uses.
RETAIL SALES	A secondary use or structure engaged in the retail sale of products or services as part of a separate non-retail principal use type.
RETAINING WALL	See "Wall, Retaining."
RETENTION POND (WET)	A stormwater control measure consisting of a depression in the land that is designed to capture runoff from a design storm and release it gradually over a specified period of time via a properly designed outlet structure.
REVEGETATION PLAN	A plan depicting the re-establishment or replanting of required vegetation or landscaping material on a lot or site where clearing has taken place in violation of this Ordinance or a condition of approval.
REVERSE FRONTAGE	A lot with two or more street frontages that includes a building or structure that is oriented in a manner that differs from other existing structures or from the development patterns indicated by adopted policy guidance or good planning practice.
REVIEW AUTHORITY	The Town Manager, Planning Board, Board of Adjustment, Town Council, Planning Director, or Technical Review Committee, as appropriate.
REZONING	An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by Town Council or the repeal of a zoning map and re-adoption of a new zoning map for the Town's jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the Town's jurisdiction that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.
RIBS	See "Fins."
RIGHT-OF-WAY	Shall mean that property located within and adjoining the streets, roads and highways within the Town, which rights-of-way are owned by the Town or the State or are otherwise maintained by the Town or the State.
RIP RAP	The random or specific placement of rock or fieldstone along drainage channels, stormwater inlets or outfalls, streams, or other areas subject to accelerated erosion where vegetation or geotextile measures are insufficient to prevent erosion and sedimentation.
RIPARIAN BUFFER	A vegetated area proximate to and parallel with a stream that helps shade and partially protect the stream and water quality from the impact of adjacent land uses.
RIVERINE	For the purposes of the Special Flood Hazard Area standards, relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
ROADWAY	The paved portion of right-of-way over which vehicular traffic travels.
ROOF GARDEN	Landscaping material, whether in a formal or informal arrangement located on the roof of a building or structure.
ROOF OVERHANG	See "Eave."



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
ROOF PITCH	The amount of rise or the vertical increase in elevation over the run or the horizontal distance of a roof.
ROOF PLANES	Portions of a roof constructed at different angles to one another.
ROOF RAKE	The portion of a gabled roof that extends past the exterior wall of the building.
ROOM	Any floor space exceeding 40 square feet enclosed by partitions or walls having cased openings or doors but excluding areas devoted exclusively to kitchen and bath facilities.
ROPE LIGHTING	See "Luminous Tube Lighting."
ROUTINE MAINTENANCE	<p>Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear.</p> <p>For the purposes of the telecommunications use-specific standards, routine maintenance includes cleaning, repair, and replacement of existing antennas, antenna support structures, wireless telecommunications equipment, equipment cabinets, equipment compounds, telecommunications towers, utility poles, or other vertical projections used to deliver wireless telecommunications services. Activities that result in larger, taller, more visible, more impactful, or additional wireless telecommunications equipment are not considered routine maintenance.</p>
RURAL CHARACTER	Patterns of land use and development in which open space, the natural landscape, and vegetation predominate over the built environment.

8.4.19. TERMS STARTING WITH 'S'

TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
SALVAGE AND JUNKYARD	<p>An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This definition includes automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.</p> <p>For the purposes of the Special Flood Hazard Area standards, any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.</p>
SATELLITE ANNEXATION	A lot or area of land located within the corporate limits of the Town but outside the contiguous portion of the Town.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SATELLITE DISH ANTENNA	A dish-shaped antenna designed to receive or transmit radio-frequency signals between a terrestrial location and orbiting satellites, used for services such as television, internet, data, or telecommunications. A satellite dish antenna includes the parabolic reflector, feed horn, mounting hardware, and associated support structures, and may be roof-mounted, wall-mounted, pole-mounted, or ground-mounted.
SCHOOL HIGH	A public or private school offering general, technical, or alternative instruction at the high school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, ELEMENTARY OR MIDDLE	A public or private school offering general, technical, or alternative instruction at the elementary through middle school levels (k-8) that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, VOCATIONAL	An educational institution providing secondary or post-secondary education designed to provide vocational education, or technical skills required to perform the tasks of a particular and specific job or trade.
SCREENING WALL	A wall, whether part of habitable space or not, that interrupts off-site views into a site.
SECONDARY BUILDING FAÇADE (WALL)	See "Wall, Secondary."
SECONDARY BUILDING OR STRUCTURE	A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel and serves a principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served.
SECONDARY CONSERVATION AREA	The portion of a conservation subdivision containing resources to be retained as conservation land or open space after development that is not as imperative to retain as the primary conservation land.
SECONDARY ENTRANCE	An entrance into a building located on a side or rear building façade.
SECONDARY USE	A use or structure that is incidental and subordinate to the principal use or structure on the same lot, is customary in connection with such principal use, and is reasonably related to its operation or enjoyment.
SECURITY LIGHTING	Exterior illumination of a building, parking area, or other site feature for the purposes of security.
SEDIMENT	For the purposes of Soil Erosion and Sedimentation, solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
SEDIMENTATION	For the purposes of Soil Erosion and Sedimentation, the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SELF STORAGE, INDOOR ONLY	A commercial facility consisting of individual, compartmentalized storage units located entirely within enclosed buildings and leased or rented to the general public for the temporary storage of personal property. Indoor-only self-storage facilities are characterized by interior-only access to all storage units and may include climate-controlled spaces, elevators, and internal loading areas.
SELF STORAGE, INDOOR AND OUTDOOR	A commercial facility consisting of individual, compartmentalized storage units located within enclosed buildings and/or accessible from the exterior, together with designated outdoor storage areas, that are leased or rented to the general public for the temporary storage of personal property. This use may include climate-controlled interior units, exterior-access drive-up units, covered or uncovered outdoor storage spaces.
SEMI-CUTOFF FIXTURE	A fixture light distribution where no more than 5 percent of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 20percent of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane at all lateral angles around the fixture.
SEMI-OPAQUE	A building, structure, building material, vegetation, or other site feature partially obscures visibility from one location to another.
SEMI-PERVIOUS	A material that allows some, but not all, stormwater to flow through it.
SEPTIC TANK	An on-site sewage treatment or storage device.
SETBACK	A required distance from a lot line or development boundary for a principal or secondary building and some required site features, as determined in accordance with Section <>, Setbacks.
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SEXUALLY-ORIENTED BUSINESS	Any place defined as an “adult establishment” by NCGS§14-202.10, except that the use type shall not include and adult bookstore, adult video store, adult cabaret, or adult motel as identified and defined in this Ordinance. Another adult use shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy use, or other similar health-related use provided the person rendering or receiving a massage does not exhibit or include “specified anatomical areas” as defined by NCGS§ 14-202.10.
SHADE TREE	See “Tree, Shade.”
SHARED DRIVEWAY	See “Driveway, Shared.”
SHIELDING (OR SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SHRUB, EVERGREEN	A shrub that retains the majority of its leaves or needles throughout the year.
SIDE FAÇADE	See “Façade, Side.”



