

---

# ZEBULON

---

NORTH CAROLINA

**TOWN OF ZEBULON  
PLANNING BOARD MEETING  
May 9, 2022  
Following 7:00 Joint Public Hearing**

**I. CALL TO ORDER**

**II. APPROVAL OF THE AGENDA**

**III. APPROVAL OF MINUTES**

A. April 11, 2022

**IV. NEW BUSINESS**

A. **Flood Hazard Overlay District** – Amendments to Sections 3.8.2 and 9.4 of the UDO to conform to the model ordinance standards in compliance with FEMA’s adoption of new FIRM Flood Insurance Maps.

**V. DEVELOPMENT UPDATES**

**VI. ADJOURNMENT**

**Zebulon  
Planning Board  
Minutes  
April 11, 2022**

Present: David Lowry, Michael Germano, Stephanie Jenkins, Domenick Schilling, Michael Clark-Planning, Stacie Paratore-Deputy Town Clerk, Eric Vernon-Attorney

Absent: Laura Johnson

David Lowry called the meeting to order.

**APPROVAL OF AGENDA**

Michael Germano made a motion, second by Stephanie Jenkins to approve the agenda. There was no discussion and the motion passed unanimously.

**APPROVAL OF MINUTES**

Michael Germano made a motion, second by Stephanie Jenkins to approve the March 14, 2022 Planning Board minutes. There was no discussion and the motion passed unanimously.

**NEW BUSINESS**

**A. Utility Allocation Policy**

Michael Clark explained the policy was a way to require improvements above and beyond the UDO requirements to allow connection into the municipal water and sewer system. The point system was explained and examples of how it might be used was given. Staff recommended approval of the Utility Allocation Policy.

Michael Clark listed the modifications that were made during the Joint Public Hearing:

- Correction under Mixed Use Transit oriented specifically to be recognized as the core downtown
- Add business office professional center, finance and insurance center as a single use with a minimum of 50,000 sq. ft. to be 38 base points
- Modification of private greenway to meet the Town standards

There was discussion about the definition of a commercial coffee shop, and it was suggested to require designated public seating.

Michael Germano recommended lowering the points for religious institutions. The Planning Board agreed to lower religious institutions to 30 points.

Michael Germano made a motion, second by Stephanie Jenkins to recommend approval of the Utility Allocation Policy with the recommended changes to the Board of Commissioners. There was no discussion and the motion passed unanimously.

**B. Commercial Dumpster Enclosure Design**

Michael Clark gave examples of dumpster enclosure designs currently allowed and examples allowable under the proposed new regulation.

There was discussion about when a business owner was required to modify or rebuild a dumpster enclosure to the Town's current UDO standards.

Michael Germano made a motion, second by Stephanie Jenkins to recommend approval of the Commercial Dumpster Enclosure Design. There was no discussion and the motion passed unanimously.

**C. Storm Water Control Measure Landscaping**

Michael Clark gave examples of storm water control measure landscaping currently allowed and examples under the proposed regulation.

There was a correction in the text amendment to section 5.6.1(9) (b) should state trees instead of streets. Staff recommended approval as amended.

Domenick Schilling expressed safety concerns with storm water ponds. Michael Clark spoke about ways to increase safety through design which included natural vegetation and activating the space.

Michael Germano made a motion, second by Stephanie Jenkins to recommend approval of the storm water control measure landscaping as amended. There was no discussion and the motion passed unanimously.

Michael Clark gave updates about new businesses coming to Town.

David Lowry welcomed new Planning Board member, Domenick Schilling and stated there were two vacant seats on the Planning Board.

Michael Germano made a motion, second by Stephanie Jenkins to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 9<sup>th</sup> day of May 2022.

---

David Lowry—Chair

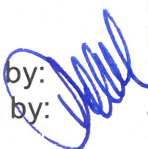
SEAL

---

Stacie Paratore, CMC—Deputy Town Clerk

STAFF REPORT  
TA – 2022-06  
FLOOD HAZARD OVERLAY UPDATE  
MAY 9, 2022  
JOINT PUBLIC HEARING

**Topic: Text Amendment 2022-06 Flood Hazard Overlay Update**

Speaker: Michael J. Clark, AICP, CZO, Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Michael J. Clark, AICP, CZO, Planning Director  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider text amendments to Section 3.8.2 and 9.4 of the Unified Development Ordinance to update the Flood Hazard Overlay and associated definitions in compliance with FEMA regulations.

**Background:**

The foundation of our Flood Hazard Overlay district as outlined in Section 3.8.2 is based on model ordinances and the FIRM Flood Map prepared by FEMA. This map was updated and is scheduled to become effective on July 19, 2022. Along with this, the State of North Carolina has worked with FEMA to update the model ordinance language. The draft provided includes language necessary to continue enforcement of the Flood Hazard Overlay district and is required by the State of North Carolina and FEMA.

**Discussion:**

The public hearing is an opportunity to gather public comment. There is no discussion before the Board.

**Policy Analysis:**

The proposed text amendment is a tool to achieve the 2030 Strategic Plan's Growing Smart goal, and directly addresses the Comprehensive Land Use Plan's further refined strategy to protect the environment.

