

## ARTICLE 13. DEFINITIONS

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### 13.1. GENERAL

For the purpose of this UDO certain words shall be interpreted as follows:

- A. "Town" means the Town of Garner, North Carolina.
- B. "Governing authority", "Town Council", and "Council" means the Mayor and Town Council of the Town of Garner, North Carolina.
- C. "Administrator" means the Planning Department under the direction of the Planning Director.
- D. "Zoning map" means the official zoning map of the Town of Garner, North Carolina.
- E. Words in the present tense include the future tense.
- F. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- G. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- H. The word "structure" is inclusive of the word "building."
- I. The word "lot" is inclusive of the words, "plot," "parcel," or "tract."
- J. The words "will" and "shall" are always mandatory and not merely directory.
- K. The word "may" is optional or discretionary, but "may not" is mandatory.
- L. All terms not explicitly defined in this document are defined by their Merriam-Webster dictionary definitions.

## 13.2. DEFINED TERMS

Unless otherwise provided, or unless clearly required by the context, the terms defined in this section shall have one meaning indicated when used in this UDO.

For matters regarding the floodplain ordinance, please refer to Section 11.4. where flood ordinance-specific definitions are supplied.

### 13.2.1. A

**Abandoned vehicles.** A vehicle that has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or is left on property owned or operated by the city for longer than 24 hours; or is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

**Access easement.** An access easement is intended to provide connections to landlocked properties created prior to the adoption of land use ordinance requirements for the Town in 1984. It may also, in rare cases, be used to provide access for a new subdivision not to exceed three lots.

**Accessory dwelling unit.** An accessory dwelling unit (ADU) is a self-contained dwelling unit - includes a sleeping area, kitchen, and bathroom, as well as its own external entrance - that is constructed on a lot in addition to an existing single-family residence. The ADU use is subordinate to the principal dwelling and can function autonomously if necessary.

**Accessory solar energy system.** A collection of solar panels and related equipment designed to convert sunlight into electrical power for direct consumption by the principal on-site use. Accessory solar energy systems may be ground-mounted, roof-mounted, or integrated into the building design, and are small and/or limited in scale.

**Accessory use.** A use that exists on the same lot as another separate principal use and constitutes only an customary, subordinate, or insubstantial part of the total activity on a lot. Must be permitted according to the Table of Permitted Uses in Article 5. See also Article 11, Environmental and Floodplain.

**Accessory structure.** A building that exists on the same lot with the principal structure and is subordinate in size and purpose to the principal use.

**Addition.** Any construction that increases the size of a structure in terms of site coverage, height, length, width, or gross floor area.

**Administrative appeal.** An appeal of an administrative decision to the Board of Adjustment.

**Administrative decision.** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance.

**Adult care home.** Subject to G.S. Chapter 131D, assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. See also “Family care home.”

**Adult uses.** See “Sexually-oriented business.”

**Agriculture.** Activities that primarily involve raising, producing, or keeping plants or animals, forest management, tree farms, and timber areas. Also includes direct sales of such products at wholesale. See also “Bona fide farm purposes.”

**Ambulatory health and emergency care facility.** A stand-alone emergency department which operates under the governance of a hospital operator and is licensed by the State of North Carolina pursuant to the Hospital Licensure Act, G.S. Chapter 131E Article 5, as amended. A heliport may be considered a customary accessory use for this type of health care facility provided all applicable sections of the UDO are met.

**ANSI.** The American National Standards Institute or its successor bodies.

**Antenna.** Equipment designed to transmit or receive electromagnetic waves, including but not limited to, radio, telephonic, or electronic signals.

**Appeal.** A challenge of an administrative, legislative, or quasi-judicial decision to a higher authority or superior court.

**Area of shallow flooding.** See Article 11, Environmental and Floodplain.

**Area of special flood hazard.** See Article 11, Environmental and Floodplain.

**Art gallery.** An establishment in which works of visual art are sold, loaned, or displayed. This does not include libraries or museums with art displays.

**Assembly.** A site or facility open to the public or membership groups for social, civic, political, educational or (generally passive) recreational purposes.

**Assisted living facility.** A facility which is (i) operated under State law to provide residential care for the aged or disabled whose principal need is a home which provides personal care appropriate to their age or disability; or (ii) meets the requirements for licensure under G.S. Chapter 131D.

**Aviation service and freight.** Aviation service firms engaged in storage,

repair, and/or servicing of airplanes, helicopters, and aviation equipment; charter aviation services; flying-related education; and/or warehousing related to air shipping.

**A-weighted sound pressure level.** The sound pressure level as measured with a sound level meter using the A-weighting network. The symbol for this standard is dB(A).

**13.2.2. B**

**Bank or financial institution.** A use or facility providing banking, savings and loan, credit union, or mortgage services. May include an ATM as a customary accessory use.

**Bar.** A use or facility engaged primarily in the preparation and retail sale of alcoholic beverages for consumption on the premises. This use is also known as tavern, bar, nightclub or similar use; but does not include restaurant or alcohol sales for off-premises consumption.

**Base flood.** See Article 11, Environmental and Floodplain.

**Base flood elevation (BFE).** See Article 11, Environmental and Floodplain.

**Basement.** See Article 11, Environmental and Floodplain.

**Bed and breakfast home.** A business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that (a) does not serve food or drink to the general public for pay; (b) serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home; (c) includes the price of breakfast in the room rate (the price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay); and (d) is the permanent residence of the owner or the manager of the business.

**Bed and breakfast inn.** A business of at least nine but not more than 12 guest rooms that offers bed and breakfast accommodations for a period of less than one week, and that (a) does not serve food or drink to the general public for pay; (b) serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals only to overnight guests of the business; (c) includes the price of breakfast in the room rate (the price of additional meals served shall be listed as separate charge on the overnight guest's bill at the conclusion of the guest's stay); and (d) is the permanent residence of the owner or the manager of the business.

**Best management practices (BMP).** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters to achieve water quality protection goals.

**Boarding house.** A rooming house or a structure which contains four or more rooms, each of which have no kitchen facilities, and are designed or intended to be used for residential occupancy on a rental basis.

**Bona fide farm purposes.** Subject to the restriction of G.S. § 160D-903, purposes including the production and activities relating or customary to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture.

**Buffer, landscaping.** The area of undisturbed land between different, adjacent zoning districts. Performs the dual role of providing horizontal separation and vertical screening. The width and type vary according to the zoning district of the subject and adjacent property.