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SIDEPATH	A paved shared-use path subject to an access easement that is located parallel and adjacent to a private street that is intended for use by pedestrians, bicyclists, and other non-motorized users as a substitute for a public sidewalk in a public street right-of-way.
SIDEWALK	A paved area running parallel to and within the right-of-way of a public street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
SIGN	Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which any message is made known, including any surface, fabric or other material or structure designed to carry such devices that are used to designate or attract attention to an individual, a firm, an event, an association, a corporation, a profession, a business or a commodity or product that are exposed to public view. The definition of a sign does not include flags, badges, or insignias of any governmental unit.
SIGN CABINET	A metal enclosure housing sign face displays and methods of internal illumination, when provided.
SIGN FACE AREA	The portion of sign that contains the message being conveyed, as determined in accordance with Section <>, Sign Measurement.
SIGN HEIGHT	The height to the tallest point of a sign structure, as determined in Section <>, Sign Measurement.
SIGN PERMIT	A development approval associated with the erection, alteration, continuation, or removal of signage or ancillary features associated with a sign.
SIGN SUPPORTING STRUCTURE	The framework and structural support for a sign.
SIGN, AWNING	See Section <>, Sign Standards by Sign Type.
SIGN, BANNER	See Section <>, Sign Standards by Sign Type.
SIGN, BILLBOARD	See “Sign, Outdoor Advertising.”
SIGN, BOW	A feather flag sign with an elongated mounting post that curves at the top to form a circular shape within which the sign material is mounted.
SIGN, CHANGEABLE COPY	A sign with a portion of the face area that accommodates the regular or occasional manual modification to the message or copy.
SIGN, DILAPIDATED	A sign that is old or that has been poorly maintained that poses a public safety hazard or is difficult to read.
SIGN, ELECTION	See “Sign, Political.”
SIGN, ELECTRONIC MESSAGE BOARD	See Section <>, Sign Standards by Sign Type.
SIGN, FEATHER FLAG	A sign made of fabric or similar material in a curvilinear shape that is mounted to a pole along the long edge of the sign.
SIGN, FENCE WRAP	A temporary sign affixed to fencing surrounding an active construction site.
SIGN, FLASHING	A sign with a message that is intermittently on and off or supplemented with lights that turn on and off in rapid succession.
SIGN, GOVERNMENT	Any temporary or permanent sign erected and maintained for any government purposes.
SIGN, INCIDENTAL	See Section <>, Sign Standards by Sign Type.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SIGN, INFLATABLE	A hollow sign that is intended to expand as air is pumped inside of it. Inflatable signs are tethered to the ground or some other structure.
SIGN, MONUMENT	See Section <>, Sign Standards by Sign Type.
SIGN, MOVING	A sign that moves or has moving parts, including but not limited to the sign face area, the sign support structure, or some other element of the sign. Flags and banners are not considered moving signs.
SIGN, NONCONFORMING	Any sign that was lawfully established, but does not meet the standards of this Ordinance.
SIGN, OBSOLETE	A sign advertising a use or establishment that is no longer present.
SIGN, OUTDOOR ADVERTISING	A sign, configured for viewing primarily by persons travelling in an automobile on an interstate or primary commercial highway. Outdoor advertising directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered either on the premises or off the premises where the sign is located.
SIGN, POLE	See Section <>, Sign Standards by Sign Type
SIGN, PROJECTING	See Section <>, Sign Standards by Sign Type.
SIGN, SIDEWALK	See Section <>, Sign Standards by Sign Type.
SIGN, SUBDIVISION	See Section <>, Sign Standards by Sign Type.
SIGN, SUSPENDED	See Section <>, Sign Standards by Sign Type.
SIGN, TEMPORARY	See Section <>, Sign Standards by Sign Type.
SIGN, TRAFFIC WARNING	Signage devoted to warning motorists, pedestrians, or bicyclists of a potential traffic hazard or other danger.
SIGN, WALL	See Section <>, Sign Standards by Sign Type.
SIGN, WINDOW	See Section <>, Sign Standards by Sign Type.
SILL	A horizontal piece or structural member typically found below a window, door, or other opening.
SILTATION	For the purposes of Soil Erosion and Sedimentation, sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
SIMPLE MAJORITY	More than half of the voting members of a review authority deciding an application under this Ordinance.
SINGLE-FAMILY DETACHED DWELLING	See "Dwelling, Single-Family Detached."
SITE AMENITIES	A utility or functional aspect of a site that is designed or configured in some way to be beneficial to pedestrians or aesthetically pleasing.
SITE FEATURES	Structures or elements (not including principal or secondary structures) required or authorized to accompany a development, such as off-street parking, landscaping, exterior lighting, or signage.
SITE PLAN	See "Plan, Site."
SITE SKETCH	See "Plan, Sketch."
SITE-SPECIFIC VESTING PLAN	See "Plan, Site-Specific Vesting."
SKETCH PLAN	See "Plan, Sketch."