**Financial Analysis:**

The proposed regulations are required to continue enforcement of the Flood Hazard Overlay regulations. Failure to approve the regulations would result in development that would be detrimental to the natural environment and remediation costs associated with repair would become the Town's responsibility, along with any legal costs.

**Staff Recommendation:**

Staff Recommends conducting a public hearing and approving the proposed text amendments at the next meeting.

**Attachments:**

1. Amended Sections 3.8.2 and 9.4 of the UDO.

**3.8. OVERLAY ZONING DISTRICTS**

**3.8.1. GENERALLY**

**A. PURPOSE**

Overlay zoning districts are superimposed over either all or a portion of one or more underlying general zoning districts or conditional zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

**B. ESTABLISHMENT**

1. Table 3.8, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance.

| <b>TABLE 3.8: OVERLAY ZONING DISTRICTS ESTABLISHED</b> |                     |
|--|---------------------|
| <b>OVERLAY DISTRICT NAME</b>                           | <b>ABBREVIATION</b> |
| Flood Hazard Overlay                                   | FHO                 |
| Gateway Corridor Overlay                               | GCO                 |
| Local Historic Overlay                                 | LHO                 |
| Manufactured Home Overlay                              | MHO                 |

2. Some overlay district boundaries are depicted on the Official Zoning Map, though sub-areas within individual overlay districts may be shown on other maps or diagrams which are made a part of this Ordinance and maintained by the Town.

**C. CLASSIFICATION**

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.2.24, Zoning Map Amendment, and this section.

**D. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS**

1. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying general or conditional zoning district, unless otherwise expressly stated.
2. If the standards governing an overlay zoning district expressly conflict with those governing an underlying general or conditional zoning district, the standards governing the overlay district shall control, unless otherwise stated.
3. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

**3.8.2. FLOOD HAZARD OVERLAY (FHO) DISTRICT**

**A. STATUTORY AUTHORIZATION, FINDINGS OF FACTS, PURPOSE AND OBJECTIVES**

**1. STATUTORY AUTHORIZATION**

~~The Legislature of the State of North Carolina has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry in Sections 143.215.54, 143-215.54(a), 143-215.54A, 143-215.56, 143-215.56(c), 143.215.57A, and 160D-923 of the North Carolina General Statutes.~~ The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

**2. FINDINGS OF FACT**

- a. The flood hazard areas of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.
- c. Impervious surfaces associated with development in a watershed have the effect of: reducing the watershed's ability to absorb stormwater; increasing the velocity of stormwater runoff; and, creating erosion from uplands and depositing sediments into floodplains; cumulatively increasing the level of flood waters within the town.
- d. Minimizing construction within the flood protection areas in the town within its zoning jurisdiction has been identified as an effective means for minimizing the risk of these losses.

**3. STATEMENT OF PURPOSE**

It is the purpose of this part to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- d. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**4. OBJECTIVES**

The objectives of this part are:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- f. Minimize damage to private and public property due to flooding;
- g. Make flood insurance available to the community through the National Flood Insurance Program;
- h. Maintain the natural and beneficial functions of floodplains;
- ~~e.i.~~
- ~~f.i.~~ To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- ~~g.k.~~ To ensure that potential home buyers are notified that property is in a flood area.

**5. ADDITIONAL PROVISIONS**

- a. The Flood Protection Overlay District is applied in combination with the existing base zoning districts and has the effect of modifying the requirements, regulations and procedures to the extent expressly indicated in this chapter.
- b. Determinations for existing buildings and structures.

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- ~~b.~~ For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall: ~~Redevelopment of built-upon areas of existing development is allowed if the rebuilding activity does not have a net increase in built-upon area.~~
- ~~i.~~ ~~Single-family dwellings may be expanded, redeveloped or replaced in accordance with the other requirements of the Flood Protection Overlay District without being subject to the restrictions of this section.~~ Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  - ~~ii.~~ ~~Existing development and land uses as defined herein.~~ Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - ~~iii.~~ Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - ~~ii.iv.~~ Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.
- c. It is the intent that the Town of Zebulon shall apply the Flood Protection Overlay District to all property within the area as delineated on the official zoning map of the Town of Zebulon. Whenever the provisions of this part impose greater restrictive standards than are required in or under any other ordinance, statute or agreement, the regulations and requirements of this part shall govern. Whenever the provisions of any other ordinance, statute or agreement require more restrictive standards than are required in this part, the provisions of such ordinance, statute or agreement shall govern.

## B. GENERAL FLOODPLAIN PROVISIONS

### 1. LANDS TO WHICH THESE STANDARDS APPLY

~~This part shall apply to all areas of special flood hazard within the jurisdiction.~~ This section shall apply to all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) of the Town of Zebulon

### 2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated ~~April 16, 2013~~ July 19, 2022 for Wake County and associated DFIRM panels, including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of the ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Zebulon are also adopted by reference and declared a part of this ordinance.

- a. Flood Protection Zone 1 is the full extent of the FEMA 100-year floodplain as determined by the U.S. Army Corps of Engineers, North Carolina Division of Water Quality, or USGS 7.5-minute topography maps and shall remain undisturbed. Flood Protection Zone 1 is the most dynamic and hazardous zone, carrying debris and other projectiles during times of flooding. No new development is permitted within Flood Protection Zone 1 except for stream bank or shoreline restoration or stabilization, water dependent structures, and public or private projects such as road crossings and installations, utility crossings and installations, and greenways, where no practical alternatives exist. Flood Protection Zone 1 shall remain undisturbed in its entirety except for exempted activities described herein.





## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- b. Any person who violates this part or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than ~~\$50~~ \$100 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense.
- c. Nothing herein contained shall prevent the Town of Zebulon from taking such other lawful action as is necessary to prevent or remedy any violation.

## 9. AGRICULTURE

- a. Agriculture is subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- b. Silvicultural activities shall be subject to the provisions of the Forest Practices Guidelines related to Water Quality (15A NCAC 11 .0202-0209). The North Carolina Division of Forest Resources is responsible for implementing these provisions pertaining to silvicultural activities.

## 10. REQUIREMENTS FOR EROSION CONTROL

- a. New nonresidential uses within 200 feet of flood protection areas requiring an erosion/sedimentation control plan under local or state law shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are used, stored, or manufactured on the premises.
- b. Diffuse flow of runoff into flood protection areas shall be maintained by dispersing concentrated flow and reestablishing vegetation.
- c. Vegetative cover shall be reestablished for all areas disturbed by development activities on sites adjoining the flood protection area and shall be maintained on a permanent basis.

## 11. CONSTRUCTION OF STREETS

- a. The construction of new roads and bridges and nonresidential development shall minimize built upon area, divert storm water away from surface waters and employ best management practices (BMPs) to minimize water quality impacts.
- b. Road construction shall use BMPs outlined in the North Carolina Department of Transportation document, "Best Management Practices for the Protection of Surface Waters."
- c. BMPs shall not be constructed within jurisdictional waters.

## C. ADMINISTRATION OF FLOOD PROVISIONS

### 1. DESIGNATION OF FLOODPLAIN ADMINISTRATION

The Land Use Administrator is hereby appointed to administer and implement the provisions in accordance with Section 10.7.1.D, Floodplain Administrator.

### 2. DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.), ~~the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities.~~ Specifically, the following information is required:

- a. Where base flood elevation data is provided in accordance with division (C)(10) below, the application for a development permit within the Zone A on the flood insurance rate map shall show:
  - i. The elevation ~~(in relation to mean sea level)~~ in relation to NAVD 1988 of the proposed reference level of the lowest floor (including basement) of all new and substantially improved structures; and
  - ii. If the structure has been floodproofed in accordance with Section 3.8.2.D.2.b, Non-Residential Construction, the elevation ~~(in relation to mean sea level)~~ in relation to NAVD 1988 to which the structure was floodproofed.
  - iii. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- b. Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade.
- c. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include; a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- d. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 3.8.2.D.2.b, Non-Residential Construction.
- ~~e. A floor elevation or floodproofing certification is required after the lowest floor is completed. Within 21 calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The land use administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be cause to issue a stop-work order for the project, halt further inspections and shall be cause to not issue or revoke the certificate of occupancy of the building.~~A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- e.
- f. When a structure requires flood certification, floor elevation or floodproofing certification a zoning inspection will be performed by the Land Use Administrator, or their designee, to ensure the proper placement of the foundation in relation to the required setbacks and/or approved site plan prior to the scheduling of a footing or any other type of inspection.

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- g.** Development of all property within the Flood Protection Area Overlay District shall require that all plans submitted include delineated streams demonstrating compliance with the standards of this section. This plan shall be required to be submitted for all development, planned developments and any other type of development that increases the impervious area of the site except for single-family development on a single lot of record created prior to the adoption of this section. No land-disturbing activity shall take place prior to issuance of a grading permit.
- h.** Prior to issuance of grading permit for any property within the Flood Protection Area Overlay District, except for single-family development on a single lot of record created prior to the adoption of this section, a waters/wetlands jurisdictional assessment shall be performed by a U.S. Army Corps of Engineers' qualified environmental professional using Army Corps of Engineers and North Carolina Division of Water Quality criteria.
- i.** A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 3.8.2.D.4 have been met.
- h.j.** A statement, that all materials below BFE/RFPE must be flood resistant materials.

## D. PROVISIONS FOR FLOOD HAZARD REDUCTION

### 1. GENERAL STANDARDS

In all special flood hazard areas and future conditions flood hazard areas the following provisions are required:

- a.** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure;
- b.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- c.** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages;
- d.** ~~Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers and the like), hot water heaters and electric outlets/switches;~~ All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
  - i.** Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - ii.** Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- e.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- f.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- g.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- h.** ~~Any alteration, repair, reconstruction or improvements to a structure, which is in compliance with the provisions of this part, shall meet the requirements of new construction as contained in this part;~~

d.