**Buffer, stream.** The area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of the streams or rivers. Includes riparian buffers adjacent to the Neuse River per 15A NCAC 02B .0714.

**Building.** Subject to the restriction of G.S. § 160D-706(b), any structure used or intended for supporting or sheltering any use or occupancy.

**Building coverage.** Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections other than open porches, fire escapes, canopies, and the first two feet of a roof overhang.

**Building footprint.** The portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane.

**Built-upon area.** Built-upon areas shall include that portion of a parcel that is covered by impervious improvements.

### 13.2.3. C

**Caliper.** Trunk diameter measurement for nursery grown tree stock taken six inches above grade of the root ball for trunks up to and including four inches, and 12 inches above grade of the root ball for trunks greater than four inches.

**Cemetery.** A place used or to be used and dedicated or designated for interments of human remains or pet animal remains. A cemetery may include an office, chapel, mausoleum or columbarium as customary accessory uses.

**Chemical storage facility.** See Article 11, Environmental and Floodplain.

**Childcare facility.** See “Childcare center” and “Family childcare home.”

**Childcare center.** Per G.S. § 110-86, an arrangement where, at any one time, children who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

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

**Civic club.** Buildings and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**Collection point.** A customary use that is considered an accessory use to only the principal uses. Recycling collection points serve as a neighborhood drop-off point outside of a fully enclosed building for temporary storage of small amounts of recyclable materials. Does not include donation drop-off points.

**Community center.** Governmentally owned and operated building(s) and facilities which may provide a wide range of activities predominately indoors to the general community such as but not limited to the following use: recreational, cultural, dining, educational, and social.

**Comprehensive plan.** The Garner Forward Comprehensive Plan, or a successive comprehensive plan that has been officially adopted by the Town Council, pursuant to the regulation of G.S. § 160D-501.

**Conditional zoning.** A legislative zoning map amendment with site-specific conditions incorporated into said amendment.

**Congregate living facility.** A shared residential living environment for 9 or less people which integrates shelter and service needs of functionally impaired or socially isolated older persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care.

**Conservation areas, primary.** See Article 8, Subdivision: Streets, Open Space, and Utilities.

**Conservation areas, secondary.** See Article 8, Subdivision: Streets, Open Space, and Utilities.

**Continuing care retirement facility.** A property designed to provide a continuum of care within a single community. The living accommodations and care provided within a continuing care retirement facility are a combination of the accommodations and services provided

by senior apartments, independent living units, assisted living residences, and skilled nursing beds.

**Convenience store.** A store selling a limited selection of daily essentials which may or may not include fuel retail sales to the public.

**Correctional facility.** A facility that houses persons in the custody of Wake County, the state of North Carolina, federal government, or their agents as a result of conviction of a criminal offense or persons on parole.

**Country club, private.** A private club with social and/or recreation facilities for members, their families, and invited guests.

**Crematorium.** A place used and dedicated to the cremation of human remains or pet animal remains.

**Critical area.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. In this UDO, the critical area consists of the Lake Benson Conservation District, as previously established and mapped, extending to the next property line or major landmark after a distance of 2,000 feet from the lake, plus the Watershed Conservation Buffer Areas as established at specified distances beyond the floodplain of Swift Creek and all other creeks flowing into Lake Benson, up to a distance of 5,000 feet.

**Critical root zone.** A circular area measured outward from a tree trunk where roots must remain undisturbed to ensure the tree's survival. Measured as one-foot radial distance for every inch of tree DBH, with a minimum of eight feet radial distance.

**Cul-de-sac.** A street with a single common ingress and egress and with a turnaround at the end.

**Customary Accessory.** An operational accessory use provided on a property that is inherent to the operations of the facility and not in conflict with the intention of the site's zoning district. Examples include daycare at a gym, food sales at a recreational facility, and a helipad at a hospital.

#### 13.2.4. D

**Day care center.** A care facility for children or adults who do not reside in the facility, are present primarily during daytime hours and do not regularly stay overnight. See also "Childcare facility", "Childcare center", "Adult care home" and "Family childcare home".

**DBH.** Diameter-at-breast-height is a standard forestry measure of tree size and is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below four and one-half feet, then each trunk is measured as a separate tree. A tree

which splits into multiple trunks above four and one-half feet is measured as a single tree at four and one-half feet.

**Decibel (dB).** A unit of measure, on a logarithmic scale, of the ratio or magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this UDO, shall be 20 micro pascals. When shown as “db(A),” it denotes use of the A-weighting network of a sound level meter.

**Decorative wall.** A completely opaque masonry structure used to define a boundary or as a means of protection, confinement, or visual obstruction.

**Detention Facility.** See “Correctional facility.”

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

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

**Development.** Pursuant to the definition in G.S. § 160D-102(12), any of the following: (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (b) The excavation, grading, filling, clearing, or alteration of land; (c) The subdivision of land as defined in G.S. § 160D-802; and/or (d) The initiation or substantial change in the use of land or the intensity of use of land. See also Article 11, Environmental and Floodplain.

**Development approval.** Pursuant to the regulations of G.S. Chapter 160D, an administrative or quasi-judicial approval 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 UDO, including, but not limited to: plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development regulation.** Pursuant to the definition in G.S. § 160D-102(14), a unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other



regulation adopted by the State of North Carolina or the Town of Garner by local act or charter that regulates land use or development.

***Diameter at Breast Height.*** See “DBH.”

***Discharging landfill.*** A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

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

***Driveway/intersection sight distance standards.*** All driveway and/or street intersections shall maintain sight triangles meeting the requirements of Section 8.3.6.D., within which nothing that may obstruct a motorist's or pedestrian's view of traffic on the street onto which the motorist or pedestrian will enter shall be permitted, including structures, signs, plant materials, or earth berms.

***Driveway or residential or secondary street intersection with U.S. or N.C. primary road.*** See Article 8.

***Duplex.*** See “Dwelling, two-family”.

***Dwelling.*** Subject to the regulation of G.S. § 160D-706(b), a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

***Dwelling, single-family detached.*** One dwelling unit in a single structure on a single lot.

***Dwelling, two-family.*** Two dwelling units in a single structure on a single lot or on two lots where the dwelling units share a wall.

