

30-1-12.1

GREENSBORO CODE

territorial boundary lines shall be construed as following city limits or extraterritorial boundary lines.

- (E) *County Lines:* Boundaries indicated as approximately following county lines shall be construed as following county lines.
- (F) *Watercourses:* Boundaries indicated as approximately following the centerlines or edges of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines or edges, respectively.
- (G) *Extensions:* Boundaries indicated as parallel to or as extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- (H) *Scaling:* Where a district boundary does not coincide with any line or extension described in (a) through (g) above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Hazard Boundaries, Corps of Engineers work maps, if available, shall be used for scaling.
- (I) *Watersheds:* Outer boundaries of general watershed area districts indicated as approximately following ridge lines or streets shall be construed to follow ridge lines (the actual drainage basin boundaries). Watershed critical area district outer boundaries not forming the inner boundaries of general watershed area districts shall be construed in the same manner. Boundaries between general watershed area districts and watershed critical area districts indicated as approximately following major landmarks (identifiable major features) such as streets shall be construed to follow the centerlines of such features or, where applicable, the projections of the centerlines of such features.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 93-55, § 4, 6-7-93)

**30-1-12.2. Interpretation by board of adjustment.**

Where natural or manmade features existing on the ground differ from those shown on the Official Zoning Map, or are not covered by Section 30-1-12.1 (Boundary Interpretation), the Board of Adjustment shall interpret the district boundary. (Ord. No. 91-145, § 1, 11-27-91)

**30-1-12.3. Annexation.**

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by a municipality or taken into a municipality's extraterritorial jurisdiction by act of the General Assembly or in accordance with NCGS 160A, Article 4A or NCGS 160A-360, county regulations and powers of enforcement shall remain in effect until:

- (A) The municipality has adopted regulations for said annexed or extraterritorial area; or
- (B) A period of sixty (60) days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

(Ord. No. 91-145, § 1, 11-27-91)

**30-1-13. SEVERABILITY**

Should any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

(Ord. No. 91-145, § 1, 11-27-91)

**ARTICLE II. DEFINITIONS**

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(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, §§ 3—5, 4-20-92; Ord. No. 92-133, § 1, 11-2-92; Ord. No. 93-22, § 1, 3-15-93; Ord. No. 93-54, §§ 2, 4, 6-7-93; Ord. No. 93-55, § 5, 6-7-93; Ord. No. 93-136, § 1, 11-15-93; Ord. No. 95-40, §§ 1, 3, 4-17-95; Ord. No. 98-78, § 1, 6-2-98; Ord. No. 98-102, § 1, 7-7-98; Ord. No. 98-117, § 1, 8-18-98; Ord. No. 99-26, § 2, 3-2-99; Ord. No. 99-54, § 2, 5-4-99; Ord. No. 99-152, § 7, 9-21-99; Ord. No. 99-206, § 2, 12-21-99; Ord. No. 00-61, § 6, 4-18-00; Ord. No. 00-189, § 2, 10-17-00; Ord. No. 01-197, § 2, 10-2-01; Ord. No. 02-239, § 3, 12-3-02; Ord. No. 03-249, §§ 2, 3, 11-18-03; Ord. No. 04-22, § 1, 2-17-04; Ord. No. 07-43, §§ 8, 9, 3-6-07; Ord. No. 07-234, § 1, 10-16-07; Ord. No. 08-134, § 5, 5-20-08; Ord. No. 09-33, § 2, 2-17-09; Ord. No. 09-58, § 4, 4-7-09; Ord. No. 08-211, § 2, 7-15-08)	

### 30-2-2. DEFINITIONS

These definitions are grouped in the following functional groups: 1) Buildings and Structures, 2) Drainage and Watershed Protection, 3) Dwellings, 4) Easements, 5) Soil Erosion and Sedimentation Control, 6) Flood Damage Prevention, 7) General, 8) Hazardous Waste, 9) Lots, 10) Setbacks, 11) Signs, and 12) Streets and Drives. Refer to Section 30-2-1 (Definition Index) for location of specific words.

(Ord. No. 91-145, § 1, 11-27-91)

#### 30-2-2.1. Buildings and structures.

*Accessory building.* A detached building, the use of which is customarily incidental to that of the principal building and which is located on the same zone lot as the principal building.

*Accessory structure.* A detached subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same zone lot as the principal structure.

*Addition (to an existing building).* An extension or increase in the floor area or height of a building or structure.

*Building.* Any structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes.

*Building height.* The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. (See Appendix 5: Illustrations)

*Building line.* A line parallel to the front property line which establishes the horizontal distance between the structure and the front property line.

*Building separation.* The minimum required horizontal distance between buildings, measured wall to wall.

*Principal building.* A building in which is conducted the principal use(s) of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless

it is an accessory dwelling in compliance with Section 30-5-2 (Accessory Dwelling Units on Single Family Lots) or a caretaker dwelling accessory to a nonresidential use in compliance with Section 30-5-2 (Caretaker Dwellings).

*Principal structure.* A structure in which is conducted the principal use(s) of the zone lot on which it is located.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 07-43, § 10, 3-6-07)

### **30-2-2.2. Drainage and watershed protection.**

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

*Built-upon area.* That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

*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. These facilities require approval and a discharge permit from the N.C. Department of Environment and Natural Resources for legal operation.

*Disturbed Area.* Any land area which has been cleared, grubbed, graded, disturbed or otherwise altered for the purposes of development.

*Drainage, dispersed.* Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

*Drainage, enhanced.* Drainage carried by existing natural drainageways which have been enhanced to resist soil erosion and stream bank degradation.

*Drainageway.* Any natural or manmade channel that carries surface runoff from precipitation.

*Drainageway, improved.* Drainage channeled by impervious surfaces such as curb and gutter or concrete (gunite, bituminous, etc.) channels.

*Drainageway, protected.* A natural channel that is protected against stream bank erosion and excessive runoff velocity by any one (1) or a combination of the following: (1) rip-rap channel stabilization; (2) establishment of soil-stabilizing vegetation; (3) velocity reduction structures (stilling pools and drop structures, for example).

*Drainageway and open space area, dedicated.* The area designated for flood plain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes and for utility installation and maintenance.

*EMC Rules.* Statewide water supply watershed protection rules, and special rules for certain water supply watersheds, adopted by the NC Environmental Management Commission and enforced by the Division of Water Quality of the Department of Environment and Natural Resources to carry out the requirements of the NC General Statutes addressing water quality. NC Administrative Code Section: 15A NCAC 2B.0100 and.0200.

*Existing development.* Those projects that are built and those projects that, at a minimum, have established a vested right under North Carolina zoning law as of July 1, 1993, based on at least one of the following criteria: (1) substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or (2) having an outstanding valid building permit; or (3) having an approved site specific or phased development plan in compliance with NCGS 153A-344.1 or NCGS 160A-385.1. (This definition applies only with respect to watershed protection regulations).