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SKY GLOW	The diffuse luminance of the nighttime sky produced by artificial light scattered by atmospheric particles, clouds, and moisture, typically caused by upward-directed or improperly shielded exterior lighting.
SLATS, FENCE	Thin strips of wood, plastic, or other material woven between the components of a chain link-style fence or gate.
SMALL WIRELESS FACILITY	A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in NCGS§ 160D-947.
SMOOTH-FACED CONCRETE BLOCK	Concrete blocks that do not include adornment or any surface relief.
SOCIAL SERVICES	An institutional use operated by a public agency or nonprofit organization that provides assistance, counseling, education, referral, or supportive services to individuals or families, including but not limited to food distribution, case management, job readiness, health or behavioral counseling, housing assistance, or similar community support services. Social services uses are characterized by client visits, appointments, or scheduled programs and may include administrative offices and accessory meeting or training spaces. This use does not include residential shelters, group living arrangements, medical clinics providing on-site treatment, or correctional facilities.
SOFFIT	The exterior material mounted to the underside of the roof rafters that project past the edge of an exterior building wall.
SOLAR ENERGY SYSTEM, LEVEL 1	A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. Level 1 solar energy conversion uses are secondary uses serving a principal use on the same lot and is an energy system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or secondary structures, but may also be mounted on the ground.
SOLAR ENERGY SYSTEM, LEVEL 2 OR 3	A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 2 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location. Level 2 solar energy conversion uses are located on lots or sites of less than 10 acres in area. Level 3 solar energy conversion uses are located on lots or sites of 10 acres or more in area.
SOLDIER COURSE	One or more courses of bricks or blocks that are installed within a masonry wall in a vertical instead of horizontal alignment. Soldier courses are often used to denote differing floors of a multi-story building.
SOLID WASTE DISPOSAL FACILITY	For the purposes of the Special Flood Hazard Area standards, any facility involved in the disposal of solid waste, as defined in NCGS§130A-290(a)(35).
SOLID WASTE DISPOSAL SITE	For the purposes of the Special Flood Hazard Area standards, as defined in NCGS§130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SPECIAL EVENT	Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.
SPECIAL FLOOD HAZARD AREA (SFHA)	The land area subject to inundation by the base flood, as identified on Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency. The Special Flood Hazard Area includes those areas designated as having a one-percent or greater annual chance of flooding (commonly referred to as the “100-year floodplain”).
SPECIAL PURPOSE LOT	A lot or site within a development or subdivision that is intended as open space, tree retention area, required landscaping, or for use as a utility. Special purpose lots are not intended or configured as building lots and are not required meet the dimensional standards for lots in the zoning district where located.
SPECIAL USE PERMIT	A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with any applicable specific standards.
SPECIFIED ANATOMICAL AREAS	Specified Anatomical Areas is defined in the North Carolina General Statutes as: Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
SPECIFIED SEXUAL ACTIVITIES	Specified Sexual Activities is defined in the North Carolina General Statutes as including, but are not limited to, the following: 1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or 2. Sex acts, normal or perverted, actual or simulated, including human masturbation, sexual intercourse, sodomy, or oral copulation; or 3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts.
SPIRE	A tapering, conical, or pyramidal structure on the top of a building, typically a church tower.
SPLASH PAD	An outdoor play area with sprinklers, fountains, nozzles, and other devices or structures that spray water into the air.
STABILIZATION	The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.
STACKING SPACE	A portion of the vehicular use area on a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development.
STANDING	The legal right or authority to initiate or participate in legal proceedings based upon a sufficient level of connection or potential harm from a decision or activity.
STATE BUILDING CODE	A series of ordinances enacted by North Carolina that establish the minimum requirements that must be met in the construction and maintenance of buildings for the purpose of safety and sanitation.
STATEMENT OF CONSENT	A statement signed by the landowner of a single-family detached, attached, or two-family dwelling development that records the landowner’s willingness to voluntarily comply with the single-family design guidelines in this Ordinance.
STEEPLE	See “Spire.”