***Dwelling unit.*** Subject to the regulation of G.S. § 160D-706(b), a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

### 13.2.5. E

***Eighty-five percent (85%) TSS removal stormwater quality control device.*** A constructed device or series of devices designed to achieve the removal of 85 percent of the total suspended solids from stormwater runoff. This may be a single device with a removal efficiency of 85 percent or multiple devices with a collective removal efficiency of 85 percent. Examples of single devices with a removal efficiency of 85 percent include retention ponds and bioretention devices. Other devices and their associated removal efficiencies are subject to approval by the North Carolina Division of Environmental Management.

**Electrical substation.** A subsidiary station of electricity generation, transmission, and distribution system where high voltage is transformed from high to low or the reverse using transformers.

**Electronic gaming centers.** A business enterprise, as a principal use or as an accessory use where persons utilize more than six electronic machine(s), including, but not limited to: computers and gaming terminals; to conduct games including but not limited to: sweepstakes, lotteries games and/or games of chance; and where cash, merchandise, or items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to: internet sweepstakes, video sweepstakes, or cybercafes. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina or arcade games of skill.

**Elevated building.** See Article 11, Environmental and Floodplain.

**Elevated water storage tank.** Used to store water for fire protection and potable drinking water within a designated area or community; these elevated tanks allow the natural force of gravity to produce consistent water pressure throughout the system.

**Emergency services.** Emergency service providers and associated equipment and response facilities, including training facilities. Includes Ambulance Service, Rescue Squad, Police or Fire Station.

**Encroachment.** To construct, erect, or maintain in, over, or under any public place, right-of-way, easement, roadway, parking strip and/or sidewalk, including the airspace above them, any structures permanent in nature, including, but not limited to, building extension, marquee, fence, retaining wall, or any other building or structure. For encroachment in a floodplain, see Article 11, Environmental and Floodplain.

**Engineered stormwater control structure.** Stormwater control structures designed by an engineer or landscape architect to control stormwater runoff. Such structures include but are not limited to wet retention ponds, detention ponds, etc.

**Evidentiary hearing.** Pursuant to the definition in G.S. § 160D-102(16), a hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. Chapter 160D.

**Extraterritorial planning jurisdiction (ETJ).** That portion of the Town's planning jurisdiction located outside the corporate boundaries of the Town.

### 13.2.6. F

**Facility.** A structure or site that is built, installed, or established to serve a particular purpose.

**Family care home.** Subject to the definition in G.S. § 131D-2.1(9), an adult care home with two to six beds.

**Family childcare home.** Subject to the regulations of G.S. § Chapter 110 Article 7, a childcare arrangement with a license from the State of North Carolina and a zoning compliance permit from the Town of Garner located in a private home where, at any one time, more than two, but less than nine children, receive childcare.

**Fence.** A structure constructed of posts, rails, wire, and, in some cases, barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction. For masonry barriers, see “Decorative wall.”

**Flex space.** The sale, lease or rental of space within a structure or multiple structures that will allow a combination of non-residential uses.

**Flood or flooding.** See Article 11, Environmental and Floodplain.

**Flood boundary and floodway map (FBFM).** See Article 11, Environmental and Floodplain.

**Flood hazard boundary map (FHBM).** See Article 11, Environmental and Floodplain.

**Flood insurance.** See Article 11, Environmental and Floodplain.

**Flood insurance rate map (FIRM).** See Article 11, Environmental and Floodplain.

**Flood insurance study (FIS).** See Article 11, Environmental and Floodplain.

**Flood prone area.** See Article 11, Environmental and Floodplain.

**Floodplain.** See Article 11, Environmental and Floodplain.

**Floodplain administrator.** See Article 11, Environmental and Floodplain.

**Floodplain development permit.** See Article 11, Environmental and Floodplain.

**Floodplain management.** See Article 11, Environmental and Floodplain.

**Floodplain management regulations.** See Article 11, Environmental and Floodplain.

**Floodproofing.** See Article 11, Environmental and Floodplain.

**Floodway.** See Article 11, Environmental and Floodplain.

**Flood zone.** See Article 11, Environmental and Floodplain.

**Fraternal club.** See “Civic club.”

**Freeboard.** See Article 11, Environmental and Floodplain.

**Frontage road.** A street that is parallel to and adjacent to a major or minor thoroughfare street and that is designed to provide access to abutting properties.

**Functionally dependent facility.** See Article 11, Environmental and Floodplain.

**Funeral home.** An establishment for the arrangement and management of funerals and preparation of the human deceased for burial.

### 13.2.7. G

**General use district.** A zoning district in which some uses are permissible with a site permit and others require a special use permit. Also known as a conventional zoning district.

**Golf course, private.** A privately owned tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A private golf course may include a clubhouse, restrooms, driving range, and shelters as customary accessory uses.

**Greenhouse.** A use involving the sale and/or growth of horticultural and floricultural specialties both in open and enclosed structures and may include the sale of mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

**Gross floor area.** The total area of a building measured by taking the exterior dimensions of the building at each floor level intended for occupancy or storage. This includes circulation areas, elevator shafts, attics having greater than 7.5 feet of head room, enclosed porches, and mechanical equipment space.

**Group care home.** A home where rehabilitation and/or care services are provided in a residential setting and family environment including support and supervisory personnel who may reside in the home. According to G.S. § 168A-3(7a), a person with a disability is defined as a person with a temporary or permanent, physical, emotional or mental disability. A group care home is a residential use of property and permissible by right in all residential districts, subject to additional requirements.

**Group care facility.** A facility whose primary purpose is for the care, treatment, habilitation, or rehabilitation of individuals with mental illnesses or intellectual or other developmental disabilities or substance abusers including 24-hour facilities that are not hospitals.

**Gym.** A facility where members or nonmembers use equipment or space for the purpose of physical exercise including boutique exercise studios. Customary uses include daycare facilities and limited food sales.

### 13.2.8. H

**Halfway house.** A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

**Handicapped institution.** An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

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

**Hazardous waste facility.** See Article 11, Environmental and Floodplain.

**Heliport.** A formalized helicopter landing area that offers some or all of the following services: fueling, maintenance, passenger building, hanger facilities, and support services.

**High density development.** Development within the Lake Benson Swift Creek Watershed area that exceeds the amount of impervious area which is allowed without engineered stormwater control measures.

**Higher education.** An institution of higher learning offering post-high school, undergraduate or graduate degrees, licenses, or certificates; and including the buildings required for educational or support services, including, but not limited to, classrooms, laboratories, and dormitories. Includes study in vocational, technical, or other special subjects.