*Hazardous material.* Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or Section 311 of the Clean Water Act, as amended (CWA) (33 USA

1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

*High density option.* A density option for new development wherein the density exceeds the applicable limit for development under the low density option (see definition below and Table 30-7-1-1).

*High Density Project.* Any project that exceeds the low density project threshold for dwelling units per acre or built-upon area percentage. (Also see definition of Low Density Project.)

*Intermittent streams.* In all watersheds, streams, and lakes and ponds along them, that are indicated as being intermittent 1) on the most recent version of the US Geological Survey 1:24000 scale (7.5 minute quadrangle) topographic maps, 2) on the most recent version of the Soil Survey map developed by the USDA—Natural Resource Conservation Service, or 3) by an examination of site-specific evidence by the City Stormwater Management Division using criteria approved by the NC Division of Water Quality or U.S. Army Corps of Engineers. However, if the above-mentioned map indicates an area as an intermittent stream but the Stormwater Management Division finds no intermittent water body actually exists on the ground, that area shall not be deemed an intermittent stream. Ponds and lakes created for animal watering, crop irrigation, or other agricultural uses that are not part of a natural drainageway are not streams. If the City of Greensboro develops a detailed stream network map covering one or more watersheds, and that map is approved by the NC Division of Water Quality, then within the watersheds covered by that map intermittent streams shall thenceforth be as shown by that map. In the event of a conflict in stream determination, a NC Division of Water Quality or U.S. Army Corps of Engineers determination shall supersede any local designation.

*Larger Common Plan of Development, Redevelopment or Sale.* Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan.

*Low density option.* A density option for new development wherein the density, measured in

dwelling units per acre for single-family detached residential development and in percentage of the land surface covered by built-upon area for all other residential and nonresidential development, does not exceed the applicable limit in Table 30-7-1-1.

*Low Density Project.* A project that has no more dwelling units per acre or percent built-upon area for all residential and non-residential development as specified by Table 30-7-1-4 (DENSITY LIMITS IN WATER SUPPLY WATERSHEDS AND OTHER WATERSHED DISTRICTS IN DWELLING UNITS PER ACRE & % BUILT-UPON AREA).

*Major watershed modification.* Modification of the existing regulations in Sections 30-7-1, 30-7-2, or 30-7-3 that does not meet the definition of a Minor Watershed Modification.

*Minor watershed modification.* Modification of the existing regulations in Sections 30-7-1, 30-7-2, or 30-7-3 that meets one of the following criteria: (A) Modification of any standard present in Article VII of this Ordinance but not in the EMC Rules; (B) Modification of any standard on which the level of performance required by Article VII exceeds that required by the corresponding section of the EMC Rules, provided that approval of the modification does not lower the level of performance below that required by the EMC Rules; or (C) Modification from the EMC Rules that results in a relaxation, by a factor of up to five (5) percent, of any buffer, density, or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

*New development.* (1) Any land-disturbing activity which adds to or changes the amount of built-upon area or which otherwise decreases the infiltration of precipitation into the soil; (2) Any land-disturbing activity at an existing development, other than activity exempt as specified by Section 30-7-1.3(B) (Exempt Activities). (This definition applies only with respect to stormwater management and watershed protection regulations.)

*Perennial streams.* In all watersheds, streams, and lakes and ponds along them, that are indi-

cated as being perennial 1) on the most recent version of the US Geological Survey 1:24000 scale (7.5 minute quadrangle) topographic maps, 2) on the most recent version of the Soil Survey map developed by the USDA—Natural Resource Conservation Service, or 3) by an examination of site-specific evidence by the City Stormwater Management Division using criteria approved by the NC Division of Water Quality or U.S. Army Corps of Engineers. However, if the above-mentioned map indicates an area as a perennial stream but the Stormwater Management Division finds no perennial water body actually exists on the ground, that area shall not be deemed a perennial stream. Ponds and lakes created for animal watering, crop irrigation, or other agricultural uses that are not part of a natural drainage way are not streams. If the City of Greensboro develops a detailed stream network map covering one or more watersheds, and that map is approved by the NC Division of Water Quality, then within the watersheds covered by that map perennial streams shall thenceforth be as shown by that map. In the event of a conflict in stream determination, a NC Division of Water Quality or U.S. Army Corps of Engineers determination shall supersede any local designation.

*Pond and/or stream buffer plat.* A plat recorded to show one or more engineered stormwater controls, water quality conservation easements, stream buffers or other features created pursuant to watershed protection requirements and to put present and future owners on notice of maintenance requirements. A subdivision plat with appropriate information may be used to fulfill the pond and/or stream buffer plat function.

*Post Construction.* The condition of a development once the land disturbing activity is complete as it relates to the management and control of stormwater runoff quantity and quality.

*Required drainage channel.* The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

*Residual (sludge).* Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control

facility permitted under authority of the North Carolina Environmental Management Commission.

*Retention pond.* A pond that has a permanent pool.

*Riparian protection area.* A stream buffer, or a portion of a stream buffer, subject to stronger maintenance and protection requirements than are applied to other stream buffers. It consists of Zone 1 and Zone 2, as described in Section 30-7-1.8 (Stream buffer required).

*Stabilizing vegetation.* Any vegetation that protects the soil against erosion.

*Storm, one-hundred-year.* The surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in one hundred (100) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

*Storm, one-year 24-hour.* The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equalled or exceeded, on average, once in 12 months and with a duration of 24 hours.

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

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

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

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

*Stream.* A watercourse that collects surface runoff.

*Stream Buffer.* A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the top of bank on each side of streams or rivers. (This definition applies only with respect to stormwater management and watershed protection regulations.)

*Structural Best Management Practice.* A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," and "structural stormwater treatment systems."

*Substantially completed.* Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For ponds this generally means that the following have been accomplished; 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

*Typical required drainage channel section.* A cross-sectional view of a required drainage channel.

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

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

*Watershed, other.* All areas within the jurisdiction not encompassed within a water supply watershed district.

*Watershed, water supply.* The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Lake Mackintosh, Polecat Creek Lake, and Randleman Lake.

*Watershed manual.* This shall mean the current version of the City of Greensboro Stormwater Management Manual which is a supplement to the NC Division of Water Quality Stormwater BMP Manual.

*Watershed map.* The map incorporated by reference at Section 30-7-1.2 (Incorporation of Designated Watershed Map(s)).

*Wet detention pond.* An engineered stormwater control pond that has a permanent pool and also controls runoff from the first one inch (1") of rainfall, removes eighty-five percent (85%) of total suspended solids (TSS), and releases the stormwater over a period of two (2) to five (5) days.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, § 6, 4-20-92; Ord. No. 92-133, § 2, 11-2-92; Ord. No. 93-54, §§ 3, 5, 6, 6-7-93; Ord. No. 97-157, § 2, 10-14-97; Ord. No. 99-206, § 2, 12-21-99; Ord. No. 08-214, § 1, 7-15-08; Ord. No. 09-58, §§ 5, 6, 4-7-09)

**30-2-2.3. Dwellings.**

*Accessory dwelling unit.* A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single family residential.