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
STEP BACK	A condition where a building is configured so that the tallest portions of the structure are located the farthest distance from a lot line or an adjacent shorter structure.
STOP WORK ORDER	An order issued by the Town to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.
STOPPING SITE DISTANCE	The minimum amount of physical space necessary for a driver operating a vehicle at the street's design speed to bring the vehicle to a complete stop before colliding with a pedestrian, stopped vehicle, animal, or debris in the roadway.
STORAGE IN A CONTAINER	The temporary storage of goods, products, or materials within an enclosed container. Storage containers may be repurposed shipping containers or tractor trailers.
STORAGE SHED	See "Tool/Storage Shed."
STORAGE TANK	A fixed container or vessel designed to hold liquids or gases for later use, processing, or distribution, including fuels, chemicals, water, or other materials. A storage tank may be located above ground or below ground and includes associated piping, supports, containment systems, and appurtenances. A storage tank may be a principal use or a secondary use, but only storage tanks of 1,000 or more gallons are considered as secondary structures.
STORM DRAIN	A stormwater conveyance system that is integral to a street or sidewalk.
STORM DRAINAGE FACILITIES	For the purposes of Soil Erosion and Sedimentation, the system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.
STORMWATER CONTROL MEASURE (SCM)	<p>A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater controls includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. Stormwater control measure is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this Ordinance.</p> <p>For the purposes of Stormwater Management, stormwater control measure; also known as BMP or best management practice; means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.</p>
STORMWATER CONVEYANCE SYSTEM OR STRUCTURE	Any feature, natural or manmade, that collects and transports stormwater, including but not limited to roadways with collection systems, catch basins, manmade and natural channels, streams, pipes and culverts, and any other structure or system designed to transport runoff.
STORMWATER RUNOFF	For the purposes of Soil Erosion and Sedimentation, the runoff of water resulting from precipitation in any form.
STREAM	A body of concentrated flowing water in a natural low area or natural channel on the land surface.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
STREAMER	A long, narrow strip of material used as a decoration or symbol.
STREET	A paved or unpaved vehicular accessway of more than 20 feet in width intended for the movement of vehicles and bicycles that is maintained as a street by the Town, NCDOT, or is indicated as a private street on a recorded final plat.
STREET BULB OUT	A street intersection where one or more corners is rounded into a circle similar to a cul-de-sac turnaround.
STREET CENTER LINE	A line lying halfway between the two edges of a street right-of-way, or in some other location as determined by the Planning Director.
STREET CONNECTION	A location where one or more planned or existing streets join together.
STREET DESIGN SPEED	A selected speed used by an engineer to determine the various geometric features of a street. The design speed should be a logical one with respect to the topography, anticipated operating speed, the adjacent land use, and the functional classification of the roadway.
STREET FRONTAGE	A strip or extent of land abutting and extending along a street.
STREET GRADE	The magnitude of a street's incline or decline over a specified lateral distance.
STREET INTERSECTION APPROACH	The portion of a street proximate to an intersection.
STREET LIGHT	Exterior illumination located within or adjacent to a street right-of-way and intended to illuminate the street and sidewalk.
STREET STUB	A nonpermanent dead-end street intended to be extended in conjunction with development on adjacent lots or sites.
STREET WIDTH	The horizontal distance between parallel right-of-way lines of a street measured at right angles to such lines.
STREET, ARTERIAL	A street whose principal function is to carry large volumes of traffic at higher speeds through the County or from one part of the Town to another.
STREET, COLLECTOR	A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
STREET, CUL-DE-SAC	A local access street having access from one end only and having a circular or other expanded surface for turning around at the closed end.
STREET, DEAD-END	A street that terminates with a street stub or vehicular turn around.
STREET, FRONTAGE	A local access street that parallels and is adjacent to expressways or arterial streets for the purposes of providing access to abutting properties and separation of traffic seeking such access from through-traffic.
STREET, HALF	A street right-of-way dedicated for a new street by a developer along the developer's perimeter property line in an amount equal to only one-half of the total right-of-way width required by this Ordinance. Dedication of a half street presumes future dedication of a corresponding amount of right-of-way from adjoining land on the other side of the right-of-way in order to provide the total right-of-way required for a proposed street.
STREET, LOCAL	Streets which are used primarily for access to abutting properties.
STREET, MAJOR	Major streets in Mills River, including NC 280 and NC 191.
STREET, MINOR	Lower-order streets than major streets that include local and collector-level streets.
STREET, PRIVATE	A vehicular travelway not dedicated or offered for dedication to the Town or the NCDOT as a public street.
STREET, STATE-MAINTAINED	A street, its right-of-way, and all street-related infrastructure that is owned, operated, and maintained by the North Carolina Department of Transportation.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
STREET, TOWN-MAINTAINED	A street, its right-of-way, and all street-related infrastructure that is owned, operated, and maintained by the Town of Mills River.
STREETSCAPE BUFFER	Landscaping provided on individual lots abutting arterial and collector streets, but located outside the street right-of-way.
STRUCTURAL SCM	For the purposes of Stormwater Management, a physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural SCMs includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. Structural SCM is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this Ordinance.
STRUCTURAL SOIL	A planting medium that can be compacted to pavement design and installation requirements while permitting root growth.
STRUCTURE	<p>Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground. This term includes all Buildings as defined in this Ordinance unless the Planning Director determines otherwise.</p> <p>For the purposes of the Special Flood Hazard Areas standards, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.</p>
STRUCTURE, APPURTENANT	For purposes of Special Flood Hazard Area, a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
SUBDIVIDER	A person, firm, or corporation having a proprietary interest in land and acting to subdivide that land under the applicable provisions of this Ordinance.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SUBDIVISION	<p>As used in this Ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets or the rearrangement of an existing lot or lots so as to front on another street or streets from that on which they originally fronted regardless of the number of lots so involved; but the following shall not be included within this definition provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of “No Approval Required” and the signature of the Subdivision Administrator before filing in the office of the Register of Deeds. A “Subdivision” shall not include the following:</p> <ol style="list-style-type: none"> 1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in this Ordinance; 2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved; 3. The public acquisition by purchase of strips of land for the widening or opening of streets; 4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance; 5. The trading or exchanging of portions of previously platted and recorded properties that are contiguous and that necessitate the creation of parcels not conforming to the requirements of this Ordinance provided that a statement is placed on the plat to be recorded to the effect that such parcels are not created as individual building lots and are not approved as such and that no building permit shall be issued for construction on such parcels; or 6. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.
SUBDIVISION, CONSERVATION	<p>The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as private common open space for conservation and/or recreation purposes. Dwelling units and related secondary uses are configured to be obscured from view from off-site areas within a conservation subdivisions.</p>
SUBDIVISION, COURT-ORDERED	<p>The division of land between two or more parties as ordered as part of a settlement imposed by the judicial system.</p>
SUBDIVISION, EXEMPT	<p>A division of land that is exempted from review and approval by the County in accordance with the North Carolina General Statutes.</p>
SUBDIVISION, FAMILY	<p>A division of land where lots are conveyed from one immediate family member to another immediate family member.</p>
SUBDIVISION, FINAL PLAT	<p>A map or drawing prepared in accordance with applicable local and state requirements that depicts the precise boundaries, dimensions, and legal descriptions of lots, streets, easements, rights-of-way, and other elements of a subdivision or land development. A Final Plat reflects the approved Preliminary Plat and Construction Drawings (if applicable), incorporates all required conditions of approval, and is submitted for recordation in the office of the Henderson County Register of Deeds.</p>