**Highest adjacent grade (HAG).** See Article 11, Environmental and Floodplain.

**Historic structure.** See Article 11, Environmental and Floodplain.

**Home occupation.** A commercial activity within a residential dwelling that: (a) is conducted by a person on the same lot where such person resides; and (b) is not so insubstantial or customary or is not so commonly associated with the residential use as to be regarded as a customary accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood, (c) does not exceed 25% of the gross floor area of the dwelling, (d) does not involve outdoor storage or warehousing of material or equipment, and does not create excessive noise, vibration, fumes, odors, or glare.

**Homes for the mentally ill.** See "Assisted living facility."

**Horse stables.** A facility containing indoor and outdoor spaces for the breeding, boarding, training, raising, or care of horses.

**Hospital.** A facility licensed by the State of North Carolina which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care and treatment of human illness. A hospital may include customary accessory support facilities such as a helipad, laboratories, out-patient departments, staff offices, food services, and gift shops.

**Hospice.** See Article 6.

**Hotel.** A facility that contains rooms for overnight guests containing registration facilities, on-site management, cleaning services, and combined utilities. May include food service facilities.

**Household.** The person or persons occupying a single-family dwelling unit with a single kitchen facility.

### 13.2.9. I

**Impervious surface.** Impervious surfaces are those natural or man-made structures which prevent or restrict the infiltration of stormwater runoff into the underlying soil. For impervious calculation, rooftops, gravel or paved driveways, sidewalk, gravel or paved streets, curb and gutter and like structures are considered to be impervious surfaces. Water impoundments, landscaped areas and wooden slatted decks are considered pervious.

**Impulsive sound.** Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.

**In-home adult day care.** An adult day care arrangement that has been issued a certificate to operate by the State of North Carolina and located in a residence where a day care program is provided for up to six adults which meets the standards of the UDO for which a zoning compliance permit has been issued by the Planning Department.

**In-home child day care.** Day care for up to three nonresident children in a residence.

**Indoor athletic or entertainment facility.** Amusement activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, theaters, escape rooms, video game arcades, laser tag, indoor paint ball, skating rink, and activities of a similar nature.

**Industrial, light.** Industrial uses which do not create a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building in which the activity takes place.

**Industrial.** Uses involving, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods; or mineral extraction.

**Intermediate care home.** See “Group care home.”

### 13.2.10. J

**Jail.** See “Correctional facility.”

**Junk yard.** Any lot or structure used wholly or partly for the storage, collection, processing, or disposal of junk.

**Junked vehicles.** A junked vehicle is an abandoned motor vehicle that is also partially dismantled or wrecked; or cannot be self-propelled or moved in the manner in which it was originally intended to move; or is more than five years old and worth less than one hundred dollars (\$100.00) or is more than five years old and worth less than five hundred dollars (\$500.00) as provided by the municipality in an ordinance adopted under this section; or does not display a current license plate.

### 13.2.11. K

**Kennel.** A commercial operation that provides food, shelter and care for animals. A kennel may: (a) be run by or associated with a veterinarian; or (b) engage in the breeding of animals for sale.

### 13.2.12. L

**Land disturbing activity.** Any use of land in residential, industrial, educational, institutional, or commercial development; or highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.

**Landfill.** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Article 9 of G.S. Chapter 130A. In this UDO, this term does not include composting facilities.

**Landscaped area.** Areas of a site where trees, shrubs and/or ground cover are proposed and are defined within a bed of mulch or areas where landscaping is required in order to meet the standards of the UDO.

**Legislative decision.** Pursuant to the definition in G.S. § 160D-102(19), the adoption, amendment, or repeal of a regulation by the act of the Town of Garner. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. Chapter 160D.

**Legislative hearing.** Pursuant to the definition of G.S. § 160D-102(20), a hearing to solicit public comment on a proposed legislative decision.

**Library.** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

**Livestock.** All animals kept or raised on a farm. Necessary service animals and pets are not included.

**Loading and unloading area.** That portion of the vehicle accommodation area used to satisfy the relevant requirements of this UDO.

**Lodge.** A facility housing a civic or service club.

**Logo.** A picture, pattern, or way of writing its name that an establishment uses as its symbol and puts on its products or signs.

**Lot.** A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

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

**Lowest adjacent grade (LAG).** See Article 11, Environmental and Floodplain.

**Lowest floor.** See Article 11, Environmental and Floodplain.

### 13.2.13. M

**Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. The structure exceeds 40 feet in length and eight feet in width and meets the National Manufactured Housing Construction and Safety Standards Act of 1974. Manufactured home includes any structure that meets all of the requirements of this definition and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act and Article 9B of G.S. § 143. See Section 6.4.4. for Class A and Class B standards. Also, see Article 11, Environmental and Floodplain.

**Manufactured home park or subdivision.** A site which contains the long-term location of manufactured homes that may include services and facilities for long-term residents.



**Manufactured home park or subdivision, existing.** See Article 11, Environmental and Floodplain.

**Manufactured home sales lot.** A site devoted to the display and sale of manufactured homes. May include several models for display and a unit to house administrative and office functions.

**Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials including but not limited to oils, plastics, resins, etc.

**Market value.** See Article 11, Environmental and Floodplain.

**Master plan.** A plan showing site plans for Tier 2 conditional zoning requests. See Section 4.6.2. for requirements.

**Mean sea level.** See Article 11, Environmental and Floodplain.

**Medical office.** A facility providing medical care to patients, typically on an appointment, out-patient basis, but that does not provide overnight care.

**Mental health facility.** A facility or institution for diagnosing, treating, caring for, or counseling people requiring mental health services in confinement.

**Microbrewery.** A facility for the production and packaging of malt beverages of low alcoholic content (less than 30-proof) for distribution, retail or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. Areas for demonstration, education, retail sale, or tasting are included in this definition as is customary to the primary use of producing beverages.

**Microdistillery.** A facility for the production and packaging of beer, liquor, hard cider and other malt beverages for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. Areas for demonstration, education, retail sale, or tasting are included in this definition as customary uses to the primary use of producing beverages.

**Minor utility.** Public facilities in the form of: (a) structures (e.g., poles, lines, pipes); (b) minor sewer, water, and storm drainage structures and collection system improvements (e.g., pump stations, lines, manholes, valves, hydrants, drains, on-site detention facilities); (c) new or extended public streets (including lane additions); and (d) minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutters, sidewalks).