*Condominium.* Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

*Dwelling unit.* One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

*Manufactured dwelling (manufactured home, mobile home).* A dwelling that 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) exceeds forty feet in length and eight feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings. This definition does not include a recreational vehicle.

- (1) Class AA: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meets the criteria of Section 30-4-4.5(B) (Minimum Criteria).
- (2) Other: Any manufactured home that does not meet the criteria of a Class AA manufactured dwelling.

*Multifamily development.* Three (3) or more dwelling units in multifamily dwellings on a single zone lot including apartments, residential condominiums, and townhouses.

*Multifamily dwelling.* A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and including apartments, townhouses, and condominiums.

*Principal dwelling.* Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking, and eating activities, excluding dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents.

*Single family attached dwelling.* A townhouse dwelling or a twin home dwelling.

*Single family detached dwelling.* A separate, detached building designed for and occupied exclusively by one (1) family.

*Tenant dwelling.* A dwelling located on a bona fide farm and occupied by a farm worker employed for agricultural purposes by the owner or operator of the farm.

*Townhouse dwelling.* A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common elements.

*Twin home dwelling.* A building consisting of two single family dwelling units, each dwelling unit occupying its own conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the two.

*Two-family dwelling (duplex).* A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, § 8, 4-20-92; Ord. No. 93-136, § 2, 11-15-93; Ord. No. 99-26, § 3, 3-2-99; Ord. No. 03-249, § 1, 11-18-03)

**30-2-2.4. Easements.**

*Access easement.* An easement which grants the right to cross property.

*Drainage easement.* An easement which grants to the City Council the right to maintain enclosed drainage structures.

*Drainage maintenance easement.* An easement which grants to the City Council the right to alter the typical drainage channel section and/or profile in order to improve water flow.

*Easement.* A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity.

*Pedestrian way.* A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

*Sidewalk easement.* An easement which grants to the City Council the right to install and maintain a sidewalk therein, and which grants public access for the use thereof.

*Sight distance easement.* An easement which grants to the City Council the right to maintain unobstructed view across property located at a street intersection.

*Utility easement.* An easement which grants to the City Council or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.

*Water quality conservation easement.* A permanent easement for the protection of water quality in which no structures or land-disturbing activities are allowed, except as specified by Section 30-4-7.5 (Easement Encroachments) and Section 30-7-3.2(E) (Protection of Fragile Areas). (Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, § 9, 4-20-92; Ord. No. 93-136, § 3, 11-15-93; Ord. No. 02-239, § 5, 12-3-02; Ord. No. 09-58, § 7, 4-7-09)

**30-2-2.5. Soil erosion and sedimentation control.**

*Act.* The North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A-50 et seq., and all rules and orders adopted pursuant to it.

*Being conducted.* A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

*Berm, erosion control.* A mound of material and/or ditch the purpose of which is to divert the flow of runoff water.

*Borrow.* Fill material which is required for on-site construction and is obtained from other locations.

*Buffer zone.* The strip of land adjacent to a lake or natural watercourse.

*Coastal counties.* The following counties Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington.

*Commission, sedimentation.* The North Carolina Sedimentation Control Commission.

*Completion of construction or development.* No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

*Department (DENR).* The North Carolina Department of Environment and Natural Resources.

*Director (DENR).* The Director of the Division of Land Resources of the Department of Environment and Natural Resources.

*Discharge point.* That point at which runoff leaves a tract of land.

*District, soil and water conservation.* The Guilford Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.

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

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

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

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

*Erosion control measure, structure, or device, adequate.* A device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

*Ground cover.* Any vegetation, masonry, paving, riprap, or other material or materials which render the soil surface stable against accelerated erosion.

*High quality waters.* Those classified as such in 15A NCAC 2B.0101(e)(5) - General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS 150B-14(c).

*High quality water (hqw) zones.* Areas in the coastal counties that are within five hundred seventy-five (575) feet of High Quality Waters and, for the remainder of the State, areas that are within one (1) mile and drain to HQW's.

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

*Land-disturbing activity.* Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

*Local government.* Refer to "Local Government" in Section 30-2-2.7 (General).

*Person.* Refer to "Person" in Section 30-2-2.7 (General).

*Person conducting land disturbing activity.* Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

*Person responsible for land disturbing violation.* As used in this Ordinance, and NCGS 113A-64, (a) the developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity, (b) or the landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act as imposes a duty upon him.

*Phase of grading.* One (1) of the two (2) types of grading, rough or fine.

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

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

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

*Soil erosion and sedimentation control plan (grading plan).* The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

*Storm drainage facilities.* Refer to "Storm Drainage Facilities" in Section 30-2-2.2 (Drainage and Watershed Protection).

*Stormwater runoff.* Refer to "Stormwater Runoff" in Section 30-2-2.2 (Drainage and Watershed Protection).

*Ten-year storm.* Refer to "Storm, Ten-Year" in Section 30-2-2.2 (Drainage and Watershed Protection).

*Tract.* All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership. (This definition applies only with respect to soil erosion and sedimentation control regulations.)

*Tract (site).* Refer to "Tract (Site)" in Section 30-2-2.7 (General).

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

*Undertaken.* The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

*Velocity.* Refer to "Velocity" in Section 30-2-2.2 (Drainage and Watershed Protection).

*Waste.* Surplus materials resulting from on-site construction and disposed of at other locations.

*Working days.* Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, §§ 3, 4, 11-3-92; Ord. No. 09-58, § 8, 4-7-09)

### **30-2-2.6. Flood damage prevention.**

*Area of shallow flooding.* A designated Zone AO or AH on the Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard (special flood hazard area).* The land in the floodplain subject to a one (1) percent or greater chance of flooding in

any given year based on current conditions hydrology as determined in Section 30-7-5.2(D) of this Ordinance.

*Base flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year based on current conditions hydrology.

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

*Basement.* Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood damage prevention regulations.)

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

*Current conditions hydrology.* The flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.

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

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

*Existing manufactured dwelling park or manufactured dwelling subdivision.* A manufactured dwelling park or subdivision for which the construction of facilities for servicing the lots on which the manufactured dwelling is to be affixed

(including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 16, 1971.

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

*Flood insurance.* The insurance coverage provided under the National Flood Insurance Program.

*Flood Insurance Rate Map (FIRM).* An official map of the community issued by the Federal Emergency Management Agency (FEMA), on which the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

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

*Flood protection elevation.* The elevation to which structures and uses regulated by Section 30-7-5 (Flood Damage Prevention) are required to be elevated or floodproofed.

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

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

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that

must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

*Floodplain (flood prone area).* Any land area susceptible to being inundated by water from any source.

*Floodplain administrator (enforcement officer).* The individual appointed to administer and enforce the floodplain management regulations.