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- i.h.** Nothing in this part shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this part and located totally or partially within the floodway, non-encroachment area or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that the repair, reconstruction or replacement meets all of the other requirements of this part;
- j.i.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted, except by variance as specified in [Section 2.2.21.G.2, Flood Hazard Overlay Variance Standards](#). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area or future conditions flood hazard area with the Land Use Administrators' approval only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to [Section 3.8.2.C.2.c](#);
- k.j.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage;
- h.k.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- m.l.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- m.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.
- n.** [When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.](#)
- o.** [When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.](#)
- n.p.** [Fill is prohibited in the SFHA and Future Conditions Flood Hazard Areas , including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill \(CLOMR-F or LOMR-F\).](#)

## 2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation (BFE) data has been provided and in future conditions flood hazard areas where future conditions flood elevations data has been provided, as set forth in [Section 3.8.2.B.2, Basis for Establishing the Areas of Special Flood Hazard](#), or [Sections 10.7.1.D.11 and 10.7.1.D.12](#), the following provisions, in addition to [Section 3.8.2.D.1, General Standards](#), are required.

### a. RESIDENTIAL CONSTRUCTION

- i.** New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation.
- ii.** Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

### b. NON-RESIDENTIAL CONSTRUCTION

- i.** ~~New construction or substantial improvement of any commercial, industrial or non-residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the level of the base flood elevation.~~ [New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Chapter 9 of this ordinance.](#)

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- ~~ii. Structures located in A-zones may be floodproofed in lieu of elevation provided they are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.~~ Structures located in Zones A, AE, AH, AO, A99, and X (Future) may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G (2).
- ~~iii. A registered professional engineer or architect shall certify that the standards of this division are satisfied.~~ A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. The certification shall be provided to the official Floodplain Administrator as set forth in Section 3.8.2.C.2.c along with the operational plan and the inspection and maintenance plan.;

#### c. MANUFACTURED HOMES

- i. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or, in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- ii. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 3.8.2.D.2.c.i of this chapter must be elevated so that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement.
- iii. Manufactured homes shall be anchored to prevent floatation, collapse or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- iv. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 3.8.2.D.2.c, Manufactured Homes, are met.
- v. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Land Use Administrator and the local Emergency Management Coordinator.

#### d. ELEVATED BUILDINGS

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- i. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

door), or entry to the living area (stairway or elevator). The interior portion of the enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

ii. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

~~ii.iii.~~ iii. Shall not be temperature-controlled or conditioned; and

~~iii.iv.~~ iv. Shall include, in Zones AE and X (Future), flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of flood waters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

1. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
2. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
3. If a building has more than one enclosed area, each enclosed area must have flood openings to allow flood waters to automatically enter and exit;
4. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
5. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of flood waters in both directions; and
6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

~~6.~~

#### e. ADDITIONS/IMPROVEMENTS

i. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; and
2. A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.

ii. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

iii. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

iv. Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

v. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a One (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

~~iv.2.~~ Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

#### f. RECREATIONAL VEHICLES

Recreational vehicles shall either:

- i. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- ii. Recreational vehicles that do not meet the limitations of Temporary Placement shall meetMeet all the requirements for new construction.

#### g. TEMPORARY NON-RESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of the structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- i. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- ii. The name, address and phone number of the individual responsible for the removal of the temporary structure;
- iii. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- iv. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- v. Designation, accompanied by documentation, of a location outside the special flood hazard area or future conditions flood hazard area, to which the temporary structure will be moved.

#### h. ACCESSORY STRUCTURES

When accessory structures (sheds, detached garages and the like) are to be placed within a special flood hazard area or future conditions flood hazard area, the following criteria shall be met:

- i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- ii. Accessory structures shall not be temperature-controlled;
- iii. Accessory structures shall be designed to have low flood damage potential;
- iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
- v. Accessory structures shall be firmly anchored in accordance with Sections 3.8.2.D.1.a and 3.8.2.D.1.b;
- vi. All service facilities such as electrical shall be installed in accordance with Section 3.8.2.D.1.d; and
- vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 3.8.2.D.2.d.iii.

#### i. FOOTPRINT

- i. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate.

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- ii. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 3.8.2.C.2, Development Application, Permit and Certification Requirements).

#### **j. TANKS.**

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area or Future Conditions Flood Hazard Area, the following criteria shall be met:

- i. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- ii. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- iii. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this Article shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- iv. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
  - 1. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### **k. OTHER DEVELOPMENT**

- i. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
- ii. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of 3.8.2.D.4 of this ordinance.
- iii. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 3.8.2.D.4 of this ordinance.

ii.

### **3. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS**

Within the special flood hazard areas designated as Approximate Zone A and established in Section 3.8.2.A.2, Findings of Fact, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 3.8.2.D.1, General Standards, and Section 3.8.2.D.2, Specific Standards, shall apply:

- a.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b.** The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:



## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- i. If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within those areas shall also comply with all applicable provisions of this part and shall be elevated or floodproofed in accordance with standards in Sections 10.7.1.D.11 and 10.7.1.D.12.
- ii. All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. The base flood elevation (BFE) data shall be adopted by reference per Section 3.8.2.B.2, Basis for Establishing the Areas of Special Flood Hazard, to be utilized in implementing this part; or
- iii. When base flood elevation (BFE) data is not available from a federal, state or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 9.4, Definitions.

#### 4. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in Section 3.8.2.D.2, Specific Standards. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 3.8.2.D.1, General Standards, and Section 3.8.2.D.2, Specific Standards, shall apply to all development within those areas:

- a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
  - i. The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
  - ii. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- b. If Subsection 3.8.2.D.3.a is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this part.
- c. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  - i. The anchoring and the elevation standards of Section 3.8.2.D.2.c, Manufactured Homes; and
  - ii. The no encroachment standard of Subsection 3.8.2.D.3.a.