**Mini storage.** See "Self-storage."

**Mobile home.** See "Manufactured home."

**Mobile home park.** A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

**Modular home.** A dwelling unit that: (a) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the site on its own chassis; and (b) is constructed in accordance with the North Carolina Building Code (rather than HUD code) for one and two-family dwelling units.

**Motel.** See “Hotel.”

**Museum.** An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

#### 13.2.14. N

**Natural gas.** Facility with the respect to natural gas distribution, including distribution pipelines and metering-regulating stations that are operated by a local distribution company.

**Nature park.** See “Park.”

**New construction.** See Article 11, Environmental and Floodplain.

**Nightclub.** See “Bar.”

**Noise pollution.** The emission of sound that reasonably interferes with the enjoyment of life or with any lawful business or activity.

**Nonconforming lot of record.** See Article 2, Nonconformities.

**Nonconforming signs.** See Article 2, Nonconformities.

**Nonconforming site elements.** See Article 2, Nonconformities.

**Nonconforming structure.** See Article 2, Nonconformities.

**Nonconforming use.** See Article 2, Nonconformities.

**Non-encroachment area.** See Article 11, Environmental and Floodplain.

**Nuisance.** An item, condition, or conduct that endangers health and safety, offends the senses, or interferes with the enjoyment and use of property.

**Nursery.** See “Greenhouse.”

**Nursing care home.** A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

**Nursing care institution.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

**Nursing home.** A facility that provides care for persons who have

remedial ailments, or other ailments, for which medical and nursing care are indicated, who however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

### 13.2.15. O

**Open air market.** An area, open or partially enclosed, at which vendors gather to sell personal property.

**Open space.** See Article 8, Subdivision: Streets, Open Space, and Utilities.

**Outdoor athletic or entertainment facility.** Amusement activities where any portion of the activity takes place outside or in the open. Typical uses include batting cages, golf driving ranges, go-cart tracks, outdoor paint ball, drive-in theater, outdoor skating rink, and miniature golf courses. This use does not include recreation centers or public parks.

**Outdoor storage.** The storage of materials in an unenclosed area. Outdoor storage shall not include the temporary storage of vehicles at repair or sales facilities.

**Outparcel.** A parcel adjacent to, surrounded by, or partially surrounded by a shopping center tract, which was either part of the original shopping center tract or operates and blends into the shopping center to the extent that it acts as part of the shopping center.

### 13.2.16. P

**Park.** A natural or landscaped area, buildings, or structures to meet people's needs for active or passive recreation.

**Park, public.** A natural or landscaped area, buildings or structures provided by a unit of government to meet people's needs for active or passive recreation.

**Parking aisle.** An area within a parking facility intended to provide ingress and egress to parking spaces.

**Parking lot, commercial.** Commercial parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged.

**Parking space.** An off-street space available for the parking of one motor vehicle conforming to the typical parking lot standards.

**Passive open space.** A designated outdoor space for recreation that consists mostly of passive recreation and outdoor recreation. May contain some supporting structures.

**Personal services.** See "Professional services."

**Pervious surface.** Ground treatments which will allow the infiltration of

water, air, and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

**Planning Director.** See Article 3, Review Bodies.

**Planning and development regulation jurisdiction.** The geographic area of the Town of Garner corporate limits and its extraterritorial jurisdiction. Also referred to as the “planning jurisdiction.”

**Plat.** A map or plan of a parcel of land which will be or has been subdivided.

**Plat, final.** A plat of all or part of a subdivision in substantial conformance with the preliminary plat, prepared by a civil engineer or a land surveyor in accordance with this UDO and North Carolina General Statutes.

**Plat, preliminary.** A draft plat of a proposed subdivision, used to determine if the proposed development is in general conformance with town standards and ordinances.

**Pool.** Any artificial basin of water constructed or erected for wading or swimming.

**Post-FIRM.** See Article 11, Environmental and Floodplain.

**Pre-FIRM.** See Article 11, Environmental and Floodplain.

**Post-incarceration facility.** See “Correctional facility.”

**Primary Use:** A permitted use of land or a permitted use of a building or structure on land which is allowed as a matter of right in the district applicable to the land, subject to compliance with the development standards applicable to that district.

**Primary frontage.** See Article 9, Design and Parking.

**Principal building.** The primary building on a lot, or a building that houses a primary use.

**Principally above ground.** See Article 11, Environmental and Floodplain.

**Prison.** See “Correctional facility.”

**Private service laterals for water and sewer.** These facilities are defined as beginning at the public street right-of-way or public utility easement and extending onto private property to a point necessary to serve said property, specifically for water this shall be beyond the water meter location; for sewer this shall be beyond the cleanout location.

**Production.** See “Manufacturing.”

**Professional services.** A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. Professional services shall include the following personal services: beauty, hair, nail, or tanning salon; massage therapy; pack-and-ship

facility; animal grooming; photography, blueprint, or quick-sign service; psychic or medium; security service; taxidermist; catering service or any similar use. Professional services shall also include the repair services for bicycles and mopeds, canvas products, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, furniture, watches or any similar product. Also includes tailors, milliners, upholsterers or locksmiths. Includes the instruction of the arts, such as individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; art classrooms; music studios or classrooms; dance studios or classrooms; martial arts instruction; or similar uses. This definition does not include any adult-oriented business or adult entertainment establishment.

**Project.** Any use or development requiring a permit from the Inspections and/or Planning departments. Such permits shall include, but are not limited to, building permits, zoning permits, or site permits.

**Public sewer and other utility system, municipally owned.** The existing Town of Garner or City of Raleigh owned water, storm sewer, and sanitary sewer lines, including all pipes, valves, valve boxes, hydrants and other fixtures, equipment, and apparatus of the water main, storm sewer and sanitary sewer pipelines and systems, and all appliances necessary and convenient thereto, and such lines built to the Town of Garner and City of Raleigh standards to be dedicated and accepted by the City of Raleigh or the Town of Garner. The utility lines dedicated to the City of Raleigh shall include only main distribution and collection lines and appurtenances in street right-of-way or dedicated recorded easements on private property. Such facilities shall be subject to the applicable provisions of this UDO and applicable sections of the Code of the Town of Garner.

**Public sewer or water system, non-municipally owned.** A sewer or water system designed for and intended to provide services to users and is franchised by the North Carolina Utilities Commission. Such systems and all appurtenances shall be built to the Town of Garner and City of Raleigh standards and specifications according to the applicable provisions of this UDO and the Code of the Town of Garner.