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

*Floodplain management regulations.* This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Freeboard.* The height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation to account for the many unknown factors that could contribute to flood heights greater

than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

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

*Future conditions flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

*Future conditions flood elevation.* A determination of the water surface elevations of the one (1) percent annual chance flood based on future conditions hydrology as published in the Flood Insurance Study. This elevation, when combined with the freeboard, establishes the "Regulatory Flood Protection Elevation" in Future Conditions Flood Hazard Areas.

*Future conditions flood hazard area.* The land area that would be inundated by the one (1) percent annual chance flood based on future conditions hydrology as determined in Section 30-7-5.2(D) of this ordinance.

*Future conditions hydrology.* The flood discharges associated with projected land-use conditions based on the City of Greensboro's zoning maps and comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

*Hazardous waste facility.* Pursuant to NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

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

*Lowest Adjacent Grade (LAG).* The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

*Manufactured dwelling (manufactured home, mobile home).* A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle". (This definition applies only with respect to flood damage prevention regulations.)

*Manufactured dwelling park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling spaces for rent or lots for sale. (This definition applies only with respect to flood damage prevention regulations.)

*Market value.* 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. (This definition applies only with respect to flood damage prevention regulations.)

*Mean sea level.* For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the

floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

*National geodetic vertical datum (NGVD).* The vertical control used as a reference for establishing varying elevations within the floodplain.

<i>To Convert From</i>	<i>To</i>	<i>Add</i>
NGVD 1929 Datum	NAVD 1988 Datum	-0.76 feet
NAVD 1988 Datum	NGVD 1929 Datum	+0.76 feet
NGVD 1929 Datum	City of Greensboro Datum	+0.761 feet
City of Greensboro Datum	NGVD 1929 Datum	-0.761 feet
NAVD 1988 Datum	City of Greensboro Datum	+1.521 feet
City of Greensboro Datum	NAVD 1988 Datum	-1.521 feet

*New construction.* Structures for which the "start of construction" commenced on or after April 16, 1971 and includes any subsequent improvements to such structures. (This definition applies only with respect to flood damage prevention regulations.)

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

*Obstruction.* Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure, or matter in, along, across, or projecting onto any channel, watercourse, or special flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

*Post-FIRM.* Applies to construction or other development for which the "start of construction" occurred on or after April 16, 1971.

*Pre-FIRM.* Applies to construction or other development for which the "start of construction" occurred before April 16, 1971.

*Principally above ground.* Refers to at least fifty-one (51) percent of the actual cash value of the structure being above ground. (This definition applies only with respect to flood damage prevention regulations.)

*Reference level.* The top of the lowest floor for structures within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas designated as Zone A1-A30, AE, A, A99, AH, AO, or X (Future).

*Regulatory flood protection elevation.* The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade. In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus one (1) foot of freeboard.

*Remedy a violation.* To bring the structure or other development into compliance with floodplain management regulations in this Ordinance, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include, but are not limited to, protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

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

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

*Structure.* A walled and roofed building, a manufactured dwelling, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood damage prevention regulations.)

*Substantial damage.* Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

*Substantial improvement.* Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place

during any one-year period, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the Enforcement Officer and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. (This definition applies only with respect to flood damage prevention regulations.)

*Variance.* A grant of relief by the City from the terms of its floodplain management regulations. (This definition applies only with respect to flood damage prevention regulations.)

*Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 30-3-3.4, 30-3-6.4 and 30-7-5.6 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood damage prevention regulations.)

*Water Surface Elevation (WSE).* The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains.

*Watercourse.* A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, § 10, 4-20-92; Ord. No. 07-43, § 11—13, 3-6-07)

### **30-2-2.7. General.**

*Address.* The official street number assigned by the City for a specific lot, building, or portion thereof.

*Assembly.* A joining together of completely fabricated parts to create a finished product.

*Athletic field.* An outdoor site, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

*Automobile repair services, major.* An establishment primarily engaged in one (1) or more of the following activities: 1) general repair or service; 2) engine repair; 3) installation or repair of transmissions; 4) installation or repair of automotive glass; 5) installation or repair of exhaust systems; 6) repair of tops, bodies, and interiors; and 7) automotive painting and refinishing.

*Automobile repair services, minor.* An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups; 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators; 3) lubricating service; and 4) front end and wheel alignment.

*Bar.* An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain an ABC license for on-premises beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premises consumption.

*Basement.* A story of a building or structure having one-half ( $\frac{1}{2}$ ) or more of its clear height below grade.

*Bed and breakfast.* Refer to "Tourist Home" in Section 30-2-2.7 (General).

*Bedroom.* Any room used principally for sleeping purposes, an all-purpose room (not a living room), a study, or a den.

*Block.* The land lying within an area bounded on all sides by streets.

*Block length.* The distance, measured along each side of a street, between one (1) intersecting through street (not a cul-de-sac or loop street) and the next intersecting through street.

*Board of adjustment.* A quasi-judicial body, appointed by the City Council, that is given certain powers under this Ordinance.

*Boarding house.* A dwelling with one (1) kitchen in which lodging and meals are provided by the owner or operator to more than three (3) residents.

*Business incubator.* The aggregation of one (1) or more small, start-up firms in the same location with affordable office space, business equipment and services, planning assistance and counseling services, for the purpose of encouraging neighborhood-based business growth and stability through job creation, economic diversification, rehabilitation and reuse of existing buildings, and enhancement of a neighborhoods image as a center for innovation and entrepreneurship. A business incubator typically limits the length of tenancy so that there are continuous opportunities for new firms to participate in the business incubator environment.

*Business park.* Refer to "Integrated Multiple Use Development" in this Section.

*Caliper inches.* Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

*Canopy tree.* A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.

*Certificate of appropriateness.* A statement issued by the City which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

*Certificate of compliance.* An official document signed by the Inspections Director, or his designee, stating that a building or structure complies with the provisions of the NC Building Code and of this Ordinance.

*Common elements (common area).* All areas, including private streets and private drives, conveyed to an owners' association within a development or owned on a proportional undivided basis in a condominium development.

*Congregate care facility.* A facility providing shelter and services for ambulatory individuals at

least fifty-five (55) years of age who by reason of age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

*County.* Refers to Guilford County, North Carolina.

*Critical root zone.* The critical root zone shall include a radius around the tree equal to one (1) foot for every one (1) inch of DBH from the tree trunk as measured at the ground level from the root flare.

*Day.* Calendar day.

*Density credit.* The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures of development density or intensity, or a fraction or multiple of that potential, that may be transferred to other portions of the same parcel or to contiguous land that is part of a common development plan.

*Developer.* A person engaging in land, site, or building development.

*Development.* Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment or materials. (also see definition of New Development in Section 30-2-2.2).

*Diameter at breast height (DBH).* Diameter-at-breast-height is a standard measure of tree size, and is a tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point beneath the split.

*Disposal.* Pursuant to NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter

the environment or be emitted into the air or discharged into any waters, including groundwaters.

*Dormitory, private.* A multiple-unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school, or university for the purpose of housing students registered and attending such an institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

*Dripline.* A vertical line extending from the outermost portion of a tree's canopy to the ground.