#### E. SUBDIVISIONS WITHIN SPECIAL FLOOD HAZARD AREAS

##### 1. STANDARDS

The following standards set forth in this division shall be applied to all subdivisions:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- d. Base flood elevation data shall be provided for all subdivision proposals that contain special flood hazard areas.

##### 2. FLOODPLAIN WARNING SIGNS

- a. Prior to the approval of the final plat of a subdivision that contains special flood hazard areas the developer shall cause to be erected a permanent floodplain warning sign.
- b. This sign shall be at least two square feet in the area with lettering no less than one inch in height and be placed in plain view within the right-of-way nearest to the flood prone properties in new subdivisions or new phases of existing subdivisions.

## ARTICLE 3: DISTRICTS

### 3.8. Overlay Zoning Districts

### 3.8.2 Flood Hazard Overlay (FHO) District

- c. This sign and its placement are subject to approval by the Board of Commissioners during final plat approval.
- d. This sign shall read: "Area Subject to Flooding."

#### **F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).**

Located within the Special Flood Hazard Areas established in this ordinance, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to requirements under Section 3.8.2.D, all new construction and substantial improvements shall meet the following requirements:

- a. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **G. CORRECTIVE PROCEDURES**

##### **1. VIOLATIONS TO BE CORRECTED**

When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

##### **2. ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION:**

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- a. That the building or property is in violation of the floodplain management regulations;
- b. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- c. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

##### **3. ORDER TO TAKE CORRECTIVE ACTION:**

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least Insert Calendar Days (One-hundred-eighty (180) calendar days or less is recommended) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

##### **4. APPEAL:**

Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Appeals shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

##### **5. FAILURE TO COMPLY WITH ORDER:**

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

d. —

## ARTICLE 9: MEASUREMENT AND DEFINITIONS

9.4. Definitions

Adopted policy guidance

### DEFINITIONS

|  |   |
|--|---|
| <b>ADOPTED POLICY GUIDANCE</b>               | The combined future land-use policy guidance provided by the adopted comprehensive plan, area or corridor plans prepared for specific parts of the Town, system plans related to the town’s infrastructure systems, and other plans.  |
| <b>ADULT BUSINESS</b>                        | Also known as Sexually Oriented Business.<br>Any place defined as an Adult Establishment as defined by G.S. § 14-202.10 as the statute may be amended time to time, including adult cabarets and except the definitions of Massage Business shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health related business. Sexually Oriented Business specifically includes, however, any massage business where massages are rendered by any person exhibiting specific anatomical areas and/or where massages are performed on any client’s specific anatomical areas. Specific Anatomical Areas are those defined by G.S. § 14-202.10 as the statute may be amended from time to time. |
| <b>ADULT DAY CARE CENTER</b>                 | 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.  |
| <b>AFFECTED PARTY</b>                        | 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.   |
| <b>AGRICULTURAL SUPPORT SERVICES</b>         | Commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture. Uses also include sales of products grown on a farm, provision of farm-related experiences (e.g., immersion farming or pick-your-own establishments), wineries, and agritourism.   |
| <b>AGRICULTURE AND HORTICULTURE</b>          | The cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, market gardening, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. Uses also include agronomy, aquaculture, fisheries, apiculture, silviculture, plant nurseries, and similar uses.   |
| <b>AIRCRAFT PARTS, SALES AND MAINTENANCE</b> | The use of land for the display and sale of, or general repair, rebuilding, or reconditioning of any contrivance used for navigation of or flight in the air.   |
| <b>AIRPORT AND RELATED FACILITIES</b>        | Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing, fueling, and maintenance of aircraft.  |
| <b>ALLEY</b>                                 | See “Street, Alley.”  |
| <b>ALTERATION</b>                            | Any change because of construction, repair, maintenance or otherwise to buildings located within a historic district or designated as a historic property.  |
| <b><u>ALTERATION OF WATERCOURSE</u></b>      | <u>A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.</u>  |
| <b>ALTERNATIVE LANDSCAPE PLAN</b>            | A document prepared by an applicant that proposes an alternative means of compliance with the standards in <u>Section 5.6, Landscaping</u> .  |
| <b>ALTERNATIVE PARKING PLAN</b>              | A document prepared by an applicant that proposes an alternative means of compliance with the standards in <u>Section 5.8, Parking and Loading</u> .  |
| <b>AMATEUR HAM RADIO</b>                     | Equipment, including antennas, transmitters, and antenna support structures used by a non-professional person in the transmittal of messages and  |