**Pump station.** A facility including pumps and equipment for pumping fluids from one place to another.

**Pure tone.** Any sound that can be distinctly heard as a single pitch or a set of single pitches.

### 13.2.17. Q

**Quasi-judicial decision.** Pursuant to the definition of G.S. §160D-102(28), a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term

includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

### 13.2.18. R

**Recreational vehicle.** A vehicular accommodation, other than a manufactured home,, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle. See also Article 11, Environmental and Floodplain.

**Recreational vehicle (RV) park.** Any single parcel of land upon which two or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as “RV Park(s).”

**Recyclable material collection center.** A permanent facility designed and used for receiving, separating, storing, converting, baling, or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as composting, chipping, and mulching.

**Recyclable material collection point.** See “Collection point.”

**Reference level.** See Article 11, Environmental and Floodplain.

**Regulatory flood protection elevation.** See Article 11, Environmental and Floodplain.

**Religious institution.** A place of worship or religious assembly with customary related facilities and uses. This may include retreats, convents, seminaries, or other similar uses owned or operated by a tax-exempt religious group. Customary uses include childcare and book sales.

**Remedy a violation.** See Article 11, Environmental and Floodplain.

**Repetitive impulsive noise.** Any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at fast meter characteristics will show changes in sound pressure level greater than 10 dB(A).

**Residence, multifamily.** Three or more attached residential dwelling units in a single structure, with either shared entrances or shared

parking areas. Units are often stacked and at least one or more units does not have its only individual, ground-level entrance. An apartment or condo with only two units is classified as a duplex.

**Residence, single-family detached.** One dwelling unit in a single structure on a single lot.

**Residence, upper-story.** A dwelling unit located on a floor above a nonresidential use.

**Resource extraction.** The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

**Restaurant, sit-down establishment.** An establishment providing food and food service, whereby at least 51 percent of the establishment's revenue is derived from such food sales and does not contain a drive-through window. Pickup, curbside, and to-go food sales are allowed.

**Restaurant, with drive-in or outdoor curb service.** A restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises. Food ordering and delivery can occur prior to arrival, at a counter, drive-through window, or take-out window.

**Retail.** See "Sales."

**Riverine.** See Article 11, Environmental and Floodplain.

**Rowhome.** See "Townhouse."

### 13.2.19. S

**Sales.** The wholesale or retail sale, lease, or rental of new or used products. Sale or rental of items with customary service of rented items is allowed but excludes those services and sales classified more specifically by another category.

**Sales-oriented use.** A use that terminates in the sale of a good or service.

**Salvage yard.** See also Article 11, Environmental and Floodplain.

**Sanitary landfill.** A method for the disposition of nonhazardous waste refuse or material into the land without creating a nuisance or hazard to public health and safety.

**Satellite dish antenna.** A device capable of receiving radio or television signals from orbiting satellites and other extraterrestrial sources and shall include all appurtenant components of the satellite dish antenna.

**School, primary.** An elementary-level educational institution providing

full time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state.

**School, secondary.** A junior high or high school level educational institution providing full time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of State law.

**Seasonal outdoor sales.** Any business or use (primary or accessory) that is conducted outside of a building, which may include but not be limited to: retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, or fireworks; and other similar businesses or uses.

**Security or caretaker's quarters.** A permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of the site.

**Self-storage.** Self-service storage uses provide separate indoor storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. May or may not have an outdoor vehicle storage component that is not greater than 25 percent of the enclosed floorspace of the facility. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is defined as "warehouse and freight movement".

**Service drive.** See "Frontage road."

**Service road.** See "Frontage road."

**Sewer or water facilities, individual.** A sewer or water system or facility designed for and intended for private use by one or more users, but not requiring a franchise from the North Carolina Utilities Commission, and not being a municipally owned system. However, such facilities may require permit approvals by the Wake County Health Department as provided for in this UDO.

**Sexually oriented business.** An adult bookstore, adult motion picture theater, adult mini-motion picture theater, or other adult live entertainment business as defined in G.S. § 14-202.10 or an adult cabaret or massage business.

**Shopping center.** A building or group of buildings housing multiple businesses (usually as in-line tenants) on a unified tract (i.e. not on a lease lot or parcel subdivided out of the original larger shopping center parcel), under one or multiple ownerships and/or with common ingress and egress points. Its occupants provide or are intended to provide for



the retail sale of goods and services (including postal services, etc.) to the public.

**Short term rental.** The rental of an entire home or residential dwelling unit for less than thirty days.

**Shrub, large.** A deciduous or evergreen shrub that matures at between six to 12 feet or greater in height. Typically low-branching from the ground up, and if evergreen, may be used as screening material.

**Shrub, medium.** A deciduous or evergreen shrub that matures (or is maintained) at three to six feet in height. If evergreen, it may be used as screening material.

**Shrub, small.** A deciduous or evergreen shrub that matures (or is maintained) at one to three feet in height.

**Sight distance standards (triangle).** To ensure that landscape materials do not constitute a traffic hazard, a triangle will be observed at all intersections of driveways/streets with adjacent streets. These sight triangles shall be kept clear of any such visual obstructions between 2.5 feet and 10.0 feet in height.

**Sign.** Any device that is sufficiently visible to persons not on the premises and designed to attract or direct the attention of such persons or to communicate information to them.

**Sign, canopy.** Any sign attached to or made a part of a canopy; a canopy being any roof-like structure supported by posts or suspended from a wall and extending over an area for the purpose of providing protection against the weather. Such signs are limited to two sides of a canopy and may not extend above or below the canopy fascia or project any further than necessary for attachment, not to exceed 18 inches.

**Sign, changeable copy.** A sign whose display area is designed so that the characters, letters, or illustrations can be changed or rearranged without otherwise altering the face or surface of the sign. In the context of this UDO, a changeable copy sign is defined as a permanent sign.

**Sign, freestanding.** A sign that is not attached to, suspended from, erected on or supported by a building or other structure having a principal function other than the support of such sign but is instead supported by some structure, such as a pole, post, or monolithic base; or is without supporting elements, such as an A-frame. Any sign on a fence located within the required building setback area shall be considered a freestanding sign.

**Sign, ground.** See “Sign, freestanding” and “Sign, monument.”

**Sign, marquee.** See “Sign, changeable copy.”

**Sign, monument.** A specific type of freestanding sign (often referred to as a ground sign), that is a monolithic structure in which the bottom (base) of the sign is flush with the ground.