*Family.* 1) An individual; 2) two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit, and (unless the dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons; or 3) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit. A family may include five (5) or fewer foster children placed in a family foster home licensed by the state but shall not include fraternities, sororities, boarding or rooming houses, tourist homes, family care homes, or maternal care homes.

*Family care home.* Pursuant to NCGS 168-21, a home for nine (9) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident persons with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11)b.

*Fence.* A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

*Floor area, gross.* The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or

from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

*Front yard area.* The portion of a lot located between the side lot lines from the front building line of the principal building to the front lot line.

*Grade, finished.* The final elevation of the ground surface after development.

*Grade, natural.* The elevation of the ground surface in its natural state before manmade alterations.

*Green space.* An open space available for unstructured recreation consisting of grassy areas and trees.

*Gross leasable area.* The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

*Group care facility.* A facility (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance) with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) people in a residential or office district and for not more than forty (40) people in any other district.

*Group development.* A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites for the purpose of building development (whether immediate or future) and occupancy by separate families, firms, businesses, or other enterprises.

*Historic structure.* Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered

historic district; or 3) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) program". Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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

*Integrated multiple use development.* A development containing three (3) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers and office parks having the characteristics listed above. Such integrated developments may include outparcels for lease or for sale. Any such integrated development may be organized as a condominium or in a manner analogous to that of a townhouse development (with ownership parcels beneath the building units and with parking and driveways being in common elements owned and maintained by an Owners' Association).

*Just cause.* Legitimate cause; legal or lawful ground for action.

*Landfill, land clearing and inert debris (major).* A disposal site (other than a minor land clearing and inert debris landfill as defined in this Section) for stumps, limbs, leaves, concrete, brick, untreated wood, and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

*Landfill, land clearing and inert debris (minor).* A disposal site for stumps, limbs, leaves, concrete, brick, untreated wood, and uncontaminated earth which is less than two (2) acres in size and is in operation for less than one (1) year.

*Landowner.* Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed Site Specific Development Plan under Section 30-3-18.2 (Zoning Vested Rights) in the manner allowed by this Ordinance.

*Local government.* Any county, incorporated municipality, or any combination of counties and/or incorporated municipalities acting through a joint program pursuant to the provisions of this Ordinance.

*Manufactured dwelling park.* A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

*Manufactured dwelling space.* A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

*Maternal care home.* A home for nine (9) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident females who are pregnant or have recently given birth. For regulatory purposes, children less than one (1) year in age shall not be counted as individuals.

*Mixed development.* A mixture of residential and permitted office and/or commercial uses in the GB, HB, SC, and CP Districts.

*Mixed uses.* Occupancy of a principal building by two (2) or more uses.

*Modification.* Permission from the Technical Review Committee (or, on appeal, from the Planning Board or City Council), based upon equal or better performance, to depart from the requirements of this Ordinance. The term as used in this Ordinance shall not be construed to refer to the amendment of zoning regulations or zone bound-

aries as implied by NCGS 160A-385 or to refer to a variance granted by the Board of Adjustment as implied by NCGS 160A-388.

*Motor vehicle, business and personal use of.* A motor vehicle used for transportation at least once every seven (7) days.

*Motor vehicle, junked.* A motor vehicle that does not display a current license plate and is one or more of the following: 1) partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed.

*Nonconforming.* A lot, structure, sign, or use of land or structure, which is now prohibited under the terms of this Ordinance but was lawful at the date on which it was established or became lawful at some later date.

*Nonconforming lot.* A Lot of Record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

*Nonconforming structure.* A structure that does not conform to dimensional, elevation, location, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

*Nonconforming use.* A use which was once a permitted use on a parcel of land or within a structure but which is now not a permitted use of that parcel or structure under Table 30-4-5-1 (Permitted Use Schedule) of this Ordinance. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.

*Nursing home.* An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

*Office park.* Refer to "Integrated Multiple Use Development" in this Section.

*Outparcel.* A regularly shaped subdivided or leased parcel within but along a portion of the public street frontage of an integrated multiple use development (refer to "Integrated Multiple Use Development" in this Section) containing a principal use that is ancillary to the development.

*Owner.* A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

*Park and shuttle lot.* Specially designated parking areas where commuting motorists park their vehicles and ride with other commuters who have a common destination. Ridesharing from the lots may be done by car pool, van pool, or public transit.

*Person.* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body, or other legal entity.

*Plan, sketch.* A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information required in Appendix 2 (Map Standards), of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

*Planned unit development.* An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

*Planning department.* The Department of Planning and Community Development of the City of Greensboro.

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

*Plat, final.* The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements, and any other information required in Appendix 2 (Map Stan-

dards), presented for local government approval and subsequent recordation in the Office of the County Register of Deeds.

*Plat, preliminary (preliminary plan).* A map indicating the proposed layout of the subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in Appendix 2 (Map Standards).

*Portable storage unit:* A transportable unit designed and used for the temporary storage of household goods, personal items and other materials which is placed on a site for the use of occupants of a dwelling or building on a limited basis. Such containers are uniquely designed for their ease of loading to and from a transport vehicle.

*Private sewer.* A system which provides for collection and/or treatment of wastewater from a development or property and which is not maintained with public funds.

*Private water.* A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner and which is not operated or maintained by a government organization or utility district.

*Public sewer.* A system which provides for the collection and treatment of sanitary sewage from more than one (1) property and is owned and operated by a government organization or sanitary district.

*Public water.* A system which provides distribution of potable water to more than one (1) property and is owned and operated by a government organization or utility district

*Quasi-public use.* Any use, structure, or facility that houses a service of a church, school, recreational facility, etc. that is generally available for use by the general public.

*Recreational vehicle.* A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

*Recreational vehicle space.* A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

*Recycling collection point.* An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed. This facility is generally located in a shopping center parking lot or in other public/quasi-public areas, such as at churches and schools.

*Recycling processing center.* A facility used for the collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

*Reservation.* An obligation, shown on a plat or site plan, to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

*Restaurant (drive-in).* An establishment where food and/or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles, regardless of whether or not it also serves food and/or beverages to customers who are not in motor vehicles or to customers in motor vehicles who may consume the food and/or beverages off the premises.

*Roof line.* The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

*Rooming house.* A dwelling with one (1) kitchen in which lodging is provided by the owner or operator to more than three (3) residents.

*Rooming unit.* A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary, facilities provided therein.

*Salvage yard, auto parts.* Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or in part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

*Salvage yard, scrap processing.* Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

*Seating capacity.* The actual seating capacity of an area based upon the number of seats or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

*Sexually oriented business.* An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

- (1) Adult arcade (also known as "peep show"). Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.
- (2) Adult bookstore or adult video store. A commercial establishment which as one (1) of its principal business purposes of-

- fers for sale or rental, for any form of consideration, any one (1) or more of the following:
- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- (3) Adult cabaret. A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one (1) of its principal business purposes:
- a. Persons who appear nude or semi-nude; or
  - b. Live performances which are characterized by the exposure of specified anatomical areas and/or by specified sexual activities; or
  - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas.
- (4) Adult massage parlor. A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (5) Adult motel. A hotel, motel, or similar commercial establishment that:
- a. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one (1) of its principal business purposes; or
  - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- (6) Adult motion picture theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one (1) of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.
- (7) Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one (1) of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.
- (8) Escort. A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (9) Escort agency. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its principal business purposes, for a fee, tip, or any other form of consideration.