## ARTICLE 9: MEASUREMENT AND DEFINITIONS

9.4. Definitions

Application

### DEFINITIONS

|                                     |   |
|-------------------------------------|---|
| <b>APPLICATION</b>                  | 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.  |
| <b>ARBOR</b>                        | A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.   |
| <b>ARBORETUM OR FORMAL GARDEN</b>   | 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.   |
| <b>ARCADE</b>                       | A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.  |
| <b>ARCH OR ARCHWAY</b>              | A curved, semicircular opening in a wall.   |
| <b>AREA OF SHALLOW FLOODING</b>     | A designated AO or <del>VO</del> -AH Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.   |
| <b>AREA OF SPECIAL FLOOD HAZARD</b> | See " <a href="#">Special Flood Hazard Area (SFHA)</a> ". <del>The land in the floodplain within a community subject to a 1% or greater chance of being equaled or exceeded in any given year.</del>  |
| <b>ART INSTALLATION</b>             | 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.   |
| <b>ART GALLERY</b>                  | A space or series of spaces dedicated towards the display, exhibition, and sale of works of art.  |
| <b>ARTERIAL STREET</b>              | See "Street, Arterial."   |
| <b>ARTICULATION</b>                 | The presence or projections, recesses, or other architectural features along a building façade.   |
| <b>ARTISAN STUDIO</b>               | A space dedicated towards the production and sale of works of art. This may include mixed or various media including but not limited to paint, wood, wax, metal, paper, plastic, film, or similar materials.  |
| <b>AS-BUILT PLANS</b>               | A set of engineering or site drawings that delineate the specific permitted development as actually constructed.  |
| <b>ASPHALT OR CONCRETE PLANT</b>    | An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.   |
| <b>ASSISTED LIVING FACILITY</b>     | 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.                          |
| <b>AUCTION HOUSE</b>                | A commercial establishment engaged in the re-sale of objects, artifacts, or products. Such uses may also include facilities for storage and shipping.   |
| <b>AUDITORIUM</b>                   | 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 accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. |
| <b>AUTHORIZED AGENT</b>             | A person with express written legal consent to act upon another's behalf.   |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|  |  |
|--|--|
| <b>CO-WORKING SPACE</b>                      | 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. |
| <b>CREMATORIUM</b>                           |  |
| <b>CRITICAL AREA</b>                         | See "Watershed Critical Area."   |
| <b>CUL-DE-SAC STREET</b>                     | See "Street, Cul-de-Sac."  |
| <b>CULTURAL FACILITY, LIBRARY, OR MUSEUM</b> | Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit.   |
| <b>CUPOLA</b>                                | A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.  |
| <b>CURB</b>                                  | A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.  |
| <b>CURVILINEAR WALL FEATURE</b>              | A portion of a building's exterior wall that is curved or arced relative to the primary wall plane.  |
| <b>D</b>                                     |  |
| <b>DAM</b>                                   | A barrier, whether constructed or natural that holds back water.   |
| <b>DEAD-END STREET</b>                       | See "Street, Dead-End."  |
| <b>DECK</b>                                  | A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.  |
| <b>DECORATIVE GLASS</b>                      | Glass located on an exterior wall of a building that may be transparent, semi-transparent, or opaque.  |
| <b>DEDICATION</b>                            | The act of giving, donating, or dedicating land or infrastructure improvements to a unit of government for their operation and maintenance.  |
| <b>DEED RESTRICTION</b>                      | A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.   |
| <b>DEMOLITION</b>                            | Complete or constructive removal of a building or portion of a building on any site.   |
| <b><u>DESIGN FLOOD</u></b>                   | <u>See "Regulatory Flood Protection Elevation."</u>  |
| <b>DESIGNEE</b>                              | A person selected or designated to carry out a duty or role.   |
| <b>DEVELOPER</b>                             | 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.   |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|  |  |
|--|--|
| <b>DEVELOPMENT</b>                                     | <p>Any man-made change to improved or unimproved real estate, including any of the following:</p> <ul style="list-style-type: none"> <li>a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.</li> <li>b. The excavation, grading, filling, clearing, or alteration of land.</li> <li>c. The subdivision of land as defined in G.S. 160D-802.</li> <li>d. The initiation or substantial change in the use of land or the intensity of use of land.</li> </ul> <p>For the purposes of <u>Section 3.8.2, Flood Hazard Overlay (FHO) District</u>:</p> <ul style="list-style-type: none"> <li>(a) Any manmade change to improved or unimproved real estate, including, but not limited to, the construction, erection, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, clearing of vegetation; and any use or change in use of any structures or land.</li> <li>(b) Development shall also include any land disturbing activity on improved or unimproved real estate that changes the amount of impervious or partially impervious surfaces on a parcel, or that otherwise decreases the natural infiltration of precipitation into the soil.</li> </ul> |
| <b><u>DEVELOPMENT ACTIVITY</u></b>                     | <p><u>For the purposes of Section 3.8.2, Flood Overlay (FHO) District, any activity defined as Development which will necessitate a Floodplain 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.</u></p>  |
| <b>DEVELOPMENT AGREEMENT</b>                           | <p>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.</p>   |
| <b>DEVELOPMENT APPROVAL</b>                            | <p>An administrative or quasi-judicial approval made pursuant to G.S. 160D and UDO Article 2 that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this G.S. 160D and any Town Ordinance including plat approvals, permits issued, development agreements entered into, and building permits issued.</p>   |
| <b>DEVELOPMENT ENTRY POINT</b>                         | <p>A vehicular access point providing ingress or egress to an individual neighborhood or development.</p>  |
| <b>DIAMETER AT BREAST HEIGHT (DBH)</b>                 | <p>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.</p>   |
| <b>DIFFUSE FLOW</b>                                    | <p>Water flowing in a thin layer over the ground surface without, and at relatively uniform velocities so as not to create an identifiable channel through erosion.</p>  |
| <b><u>DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)</u></b> | <p><u>The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.</u></p>   |
| <b>DISPOSAL</b>  | <p>For the purposes of the FHO, <u>as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any</u></p>   |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|  |  |
|--|--|
|  | <del>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.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 ground water.</del> |
| <b>DISTRIBUTED ANTENNA SYSTEM (DAS) NODE</b> | 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.   |
| <b>DITCH (OR CANAL)</b>                      | As used in 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.  |
| <b>DORMER WINDOW</b>                         | A window that projects vertically from a sloping roof.   |
| <b>DOUBLE FRONTAGE LOT</b>                   | See "Lot, Double Frontage."  |
| <b>DRIVE AISLE</b>                           | A vehicular accessway within a surface parking lot or a parking structure.   |
| <b>DRIVE THROUGH</b>                         | A facility designed to enable a person to transact business while remaining in a motor vehicle.  |
| <b>DRIVEWAY</b>                              | 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.  |
| <b>DRIVEWAY MEDIAN</b>                       | 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.   |
| <b>DROUGHT TOLERANT TREE</b>                 | See "Tree, Drought Tolerant."  |
| <b>DRUG/ALCOHOL TREATMENT FACILITY</b>       | 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.  |
| <b>DUPLEX DWELLING</b>                       | A single detached dwelling on one 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.   |
| <b>DWELLING</b>                              | Any building, structure, manufactured home, or mobilehome, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Dwelling shall not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.   |
| <b>DWELLING UNIT</b>                         | One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.   |