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
SUBDIVISION, LIMITED	A subdivision of three or fewer lots comprised of more than five acres in accordance with NCGS§160D-802.
SUBDIVISION, MINOR	A division of land creating more than one but fewer than eight lots, with no extension or installation of public infrastructure.
SUBDIVISION, PRELIMINARY PLAT	A conceptual or detailed map or drawing submitted for review and approval that depicts the proposed layout of a subdivision or land development, including lot lines, streets, access points, utilities, open space, and other required elements. A Preliminary Plat is intended to demonstrate general compliance with applicable development regulations and to identify required improvements or conditions of approval.
SUBSIDIARY	For the purposes of Soil Erosion and Sedimentation, an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.
SUBSTANTIAL CHANGE	An amendment or deviation in a development, a development application, a use, or a site condition that is significant enough to alter the nature of the development or proposal, its function, or its impact on its surroundings. Substantial changes typically require re-review or additional consideration by an appropriate review authority.
SUBSTANTIAL COMMENCEMENT	The initiation of development or development-related activity subject to the requirements of this Ordinance. Each of the following activities must have taken place in order to achieve substantial commencement: <ul style="list-style-type: none"> - All required authorizations to begin the development (including a Building Permit) are secured; and - All application fees and applicable fines have been paid in full; and - Any required notice of commencement to all governmental entities or other identified parties has taken place; and - Performance of some form of site-related activity that requires prior approval from the Town has taken place. Initiation of site-related activity that does not require some form of approval from the Town, such as surveying, site investigation, plan or study preparation, minor clearing or grubbing of the site, full or partial demolition, or agricultural related activity associated with a bona fide farm, shall not be considered as substantial commencement. Substantial commencement does not require the start of construction on a principal structure or commencement of the anticipated operation of the approved use.
SUBSTANTIAL CONFORMITY	A condition where there is no variation from the preliminary plan or plat, other than minor changes in the size of lots, the location of lot lines, the locations or sizes of easements, or the width of streets. Change in types or numbers of land uses, any variance in residential density, or any change in location of a public right-of-way shall not be considered as being in substantial conformity with an initial approval. For the purposes of this definition, minor changes shall be changes in dimensional attributes of five feet or less or any variation of a dimensional standard of five percent or less.
SUBSTANTIAL DETRIMENT	A condition resulting from revisions to an ordinance or development regulations that renders an existing or partially completed development to a status of being in violation of the standards or being otherwise unlawful.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
SUBSTANTIAL MODIFICATION	The collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment compound by an amount specified in NCGS§160D-931. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as “substantial modifications” in NCGS§160D-931 are reviewed and decided in accordance with the procedures for a major telecommunications tower.
SUBSTANTIAL PROGRESS	<p>A condition where an applicant has commenced an activity, achieved a minimum threshold of completion, and maintained regular, continuous progress towards completion of the activity. Regular or frequent intermittent interruptions or discontinuance of activities shall not be considered as substantial progress. Examples of substantial progress include completion of required inspections before permit applications expire, meeting deadlines for affirmative acts such as recordation, payment of funds, or applying for subsequent, but required approvals.</p> <p>For the purposes of Stormwater Management, for the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. Substantial progress for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.</p>
SUPER MAJORITY	A situation where an affirmative vote on a development application requires more positive or supportive votes than a simple majority. Typically, a super majority requires an affirmative vote of at least four-fifths of the review authority members present and voting.
SUPERIOR COURT	The Superior Court for Henderson County, North Carolina.
SURFACE WATERS	As used in the riparian buffer standards, all waters of the state as defined in NCGS§143-212, except underground waters.
SWALE	A depression in the land that collects stormwater runoff and conveys it to another location.
SWIMMING POOL/HOT TUB	An above- or below-ground structure that is filled with water and used for swimming or relaxing.
SYNTHETIC STUCCO	A multi-layered application of polystyrene, fiberglass mesh, and atop coat of cement.