- (10) *Nude model studio.* Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. "Nude model studio" shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - b. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
  - c. Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
- (11) *Nude or a state of nudity.* The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
- (12) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (13) *Sexual encounter center.* A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.
- (14) *Specified anatomical areas.* Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (15) *Specified sexual activities.* Includes any of the following:
- a. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
  - b. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
  - c. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
  - d. Masturbation, actual or simulated; or
  - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
  - f. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
  - g. Human excretion, urination, menstruation, vaginal or anal irrigation.
- Shelter, emergency.* A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state or federal official or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.
- Shelter for the homeless.* A facility operating year-round which provides lodging and support-

ive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

*Shelter, temporary.* A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address.

*Shopping center.* Refer to "Integrated Multiple Use Development" in this Section.

*Significant vegetation.* A group of four (4) or more trees, four (4) inches or greater DBH, that are within thirty (30) feet of one (1) other tree or form a contiguous canopy. The trees must have a life expectancy of greater than ten (10) years, and a relatively sound and solid trunk with no extensive decay or disease.

*Single room occupancy (sro) residence.* A building containing twenty-five (25) or more rooming units, which are available for rental occupancy for periods of seven (7) days or longer. This term does not include boarding houses, tourist homes, motels, hotels, private dormitories, congregate care facilities, family care homes, and group care facilities.

*Site specific development plan.* A plan of land development submitted by the landowner to the City for the purpose of obtaining a zoning vested right and for the purpose of obtaining one of the following zoning or land use approvals: 1) a Plot Plan pursuant to Section 30-3-11.1(A) (Plot Plan Required); 2) a Site Plan pursuant to Section 30-3-11.1(B) (Site Plan Required); 3) a Conditional Zoning Site Plan pursuant to Section 30-3-13.2(F) (Submission of Site Plans); 4) a Site Plan pursuant to Section 30-3-14.7 (Submission of Site Plans); 5) a Unified Development Plan pursuant to Section 30-4-3.4(B) (Unified Development Plan Approval); or 6) a Preliminary Plat pursuant to

Section 30-6-7.3 (Minor Subdivisions) or Section 30-6-7.4 (Major Subdivisions). Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a Site Specific Development Plan.

*Slope.* An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one" (2:1), "one and one half to one" (1.5:1), etc.

*Soil scientist.* The soil scientist of Guilford County or his designated agent(s).

*Solid waste.* Garbage, refuse, and other discarded solid materials.

*Solid waste disposal facility.* As defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

*Solid waste disposal site.* As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

*Special promotion.* An advertising activity or circumstance of a business which is not part of its daily activities or normal routine and in which the display and/or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales but do not include reoccurring sales advertisements or other similar publicity.

*Storage trailer.* A structure originally constructed with wheels in order to be transported over the highways but now no longer transported and now converted to use as a storage structure. An uncoupled truck trailer, an inoperable travel trailer, and an uninhabitable manufactured dwelling all meet this definition if used for storage of materials of any kind. An uncoupled truck trailer placed at a church, school, government building, or business for the acceptance of goods donated to charity or dropped off for recycling and towed away on a regular schedule or whenever full does not meet this definition. A construction trailer at a construction site does not meet this definition.

*Street frontage.* A lot line abutting on the side of a street, or on a permanent turnaround at the end of a street; also, the distance along such a line.

*Subdivider.* Any person who subdivides land.

*Subdivision.* All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- (2) The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership, the entire area of which is not greater than two (2) acres, into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance. [Note: In General Watershed Areas, see especially the standards in Sections 30-7-1 and 30-7-2; and in Watershed Critical Areas, Sections 30-7-1 and 30-7-3.]

*Subdivision, major.* A subdivision involving more than four (4) lots, requiring new public street(s) for access to interior property, requiring extension of public sanitary sewer or water line, or requiring a modification or variance of any requirement of this Ordinance.

*Subdivision, minor.* A subdivision involving not more than four (4) lots fronting on an existing improved public street(s), not requiring any new public street(s) for access to interior property, not requiring extension of public sanitary sewer or water line, and not requiring a modification or variance of any requirement of this Ordinance.

*Swimming pool.* A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

*Temporary event.* An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities.

*Tenant.* Any person who alone or jointly or severally with others occupies a building under a lease or holds a legal tenancy.

*Tourist home (bed and breakfast).* A dwelling in which lodging, with or without meals, is provided for overnight guests for a fee.

*Tract (site).* All contiguous land and bodies of water in one (1) ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one (1) time.

*Transportation Impact Study (TIS).* A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies are to be performed in accordance with City guidelines by a licensed professional engineer who has completed the Greensboro Department of Transportation self-certification form.

*Tree conservation area (TCA).* The tree conservation area is one (1) or more areas of a site, which

includes existing trees and their critical root zones. The purpose of the TCA is to encourage the preservation of healthy tree that are four (4) inches or greater in diameter at breast height (DBH).

*Understory tree.* A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet.

*Use.* The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

*Use, accessory.* A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or use; 2) is subordinate to and serves a principal building or a principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and 5) is located on the same zone lot as the principal building or use served.

*Use, principal.* The primary purpose or function that a lot or structure serves or is proposed to serve.

*Variance.* Permission from the Board of Adjustment, based upon hardship or practical difficulty, to depart from the requirements of this Ordinance.

*Wall, retaining.* A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.

*Wireless telecommunication tower.* A structure that is used to transmit radio waves in conjunction with wireless telephony technology. Wireless telecommunication towers include, but are not limited to, monopoles, lattice towers, and related antennas, as well as antennas attached to buildings. Wireless telecommunication towers shall not include television towers, AM/FM radio towers or guyed towers with supporting cables and anchors, or ham radio equipment antennas.

*Yard sale.* The sale of residential household items or personal possessions which have been

incidentally accumulated during normal residential use of the property by a person residing on the premises where the sale is conducted, but not including the sale of food or drink, titled personal property, items purchased for resale, or items transported to the premises solely for sale. The term includes, but is not limited to, sales commonly known as "garage", "patio", "driveway", "lawn", "attic", or other general sale of like nature.

*Zoning vested right.* A right pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved "Site Specific Development Plan."