**E**

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|  |   |
|--|---|
| <b>EQUIPMENT CABINET</b>                               | For the purposes of the standards in <u>Section 4.3.4.S, Wireless Telecommunication Facilities</u> , 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 wireless telecommunication signals.   |
| <b>EQUIPMENT COMPOUND</b>                              | For the purposes of the standards in <u>Section 4.3.4.S, Wireless Telecommunication Facilities</u> , an area containing wireless 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. |
| <b>EROSION</b>   | The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.   |
| <b>EROSION CONTROL MEASURE</b>                         | A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.   |
| <b>EROSION CONTROL PERMIT</b>                          | A permit associated with land-disturbing activity that approves certain actions designed to inhibit erosion or limit accumulation of sediment in streams or on other lands outside the area of disturbance.   |
| <b>ESTABLISHED GRADE</b>                               | See "Grade, Established."   |
| <b>EVENT VENUE</b>                                     | A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory 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.   |
| <b>EVERGREEN TREE</b>                                  | See "Tree, Evergreen."  |
| <b>EXEMPTION</b>                                       | A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements   |
| <b><u>EXISTING BUILDING AND EXISTING STRUCTURE</u></b> | <u>means any building and/or structure for which the "start of construction" commenced before January 1, 2020, the initial effective date of the floodplain management regulations adopted by the community.</u>  |