**Sign, multi-tenant.** A sign of major significance designed to inform persons off the premises of the businesses which comprise a shopping center or business complex.

**Sign, off-premises.** A commercial sign associated with a business, service, commodity, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

**Sign, temporary.** A sign that is designed for short-term use or is used in connection with a circumstance or event expected to take place or be completed within a reasonably short period of time. If a sign display area is permanent but the message is subject to periodic change, that sign shall not be regarded as temporary.

**Significant trimming.** Any pruning and/or trimming of a tree which removes more than one-third of the branching of the tree and/or results in the loss of more than one-third of the tree's overall form and shape.

**Sign permit.** A permit issued by the Planning Director that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

**Silviculture.** See "Agriculture."

**Single-family residential.** Any development where: (a) no building contains more than one dwelling unit; (b) every dwelling unit is on a separate lot; and (c) where no lot contains more than one dwelling unit except for an accessory dwelling unit where allowed.

**Site plan.** Pursuant to the definition in G.S. § 160D-102(29), a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

**Site specific development plan.** A plan of land development submitted to the Town for purposes of obtaining one of the following zoning or land use permits or approvals: preliminary plat, special use permit, conditional zoning district, or variance; must describe type and intensity of use for a specified parcel or parcels of property.

**Solid waste disposal facility.** See Article 11, Environmental and Floodplain.

**Solid waste disposal site.** See Article 11, Environmental and Floodplain.

***Sleeping Unit.*** Subject to the regulation of G.S. § 160D-706(b), a room or space in which people sleep, which may also include permanent provisions for living and eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

***Solar farm.*** An entire tract or portion of a tract that contains a collection of ground-mounted solar panels and related equipment designed to convert sunlight into electrical power for direct on-site consumption or for interconnection with the power grid system for off-site consumption; the size of a solar farm may vary from a few acres to hundreds of acres.

***Sound level.*** In decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1971 Specification for Sound Level Meters or its successor publication.

***Sound level meter.*** A measuring instrument used to assess noise or sound levels by measuring sound pressure. The instrument reads sound pressure levels when properly calibrated and is of Type I or better as specified in American National Standards Institute Publication S1.4-1971 or its successor publication.

***Sound pressure level.*** In decibels, 20 times the logarithm to the base ten of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 20 micropascals.

***Spa.*** A place or building that provides massage, exercise, non-surgical cosmetic procedures, and related activities with or without such equipment or apparatus.

***Special flood hazard area (SFHA).*** See Article 11, Environmental and Floodplain.

***Special scenic corridor.*** An area parallel to the right-of-way of existing and proposed major and minor thoroughfares and other designated highways on the adopted or amended Garner Transportation Plan, that are subject to overlay district regulations to preserve natural scenic beauty and aesthetic character, promote design quality, to protect and enhance the public and private investment in and along said highways and to enhance trade, tourism, capital investment, and the general welfare.

***Special use permit.*** Pursuant to the definition in G.S. § 160D-102(30), a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

**Start of construction.** The point in time at which substantial improvement is authorized to commence, meaning the date the building permit was issued, provided the “actual start” of construction, repair, reconstruction or improvement was within 180 days of the permit date. The “actual start” means the first placement of “permanent construction” of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. See also Article 11, Environmental and Floodplain.

**Steady-state noise source.** One that exhibits a sound level whose variation is within plus or minus five dB(A) over any one ten-minute period in a 24-hour day.

**Stormwater.** The runoff generated by rainfall during a storm event.

**Stream.** A perennial body of water running over the earth's surface in a channel or bed and also shown by a single blue line on the most recent version of the U.S. Geological Survey 1:24,000 scale (7.5 minute) topographic maps; or as delineated by the most recent Town of Garner study.

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

**Street, Alley.** See Section 8.3.

**Street, Collector.** See Section 8.3.

**Street, Freeway.** See Section 8.3.

**Street, Local.** See Section 8.3.

**Street, Private.** See Section 8.3.

**Street wall.** The building facade and or wall which is facing the right-of-way line and the street.

**Structure.** Anything constructed or erected, including but not limited to buildings, fences, and walls, which requires location on the land. Also, see Article 11, Environmental and Floodplain.

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

**Subdivision.** Pursuant to the regulation of G.S. § 160D-802, the division of land into two or more lots for the purpose of sale or development.

**Subdivision, major.** All other subdivisions not meeting the definition of minor subdivision.

**Subdivision, minor.** A subdivision that does not involve any of the following: (a) the creation of more than a total of five lots; (b) the creation of any new public streets; (c) the extension of the water or sewer system operated by the Town of Garner or City of Raleigh, or (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

**Subdivision regulation.** The control of the division of a tract of land by requiring development according to design standards and procedures adopted by the Town of Garner.

**Subordinate.** Lower in rank, importance, relevance, or impact.

**Substantial damage.** See Article 11, Environmental and Floodplain.

**Substantial improvement.** Any combination of repair, reconstruction, alteration, or improvement to a structure, taking place within any consecutive 12-month period in which the cumulative cost equals or exceeds 50 percent of the present market value of the structure. The market value should be: (a) The appraised value of the structure before the initial repair or improvement; or (b) In case of damage, the value of the structure prior to the damage occurring. See also Article 11, Environmental and Floodplain.

### 13.2.20. T

**Tavern.** See “Bar.”

**Telecommunication facility.** Any structure designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas.

**Telecommunication facility, concealed.** See Article 6.

**Temporary use.** A use established for a fixed time period with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

**Tenth percentile sound level.** The A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten-minute period) and is denoted L10.

**Terminal, fueling.** An establishment engaged primarily in the fueling of tractor-trailer trucks.

**Terminal, passenger.** A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic.

**Terminal, truck.** A building or area in which freight brought by truck is assembled and/or stored for routing shipments by trucks.

**Text amendment.** A change in the wording, context, or substance of this Ordinance or other adopted ordinances.

**Theater.** An establishment for the live performing arts (excluding movie theaters) with open-air or cinema with seating for audiences. Such establishments may include related customary uses such as food and beverage sales and other concessions.

**Theater, drive-in.** An open lot devoted primarily to showing motion pictures to patrons seated in vehicles.

**Thoroughfare, major.** A street serving the principal network for high volumes of traffic or high-speed traffic as shown on the Town of Garner Transportation Plan. This street type consists of at least two travel lanes in each direction. A major thoroughfare shall be designated where the anticipated average daily volume exceeds 10,000 vehicles. Single family detached residential, duplexes, and townhomes with individual driveways shall not have driveways that directly access a major thoroughfare.