8.4.20. TERMS STARTING WITH 'T'

TABLE <=>: TERMS DEFINED

TERM	DEFINITION(S)
TANGENT	A straight line or plane that touches a curve or curved surface at a point, but if extended does not cross it at that point.
TANNING SALON	A commercial establishment where patrons expose themselves to ultraviolet light in order to increase the amount of pigment in their skin. Such uses may also include limited spa or exercise facilities.
TATTOO & BODY PIERCING	An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or 2. Performance of body modification including puncturing or cutting a part of the human body so as to create an opening in which jewelry may be worn.
TAXI & GROUND TRANSPORTATION	A commercial use that provides on-demand or scheduled passenger transportation by motor vehicle, including taxis, ride-hail vehicles, limousines, shuttle vans, and similar services. This use may include vehicle dispatching, staging, short-term parking, and passenger pick-up and drop-off, but does not include vehicle maintenance, fueling, or long-term fleet storage.
TECHNICAL REVIEW COMMITTEE	A group of Town staff members and others associated with development review in the Town.
TELECOMMUNICATIONS FACILITIES, COLLOCATION	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.
TELECOMMUNICATIONS FACILITIES, MAJOR	The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.
TELECOMMUNICATIONS FACILITIES, MINOR	The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that is configured to appear as a building or structure other than a telecommunications facility.
TELECOMMUNICATIONS FACILITY, CONCEALED	A telecommunications tower and associated telecommunications equipment that is integrated as an architectural feature into an existing structure (such as a steeple, bell tower, clock tower, silo, etc.), or that is designed to conceal the presence of the tower, antennas, and related wireless telecommunications equipment in a manner so that the purpose of the tower is obscured.
TEMPERATURE CONTROLLED	For the purposes of the Special Flood Hazard Area standards, having the temperature regulated by a heating and/or cooling system, built-in or appliance.
TEMPORARY DISASTER DWELLING	See "Dwelling, Temporary Disaster."
TEMPORARY DWELLING	See "Dwelling, Temporary."
TEMPORARY OFFICE	A temporary commercial establishment, typically associated with a residential subdivision or building that serves as an office while a permanent structure is built or repaired on the same lot or site. A temporary office may also be used to provide office functions for a short duration and then is subsequently removed.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
TEMPORARY USE	A use or structure established or erected for a limited duration that is not intended to be permanent and is removed upon expiration of an approved time period. A temporary use or structure may include seasonal activities, special events, temporary buildings, tents, trailers, or similar installations, and is authorized only for the specific time, purpose, and location approved.
TEMPORARY USE PERMIT	A permit authorizing the operation of a temporary use or special event.
TEMPORARY WIRELESS COMMUNICATIONS FACILITY	A portable, self-contained wireless facility that provides wireless telecommunications services on a temporary or emergency basis. A temporary wireless facility may include a generator to provide power to the facility.
TEN-YEAR STORM OR Q10	For the purposes of Soil Erosion and Sedimentation, a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded, on the average, once in ten years, or the probability (10 percent) of a storm of this magnitude occurring in any given year and of a duration which will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.
TERMINATION OF OPERATION	The permanent cessation of a lawful use or activity, evidenced by the discontinuance of business operations or site activity and the removal of employees, equipment, inventory, or furnishings associated with the use. Termination of operation occurs when the use is no longer actively conducted and there is no demonstrated intent to resume, and shall not include temporary closures for repairs, remodeling, seasonal inactivity, or similar short-term interruptions.
TERRACE	A level, surfaced area or platform next to a building used as a gathering area.
TERTIARY BUILDING FAÇADE (WALL)	See "Wall, Tertiary."
TEXT AMENDMENT	An amendment to the language of this Ordinance.
THEATRE, INDOOR	A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment. Theatres that also serve meals at tables prior to or during a performance are specialty eating establishments.
THEATRE, OUTDOOR	An outdoor use consisting of a screen and projector along with facilities to accommodate private vehicles or outdoor seating for the viewing of films. Such uses may also include concessions and restroom facilities for patrons.
THIRD-PARTY APPLICATION	An application for development on a lot or site submitted by someone other than the landowner, the landowner's authorized agent, or the Town.
THROUGH LOT	See "Lot, Through."
TILT-UP CONCRETE PANEL	A reinforced concrete panel used to form the exterior walls of a building.
TINY HOME, PERMANENT	A small detached residential dwelling unit designed for permanent residential occupancy and containing independent cooking, sleeping, and sanitation facilities. A tiny home may be constructed on a permanent foundation or on a chassis and wheels, provided it complies with the State Building Codes.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
TOBACCO, CBD, OR VAPE SHOP	A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purpose of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation.
TOOL/STORAGE SHED	A secondary structure with or without electricity used for the keeping of tools and equipment or general storage purposes on the same lot as the principal use it serves.
TOP OF BANK	The points in a cross-section where the stream channel makes a transition to floodplain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, and/or changes in the composition of substrate materials.
TOWN	For all purposes, the Town of Mills River, NC.
TOWNHOUSE DWELLING	See "Dwelling, Townhouse."
TOXIC SUBSTANCE	Any substance or combination of substances (including disease-causing agents), that after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off-spring or other adverse health effects.
TRACT	For the purposes of Soil Erosion and Sedimentation, all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
TRAFFIC CONTROL SIGNAL	A mechanical device used to regulate the flow of vehicles, bicycles, or pedestrians along streets, sidewalks, and intersections.
TRAFFIC IMPACT ANALYSIS	A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies shall be performed by a licensed professional engineer in accordance with this Ordinance.
TRANSFER STATION	The waste-related services use category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others.
TREE	For the purposes of Riparian Buffer protection, a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.
TREE CANOPY	The layer of vegetation formed by the crowns of mature trees.
TREE CANOPY COVER	See "Tree Canopy."
TREE PIT	A depression in or adjacent to a sidewalk or sidepath intended for the placement of a street tree and associated ground cover.
TREE PROTECTION AREA	See "Tree Save Area."
TREE PROTECTION FENCING	Fencing or other barrier provided to protect trees to be retained from damage or encroachment during the development process.



TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
TREE RETENTION AREA	See "Tree Save Area."
TREE SAVE AREA	The portion of a lot or site with existing trees to be retained during and after development.
TREE TOPPING	The removal of the central leader and primary upper branches of a tree.
TREE, CANOPY	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
TREE, DROUGHT TOLERANT	A species of tree that is capable of surviving in an environment with no artificial irrigation and with only limited amounts of rain.
TREE, EVERGREEN	A woody plant with one or more stems that does not lose the majority of its leaves during winter or dormancy.
TREE, HARDWOOD	A deciduous tree with broad leaves that produces fruit or a nut and goes dormant during winter months.
TREE, NATIVE	Trees that have originated from or occur naturally without being introduced in a particular area.
TREE, PROTECTED	A tree that is present prior to the commencement of development or land disturbance that is required or intended to remain after completion of development or land disturbing activities.
TREE, SHADE	A tree with a crown that provides shade to the surface area within a parking lot and associated parking spaces.
TREE, UNDERSTORY	A species of tree which normally grows to a mature height of 15 to 35 feet.
TRELLIS	A framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.
TRIPLEX	See "Dwelling, Triplex."
TURRET	A cylindrical architectural feature typically located at the corner or near the primary entrance of a building.
TWENTY-FIVE YEAR STORM OR Q25	For the purposes of Soil Erosion and Sedimentation, a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded on the average, once in 25 years, or the probability (4 percent) of a storm of this magnitude occurring in any given year and of a duration which will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.