**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|   |   |
|---|---|
| <p><b><u>FLOOD-RESISTANT MATERIAL</u></b></p>       | <p><a href="#">any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, <i>Flood Damage-Resistant Materials Requirements</i>, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.</a></p> |
| <p><b>FLOODPLAIN</b></p>                            | <p>Any land area susceptible to being inundated by water from any source in response to precipitation events.</p>   |
| <p><b>FLOODPLAIN ADMINISTRATOR</b></p>              | <p>The individual appointed to administer and enforce the floodplain management regulations.</p>  |
| <p><b>FLOODPLAIN DEVELOPMENT PERMIT</b></p>         | <p>A permit that is required, in conformance with the provisions of this Ordinance, prior to the commencement of any development activity in a floodplain.</p>  |
| <p><b>FLOODPROOFING</b></p>                         | <p>Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.</p>  |
| <p><b>FLOODWAY</b></p>                              | <p>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 foot</p>  |
| <p><b><u>FLOODWAY ENCROACHMENT ANALYSIS</u></b></p> | <p><a href="#">An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway 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 models.</a></p>   |
| <p><b>FLOOR</b></p>                                 | <p>For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.</p>  |
| <p><b>FOOTCANDLE</b></p>                            | <p>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.</p>   |
| <p><b>FOOTPRINT</b></p>                             | <p>See "Building Footprint."</p>  |
| <p><b>FORESTRY ACTIVITY</b></p>                     | <p>An activity related to planting, maintaining, or removing trees as part of a forestry management plan or bona fide farming activity.</p>   |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|  |  |
|--|--|
| <p><b><u>LETTER OF MAP CHANGE (LOMC)</u></b></p> | <p>An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:</p> <p>Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.</p> <p>Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.</p> <p>Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.</p> <p>Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.</p> |
| <p><b><u>LIGHT DUTY TRUCK</u></b></p>            | <p>For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: 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 CFR 86.082-2 and is:</p> <ul style="list-style-type: none"> <li>(a) <u>Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or</u></li> <li>(b) <u>Designed primarily for transportation of persons and has a capacity of more than 12 persons; or</u></li> <li>(c) <u>Available with special features enabling off-street or off-highway operation and use.</u></li> </ul>  |
| <p><b>LOT</b></p>                                | <p>A parcel of land not divided by streets that is or will be occupied by a building and its accessory 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.</p>  |
| <p><b>LOT DEPTH</b></p>                          | <p>See Section 9.3.3.A.2, Lot Depth.</p>   |
| <p><b>LOT FRONTAGE</b></p>                       | <p>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 street boundary line having the shortest distance coincident with a street line.</p>   |
| <p><b>LOT OF RECORD (EXISTING LOT)</b></p>       | <p>A lot that has been recorded in the office of the Wake County Register of Deeds and which was in conformance with the development regulations in effect at the time of recording.</p>   |
| <p><b>LOT WIDTH</b></p>                          | <p>See Section 9.3.3.A.3, Lot Width.</p>   |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|                                   |   |
|-----------------------------------|---|
| <b>MANUFACTURING, LIGHT</b>       | 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. |
| <b>MAP AMENDMENT</b>              | See "Zoning Map Amendment."   |
| <b>MAP REPOSITORY</b>             | <u><a href="#">For the purposes of the FHO, the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<a href="http://FRIS.NC.GOV/FRIS">http://FRIS.NC.GOV/FRIS</a>) is the map repository, and for historical flood hazard data the FloodNC website (<a href="http://FLOODNC.GOV/NCFLOOD">http://FLOODNC.GOV/NCFLOOD</a>) is the map repository.</a></u>   |
| <b>MARKET VALUE</b>               | For the purposes of the FHO, the building value, not including the land value and that of any accessory 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.   |
| <b>MASTER PLAN</b>                | A conceptual plan associated with an application to establish a planned development district that sets out the general location, type, and configuration of proposed development within the district.   |
| <b>MATERIAL CHANGE</b>            | 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.   |
| <b>MATERIAL RETURN</b>            | 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.  |
| <b>MATURE TREE</b>                | A tree that has reached more than one-third of its expected maximum size.   |
| <b>MAXIMUM EXTENT PRACTICABLE</b> | 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."   |
| <b>MEAN SEA LEVEL</b>             | <del>The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this part, the term is synonymous with National Geodetic Vertical Datum (NGVD).</del>   |
| <b>MECHANICAL EQUIPMENT</b>       | Equipment and fixtures used for HVAC, fabrication, assembly, or production purposes.  |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

**DEFINITIONS**

|  |  |
|--|--|
| <b>NEW MANUFACTURED HOME PARK OR SUBDIVISION</b> | For the purposes of <u>Section 3.8.2, Flood Hazard Overlay (FHO) District</u> : A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this part.   |
| <b>NIGHTCLUB OR DANCE HALL</b>                   | 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. |
| <b>NONCONFORMING BUILDING OR USE</b>             | For the purposes of <u>Section 3.8.2, Flood Hazard Overlay (FHO) District</u> : Any legally existing building or use which fails to comply with the provisions of the ordinance.   |
| <b>NONCONFORMING LOT</b>                         | 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.  |
| <b>NONCONFORMING SIGN</b>                        | Any sign that was lawfully established, but does not meet the standards of this Ordinance.   |
| <b>NONCONFORMING SITE</b>                        | 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, parking areas, and screening.   |
| <b>NONCONFORMING STRUCTURE</b>                   | 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.  |
| <b>NONCONFORMING USE</b>                         | 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.   |
| <b>NONCONFORMITY</b>                             | Any land use, development, structure, 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.  |
| <b><u>NON-CONVERSION AGREEMENT</u></b>           | <u>A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.</u>  |
| <b>NON-ENCROACHMENT AREA</b>                     | 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 foot as designated in the Flood Insurance Study report.   |
| <b>NON-STRUCTURAL BMP</b>                        | As used in Section 7.4, Stormwater, non-structural BMPs are preventive actions that involve management and source controls such as:<br>(1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and  |

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

| <b>DEFINITIONS</b>  |   |
|---|---|
| <b>TANGENT</b>  | 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.  |
| <b>TATTOO AND PIERCING ESTABLISHMENT</b>                    | An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:<br>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<br>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.   |
| <b><u>TECHNICAL BULLETIN &amp; TECHNICAL FACT SHEET</u></b> | <a href="#">A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.</a><br><br><a href="#">It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.</a> |
| <b>TECHNICAL REVIEW COMMITTEE</b>                           | A group of town staff members and others associated with development review in the town.  |
| <b>TELECOMMUNICATIONS TOWER</b>                             | A vertical projection, typically comprised of steel, designed to support antenna and associated wireless telecommunications equipment for the purpose of sending and receiving wireless telecommunications signals. Utility poles or other vertical projections intended for a purpose other than provision of wireless telecommunications services are not considered to be telecommunications towers.   |
| <b>TELECOMMUNICATIONS TOWER, CONCEALED</b>                  | A telecommunications tower and associated wireless 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.   |
| <b>TELECOMMUNICATIONS TOWER, MAJOR</b>                      | 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.   |
| <b>TELECOMMUNICATIONS TOWER, MINOR</b>                      | 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 meets the definition of a concealed telecommunications tower.   |
| <b><u>TEMPERATURE CONTROLLED</u></b>                        | <a href="#">Having the temperature regulated by a heating and/or cooling system, built-in or appliance.</a>   |