**Thoroughfare, minor.** A street designed primarily to collect and distribute traffic between local streets or areas and the major thoroughfare network as shown on the Town of Garner Transportation Plan. This street type generally consists of more than one travel lane in each direction. A minor thoroughfare shall be designated where the anticipated average daily volume ranges exceeds 6,000 vehicles. Residences should not front on a minor thoroughfare.

**Townhome.** See “Townhouse.”

**Townhouse.** A form of single-family attached dwelling in which three or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land, fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. A townhouse with only two units is classified as a duplex.

**Tower.** A structure whose principal function is to support an antenna (see also “Satellite dish antenna.”)

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

**Transportation impact analysis.** See Article 8.

**Travel trailer.** A structure that is: (a) intended to be transported over the streets and highways either as a motor vehicle or attached to or hauled by a motor vehicle; and (b) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile home.

**Tree, ornamental.** A small to medium-sized tree growing to 15 to 35 feet in height at maturity, planted for aesthetic purposes such as colorful flowers, interesting bark, or interesting fall foliage.

**Tree, overstory.** A large tree growing to 35 feet or greater in height or spread at maturity; usually deciduous and planted to provide a canopy of shade.

**Tree, screening.** A medium to large evergreen tree growing to 12 feet or greater in height at maturity that keeps branches from the ground up. Examples include Thuja 'Green Giant', Virginia Pine, Cedar, Leyland Cypress, some Hollies, or vertical growing Junipers.

**Tree, street.** A deciduous overstory tree, installed at a minimum two and one-half-inch caliper size, planted a minimum five feet and a maximum of 15 feet from the road right-of-way. Where overhead lines exist, an ornamental tree shall be used.

**Truck Terminal, Fueling Terminal.** The premises used for loading and unloading of trucks upon which storage of cargo is customary to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

### 13.2.21. U

**Use.** The activity or function that actually takes place or is intended to take place on or in a building, structure, or lot; including everything that is done to, on, or in a building, structure, or lot.

**Utility facilities.** Any above-ground structures or facilities, other than buildings (unless such buildings are used for storage customary to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by G.S. § 62-3 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures.

**Utility facilities, community or regional.** All utility facilities other than neighborhood facilities.

**Utility facilities, neighborhood.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for

reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

### 13.2.22. V

**Variance.** Pursuant to the regulation of G.S. § 160D-705, a development approval to alleviate unnecessary hardships resulting from carrying out the strict letter of a zoning regulation. See also Article 11, Environmental and Floodplain.

**Vehicle accommodation area.** That portion of a lot that is used by vehicles for access, circulation, parking, loading, and unloading. It comprises the total of circulation areas, loading, and unloading areas and parking areas.

**Vehicle sales, rental, service, repair.** Vehicle sales, rental, service, and repair uses provide direct services to motor vehicles. They may include firms that rent or service passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles. Also includes establishments primarily engaged in the repair or maintenance of motor vehicles (inclusive of paint, body, fender), and major engine and engine part overhaul. Typical uses include auto and truck rental, lease, and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental. Examples also include automobile rental; automobile sales; car washes; quick lubrication services; vehicle repair, transmission or muffler shop; towing service; auto body shop; alignment shop; auto upholstery shop; auto detailing; and tire sales and mounting.

**Vehicular surface area.** The paved or non-paved area intended for vehicular circulation or storage. Square footage calculations shall include the total of all vehicular surface areas located in the street, side, and rear yards. This section does not apply to single-family residential use or parking structures. Any vehicular surface area, or portions thereof, built after the adoption of this section, which area is expanded by 25% or more, shall be landscaped as required.

**Vehicle towing, storage.** A facility for the impoundment and temporary storage of vehicles that is operated by someone engaged in the wrecking or towing business.

**Vested right.** A right pursuant to G.S. § 160D-108 or G.S. § 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of a certain development approval even after changes in development regulations.

**Veterinarian.** A commercial operation that provides medical care for animals.

**Violation.** Any item or action which does not comply with the standards



of this UDO. See also Article 4, Review Procedures and Article 11, Environmental and Floodplain.

### 13.2.23. W

**Warehouse and freight movement.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. May include recycling of materials, offices, and repacking and transshipment of by-products.

**Warehousing.** Facilities characterized by extensive, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

**Wastewater treatment.** The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters.

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

**Water surface elevation (WSE).** See Article 11, Environmental and Floodplain.

**Water treatment.** Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

**Watercourse.** See Article 11, Environmental and Floodplain.

**Watershed.** The entire land area contributing surface drainage at a water supply intake.

**Watershed administrator.** An official or designated person of the Town of Garner responsible for administration and enforcement of the watershed provisions of this UDO.

**Watershed record.** An official record or file of all development requests within the watershed and the actions taken. This record will be maintained by the Watershed administrator.

**Wholesale sales.** Wholesale sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking

and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

**Written interpretation.** A formal interpretation document from the Town of Garner, delivered to an applicant upon their request, explaining a development regulation, administrative policy, or other adopted standard.

#### 13.2.24. X

#### 13.2.25. Y

**Yard, front.** The portion of a lot bounded by the primary street right-of-way, side lot lines, and the front line of the principal building or structure (or use, in the absence of a principal building or structure).

**Yard, rear.** The portion of a lot bounded by side lot lines, the rear lot line or street right-of-way, and the rear line of the principal building or structure (or use, in the absence of a principal building or structure).

**Yard, side.** The portion of a lot bounded by side lot line(s) and the side line of a principal building or structure (or use in the absence of a principal building or structure), extending the full length of the building, structure, or use and not including any front or rear yard.

#### 13.2.26. Z

**Zero-lot-line dwelling.** A development where the outside wall of the structure directly abuts one side property line.

**Zoning compliance permit.** A document signed by the Administrator which acknowledges that a use, structure, building, or lot is authorized based on the provisions of this UDO.

**Zoning map amendment.** Subject to the regulation of G.S. § 160D-102(34), an amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes: (a) the initial application of zoning when land is added to the territorial jurisdiction of the Town of Garner; and (b) the application of an overlay zoning district or a conditional zoning district. The term does not include: (a) the initial adoption of a zoning map by a local government; (b) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction; or (c) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

**Zoning regulation.** A zoning regulation authorized by Article 7 of G.S. § 160D.