8.4.21. TERMS STARTING WITH 'U'

TABLE <>: TERMS DEFINED	
TERM	DEFINITION(S)
UNCOVERED	For the purposes of Soil Erosion and Sedimentation, the removal of ground cover from, on, or above the soil surface.
UNDERGROUND STORAGE TANK	A container used for the storage of gas, liquid, powder, or other substance that is all or partially below grade. Pipes, pumping equipment, and ventilation features are considered part of an underground storage tank.
UNDERSTORY TREE	See "Tree, Understory."
UNDERTAKEN	For the purposes of Soil Erosion and Sedimentation, the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.



TABLE <=>: TERMS DEFINED

TERM	DEFINITION(S)
UNIFIED DEVELOPMENT	A development consisting of two or more principal structures on one or more lots that is planned, organized, and operated as a single development for the purposes of the development standards.
UNLICENSED VEHICLE	A motor vehicle, including a trailer, that does not have a valid and unexpired license plate.
UPPER STORY MULTI-FAMILY	See "Dwelling, Upper-Story Multi-Family."
URBAN HEAT ISLAND	A portion of an urban or metropolitan area that is significantly warmer than its surroundings due to additional paving, building mass, and lack of shade. The temperature difference usually is larger at night than during the day, and is most apparent when winds are weak.
URGENT CARE	A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require a hospital emergency department.
USABLE OPEN SPACE	A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drive aisles, and storage areas shall not be included in the calculation of usable open space.
USE	The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.
USE STANDARD	The requirements in this Ordinance applied to a particular use type regardless of the zoning district where it is located.
USE TYPE	See "Use."
USE, NONCONFORMING	See "Nonconforming Use."
USE, TEMPORARY	A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.
UTILITY POLE	For the purposes of the communications use-specific standards, a structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
UTILITY POLE, PUBLIC	For the purposes of the communications use-specific standards, a utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas citygates, and solid waste facilities. Facilities generating energy from solar radiation are solar energy



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
	conversion uses. Facilities generating energy from the wind are wind energy conversion uses.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.

8.4.22. TERMS STARTING WITH 'V'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
VARIANCE, WATER-RELATED	A grant of relief through the Variance procedure from the requirements of this Ordinance pertaining to the Special Flood Hazard Area, water supply watershed areas, or to required stream setbacks.
VARIANCE, ZONING-RELATED	A grant of relief through the Variance procedure from the requirements of this Ordinance pertaining to the Special Flood Hazard Area, water supply watershed areas, or to required stream setbacks.
VEGETATION PROTECTION PLAN	See "Plan, Vegetation Protection."
VEGETATIVE COVER	The presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.
VEHICLE PAINTING/BODYWORK	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
VEHICLE PARTS AND ACCESSORY SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
VEHICLE REPAIR (NON-COMMERCIAL)	The non-commercial servicing or repair of a personal vehicle on private property.
VEHICLE REPAIR AND SERVICE (NO PAINTING/BODYWORK)	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service provided as a principal use or a secondary use to a non-residential establishment.
VEHICLE SALES AND RENTAL	Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.
VEHICLE TOWING OR STORAGE	An establishment operated for the purpose of temporary storage on-site of operable or inoperable vehicles. Vehicle and towing storage uses include fleet vehicle and recreational vehicle storage establishments. If an establishment stacks vehicles or portions of stored vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.
VEHICLE TRIP	For the purposes of calculating transportation impacts, a vehicle trip is a one-way journey taken from an origin to a destination in an automobile or similar private vehicle.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
VEHICLE WASHING OR DETAILING	An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Incidental sales of automobile-related accessories may take place.
VEHICULAR GATE	A movable barrier, including swinging, sliding, rolling, or overhead mechanisms, installed across a private street, driveway, access easement, or vehicular entrance for the purpose of controlling or restricting motor vehicle access to a site or property.
VEHICULAR TURNAROUND	A designated paved or stabilized area designed to allow motor vehicles to safely reverse direction without backing onto a public street or traveling long distances in reverse. A vehicular turnaround is not a parking space.
VEHICULAR USE AREA	An off-street parking space or parking lot along with associated drive aisles and means on ingress or egress.
VELOCITY	For the purposes of Soil Erosion and Sedimentation, the speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows.
VENDOR	A person who hawks, peddles, sells, or offers products, including food or beverages for sale.
VERTICAL FAÇADE MODULATION	The organization of an individual building façade into a base, middle, and cap configuration where there are discernable differences in exterior materials, building wall planes, or architectural detailing along the façade from the grade to the top of the building.
VESTED RIGHT	The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS§ 160D-108, or under common law.
VESTED RIGHTS CERTIFICATE	An authorization granted by Town Council to an approved site-specific development plan that protects the development from the need to comply with some (but not all) regulatory changes that are adopted by the Town during the period which the development is vested.
VETERINARY SERVICES	A facility for the care and treatment of small animals, including household pets and domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.
VIOLATION	An action that defies or violates the rules, regulations or codes adopted by the Town of Mills River. For the purposes of the Special Flood Hazard Area standards the failure of a structure or other development to be fully compliant with the community's hazard prevention regulations. A structure or other development without evidence of compliance is presumed to be in violation until such time as the necessary documentation is provided.
VISUALLY TRANSPARENT	Glass or glazing that does not obstruct the view into a structure.