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, §§ 7, 11—14, 4-20-92; Ord. No. 92-107, § 1, 8-3-92; Ord. No. 93-22, § 2, 3-15-93; Ord. No. 93-55, § 6, 6-7-93; Ord. No. 94-131, § 4, 12-5-94; Ord. No. 95-40, §§ 2, 4, 4-17-95; Ord. No. 97-157, § 3, 10-14-97; Ord. No. 97-158, § 1, 10-14-97; Ord. No. 98-102, § 2, 7-7-98; Ord. No. 98-117, §§ 2, 3, 8-18-98; Ord. No. 99-26, § 4, 3-2-99; Ord. No. 99-54, § 3, 5-4-99; Ord. No. 99-205, § 1, 12-21-99; Ord. No. 00-189, § 3, 10-17-00; Ord. No. 02-239, § 2, 12-3-02; Ord. No. 03-101, § 1, 5-6-03; Ord. No. 03-249, §§ 1, 4, 11-18-03; Ord. No. 04-22, § 2, 2-17-04; Ord. No. 06-69, § 1, 4-18-06; Ord. No. 06-244, § 1, 11-21-06; Ord. No. 06-269, § 1, 12-19-06; Ord. No. 07-43, § 14, 15, 3-6-07; Ord. No. 07-234, § 2, 10-16-07; Ord. No. 08-134, § 4, 5-20-08; Ord. No. 09-58, § 9, 4-7-09; Ord. No. 08-211, § 1, 7-15-08)

### **30-2-2.8. Hazardous and toxic substances [Reserved].**

### **30-2-2.9. Lots.**

*Corner lot.* A lot abutting two (2) or more streets at their intersection.

*Flag lot.* A lot, created by a subdivision, with less lot width than is required for a conventional lot by Article IV (Zoning) and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required

street frontage for a conventional lot. In the case of a flag lot, the lot line lying generally parallel to the front building facade as determined by the

Technical Review Committee shall be considered the front lot line for setback purposes. (See Appendix 5: Illustrations).

*Lot.* A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes "plot", "parcel," or "tract."

*Lot area.* The total area, excluding street right-of-way, circumscribed by the boundaries of a lot, except that for purposes of computing lot area to satisfy minimum lot area requirements of Article IV (Zoning), the following rules shall apply:

- (1) If intersecting street rights-of-way at a corner lot are connected by a right-of-way chord or radius, the area lying between the chord or radius and the projections of the two (2) street right-of-way lines to a point of intersection shall be included in the lot area calculation.
- (2) If a street right-of-way line cannot be determined, or if the street is a private street, a line parallel to and twenty-five (25) feet from the center of the traveled portion of the street shall be used as the boundary for lot area calculation.
- (3) If a collector or local street right-of-way wider than required by this Ordinance is present, the extra right-of-way on each side shall be counted toward the minimum lot area of the abutting lot on the same side.

*Lot coverage.* The portion of a lot covered by buildings(s) or roofed structure(s), excluding allowed projecting eaves, balconies, and similar features.

*Lot depth.* The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot (See Appendix 5: Illustrations).

*Lot of record.* A lot, plot, parcel, or tract which has been recorded in the Office of the County Register of Deeds and which was in conformance with land development ordinance(s) in effect at the time of recordation. Any lot created or changed in violation of this Ordinance or a predecessor ordinance is not a lot of record.

*Minimum lot width.* The distance from side lot line to side lot line measured at the minimum front street setback (parallel to the front property line). For lots along circular turnarounds, the minimum lot width may be measured at a front street setback of up to fifty (50) feet from the street right-of-way (which shall become the minimum building line). (See Appendix 5: Illustrations).

*Reverse frontage lot.* A through lot which is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

*Through lot.* A lot abutting two (2) streets that do not intersect at the corner of the lot.

*Townhouse lot.* A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around, a townhouse.

*Zone lot (buildable lot).* One (1) or more lots of record in one (1) undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards. In townhouse developments, the zone lot shall be considered to be the entire development (See Section 30-4-10 (Zone Lot Requirements)).

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 07-234, § 3, 10-16-07; Ord. No. 08-241, § 1, 9-2-08)

### **30-2-2.10. Setbacks (See Appendix 5: Illustrations).**

*Front street setback.* Any setback from a street other than a side street setback. A through lot has two (2) front street setbacks.

*Interior setback.* A setback from any property line not alongside a street.

*Rear setback.* A setback from an interior property line lying on the opposite side of the lot from the front street setback.

*Setback.* The horizontal distance from the property line, existing or future street right-of-way line, or street centerline to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line.

*Side setback.* Any interior property line setback other than a rear setback.

*Side street setback.* Any setback from a street other than a front street setback.

*Street setback.* Any setback from a street.

*Zero side setback.* An alternate form of dimensional requirements that allows a dwelling unit to have one (1) side setback of zero (0) feet. This definition does not include townhouses. (Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-149, § 9, 12-7-92; Ord. No. 07-47, § 1, 3-20-07)

### **30-2-2.11. Signs (See Appendix 5: Illustrations).**

*Animated sign.* Any sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene.

*Banner.* Any temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two (2) or more opposite sides. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

*Building marker.* Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

*Canopy sign.* Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

*Commercial message.* Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Construction sign.* Any sign which identifies the architects, engineers, contractors, and other individuals or firms involved with construction on the property, the name of the building or development, the intended purpose of the building or development, and/or the expected completion date.

*Cut-out letter lighting.* Lighting so arranged that only the outlines of letters, numerals, or symbols are illuminated from an internal lighting source while the remainder of the sign is covered with nontransparent materials that prevent illumination.

*Development entrance sign.* Any sign bearing the name of the development. The sign may also contain the name of the management company. Such a sign contains no other identifying or advertising message.

*Directional sign.* Any sign with no commercial message that indicates the direction to churches, hospitals, colleges, and similar institutional uses.

*Electronic changeable copy sign.* Any sign on which the copy changes automatically on a lamp-bank, such that the message or display does not run continuously in the travel mode and any message or display remains stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour shall be considered a flashing sign.

*Flashing sign.* A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable copy sign is not a flashing sign. In addition, a sign in which five (5) percent or twenty-five (25) square feet, whichever is less, of the sign face contains reflective materials that give the illusion of intermittent or flashing light shall not be deemed a flashing sign.

*Freestanding sign.* Any sign which is placed on or anchored in the ground with one (1) or more supports that are not part of a building or other structure.

*Governmental sign.* Any sign erected by or on behalf of a governmental body to post a legal

notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

*Ground surface sign.* Any sign composed of manmade or organic materials displayed upon the surface of the ground.

*Historical or memorial sign.* Any sign which commemorates a historical person, structure, place, or event; or which denotes, honors, celebrates, or acknowledges a historical person, structure, place, or event.

*Identification sign.* Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

*Information board.* Any sign which displays messages in which the copy may be arranged or rearranged by hand.

*Instructional sign.* Any sign with no commercial message that provides assistance, with respect to the premises on which it is maintained, for the direction, safety, or convenience of the public such as "entrance", "exit", "one way", "telephone", "parking", "no parking", and similar instructions.

*Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Marquee sign.* Any sign attached in any manner to, or made a part of, a marquee.

*Monument sign.* Any monolithic sign in which the bottom of the sign is flush with the ground.

*Multi-tenant building.* A building that is used for two (2) or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code. (This definition applies only with respect to sign regulations.)