8.4.23. TERMS STARTING WITH 'W'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
WALK-UP SERVICE	A commercial establishment or feature of a commercial establishment providing products or services to customers solely via a window or wall cavity where patrons approach on foot and do not enter the structure.
WALL OFFSET	A projection or recess located in or along a building wall.
WALL PACK	An exterior lighting device that is flush-mounted on a vertical wall surface.
WALL PLANE	The exterior surface of a building wall relative to the lot line it abuts.
WALL PLANE, PRIMARY	The largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.
WALL, BUILDING	The entire surface area, including windows and doors, of an exterior wall of a building.
WALL, GREEN	A building wall that is partially or completely covered with greenery that includes a growing medium, such as soil, water or a substrate and an integrated water delivery system.
WALL, PARAPET	A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
WALL, PRIMARY	The architectural front façade of the building that faces the street from which the building is addressed. The primary wall may also be the building wall that contains the primary entrance, which may or may not face the street from which the building is addressed. Only one building wall shall be considered as the primary wall.
WALL, RETAINING	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
WALL, SECONDARY	Exterior building walls that correspond to the side or rear of a building that that are visible from public recreation lands or streets.
WALL, TERTIARY	Building walls that are not primary or secondary building walls.
WAREHOUSE, DISTRIBUTION	An industrial facility primarily used for the receipt, storage, sorting, packaging, and distribution of goods, products, or materials to other businesses or end users, typically involving truck loading and unloading operations. A distribution warehouse may include offices and limited accessory activities but does not include retail sales to the general public or on-site manufacturing.
WAREHOUSE, STORAGE ONLY	An industrial facility primarily used for the long-term or short-term storage of goods, materials, equipment, or inventory, with minimal on-site processing or redistribution. Storage warehouses may include accessory office space but do not involve regular retail sales to the general public or active order fulfillment, packaging, or distribution operations.
WASTE	For the purposes of Soil Erosion and Sedimentation, Surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.
WATER DEPENDENT STRUCTURE	Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.
WATER SUPPLY WATERSHED	The entire land area contributing surface drainage to a designated water supply reservoir.
WATER SURFACE ELEVATION	The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.



TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
WATER SURFACE ELEVATION (WSE)	For the purposes of the Special Flood Hazard Area standards, the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the flood prone areas of riverine areas.
WATERCOURSE	For the purposes of the Special Flood Hazard Area standards, a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
WATERSHED	The entire land area contributing surface drainage to a specific point.
WATERSHED CRITICAL AREA	The area adjacent to a water supply intake or reservoir where the risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending one mile from the normal pool elevation of a water supply reservoir or to the ridge line of the watershed (whichever comes first); or one mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first).
WELL HOUSE	An secondary structure located above a water well. A well house may be functional or only for aesthetic purposes.
WETLANDS (INCLUDING 404 WETLANDS)	Wetlands either with or without a surface or subsurface connection to a larger body of water under the permitting jurisdiction of the U.S. Army Corps of Engineers.
WHEEL STOP	Small projections or barriers extending from grade level within a parking space or in a vehicular use area designed to prevent the front or rear of vehicles from encroaching into pedestrian walkways, landscaping areas, fire zones, or storage areas.
WHOLESALE SALES, INDOOR ONLY	The sale of goods or merchandise conducted entirely within an enclosed building to commercial, institutional, or industrial customers for resale or business use, rather than to the general public. This use may include on-site storage, display, and order processing, but does not include manufacturing, or retail sales. Establishments that require memberships and that make memberships available for purchase to members of the general public at the door are not wholesale sales uses.
WHOLESALE SALES, INDOOR AND OUTDOOR	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials, office, or retail sales to the general public. Establishments that require memberships and that make memberships available for purchase to members of the general public at the door are not wholesale sales uses.
WIND ENERGY CONVERSION	A power generating use that converts kinetic energy from the wind into mechanical energy through the use of a wind turbine. The mechanical energy can then be used to power on-site equipment or an electrical generator to create electricity for on-site or off-site use. Such uses may include batteries for the storage of electrical energy.
WINDOW SURROUND	An exterior material located around the perimeter of a window or opening that protects joints in exterior materials from the weather or provides architectural interest.
WORKING DAYS	For the purposes of Stormwater Management, days exclusive of Saturday and Sunday and federal and state holidays observed by the Town.
WRIT OF CERTIORARI	A writ of superior court to call up the records of an inferior court or a body acting in a quasi-judicial capacity.



8.4.24. TERMS STARTING WITH 'X'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
XERISCAPE	The use of plant materials and planting techniques that conserve water.

8.4.25. TERMS STARTING WITH 'Y'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
YARD	An open space on the same lot with a building or group of buildings which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward by buildings or structures except by permitted secondary buildings or uses.
YARD OR GARAGE SALE	A temporary sale of used goods conducted by the resident of a dwelling. Yard or garage sales may include used goods from more than one family.
YOUTH DEVELOPMENT CENTER	An institutional use primarily serving minors that provides supervised educational, recreational, cultural, social, or life-skills activities intended to support personal growth, learning, and development. A youth development center may include tutoring, mentoring, after-school programs, arts instruction, sports activities, counseling, or similar services, and may include accessory offices and support spaces.

8.4.26. TERMS STARTING WITH 'Z'

TABLE <>: TERMS DEFINED

TERM	DEFINITION(S)
ZONING MAP	See "Official Zoning Map."