*Nonconforming sign.* Any sign that does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

*Outdoor advertising sign (billboard).* Any sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same zone lot where such sign is displayed. In lieu of a commercial message, any otherwise lawful noncommercial message may be displayed.

*Pennant.* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

*Playbill.* Any sign announcing entertainment offered or to be offered at a business location on the site where the sign is displayed.

*Portable sign.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T-Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

*Projecting sign.* Any sign end-mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

*Real estate sign.* Any sign displayed for the purpose of offering for sale, lease, or rent the property on which such sign is erected, affixed, or otherwise established.

*Roof sign.* Any sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

*Sandwich board sign.* Any temporary "A" frame sign which may readily be moved from place to place and which is intended to be placed on a sidewalk or pedestrian way in front of the busi-

ness for which the commercial message is intended. A sandwich board sign is not an outdoor advertising sign as defined in this section and, therefore, it may not direct attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than the business where the sign is displayed.

*Sign.* Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination, or projected images or any other attention-directing device.

*Suspended sign.* Any sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

*Temporary sign.* Any sign that is displayed for a limited period of time and is not permanently mounted.

*Wall sign.* Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one (1) sign surface.

*Warning sign.* Any on-site sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing", and similar directives.

*Window sign.* Any sign which is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise. (Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, §§ 15—19, 4-20-92; Ord. No. 95-130, § 1, 10-16-95; Ord. No. 98-78, § 2, 6-2-98; Ord. No. 00-61, § 7, 4-18-00; Ord. No. 01-197, § 2, 10-2-01; Ord. No. 02-239, § 1, 12-3-02)

### **30-2-2.12. Streets and drives.**

(The numbers in parenthesis indicate the street classification, with "1" being the highest and "8" being the lowest.) (See Appendix 5: Illustrations.)

*Alley.* A roadway set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street. An alley is designed to have a pavement width narrower than that required for a street with no parking allowed. An alley shall only be utilized as outlined in the Traditional Neighborhood Design standards.

*City of Greensboro Sidewalk Manual.* The administrative policies, procedures, and standards of the City of Greensboro, as applicable to the design and construction of sidewalks.

*City of Greensboro Street Design Standards Manual.* The administrative policies, procedures and standards of the City of Greensboro, as applicable to the design and construction of roadways and other roadway infrastructure. These requirements apply to roadway and other roadway infrastructure within the city limits of Greensboro and the City's extraterritorial jurisdiction.

*Collector street (3).* A street whose principal function is to carry traffic between cul-de-sac, local, and private streets, private drives, and streets of higher classification but which may also provide direct access to abutting properties.

*Collector street plan.* A plan, adopted by the City Council, for streets not shown on the thoroughfare plan and showing collector and, if appropriate, lower classification streets in the planning area.

*Cul-de-sac street (5).* A short local street having one (1) end open to traffic and the other end permanently terminated by a vehicular turnaround. Its length is measured from the center of the through street to the center of the vehicular turnaround.

*Local industrial street/cul-de-sac. (1)* An existing public or private street that serves as access to industrially zoned properties exclusively, or serves as access to properties that are developed with, or are planned to be developed with, wholesale, transportation, warehousing, utility, manu-

facturing, or other industrial land uses; (2) A new public street that meets the criteria in (1). Local industrial streets are designed to provide internal circulation and property access. A street having a functional classification of collector or thoroughfare shall not be considered a local industrial street. A street that serves some industrial land uses that also serves commercial, service, or other non-industrial land uses shall not be considered a local industrial street.

*Local street (4).* A street whose primary function is to provide access to abutting properties.

*Major thoroughfare street (1).* Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

*Minor thoroughfare street (2).* Minor thoroughfares collect traffic from collector and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

*Off-site directional real estate sign.* Any temporary sign displayed for the purpose of directing attention to a property or development that is being offered for sale, lease or rent which is not erected, affixed or otherwise established on the same zone lot for the property or development being offered for sale, lease or rent.

*Permanent dead-end street.* A street open to traffic at one (1) end and, due to physical or environmental constraints, impracticable to extend beyond its present terminus at the other end.

*Private drive (7).* A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of individual residential driveways for townhouses, condominiums, manufactured dwelling parks, or recreational vehicle parks to the public street system. The designation of private drive shall only be

utilized for townhomes, condominiums, manufactured dwelling parks, and recreational vehicle parks developments.

*Private driveway (8).* A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing, group nonresidential development, manufactured dwelling parks, or recreational vehicle parks.

*Private street (6).* A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. Private streets shall be designed and constructed to City of Greensboro public street standards. (Reference - Street Standards Design Manual, Roadway and Utility Design Manuals, Sidewalk Manual)

*Public street.* A dedicated and accepted public right-of-way for vehicular traffic, and in Guilford County jurisdiction and extraterritorial jurisdiction of municipalities, public streets also include street rights-of-way offered for dedication, but not yet accepted, in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

*Sidewalk.* An improved surface intended to facilitate pedestrian access to or along adjacent streets, properties, or structures, and which is located within the right-of-way of a public street, within the common elements (common area) of a private street or private drive, within a sidewalk easement, or along the length of any facade abutting parking areas.

*Specified pedestrian destination.* Any of the following:

- (1) A public or private elementary school, middle school, or secondary school, or any college or university.
- (2) A park; a recreational or cultural facility; or a public greenway trail, or similar amenity.
- (3) A retail commercial or restaurant facility.

- (4) A public transportation boarding or alighting site, as designated by the operator(s) of a public transportation service.

*Street Design Standards Manual.* See City of Greensboro Street Design Standards Manual.

*Strategic pedestrian route.* A street, along which planned or established point(s) of pedestrian ingress or egress to a specified pedestrian destination are situated.

*Street right-of-way.* A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

*Stub street.* A street having one (1) end open to traffic, but which is neither a cul-de-sac street nor a permanent dead-end street.

*Thoroughfare plan.* A plan, adopted by the City Council, for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.

*Through street.* A street that is not a cul-de-sac street and which intersects with at least two (2) other streets that are not cul-de-sac streets. (Ord. No. 99-26, § 4, 3-2-99; Ord. No. 99-152, § 8, 9-21-99; Ord. No. 02-239, § 4, 12-3-02; Ord. No. 07-234, § 4, 10-16-07; Ord. No. 09-33, § 1, 2-17-09)

**30-2-2.13. Traditional neighborhood developments.**

*Artisans and crafts.* The practice of a trade or handicraft by a skilled worker or craftsman.

*Block face.* A specific side of a block that is referenced in relationship to the setback, bulk, height, or uses on that block.

*Build-to line.* The line at which construction of a building is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even building facade line on a street.

*Build-up line.* A horizontal line which establishes a building height precedent.

*Plaza.* An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement and formal tree plantings.

*Preserve.* Open space that preserves or protects a critical environmental feature or other natural feature.

*Streetscape.* The area within a street right-of-way that contains sidewalks, street furniture, landscaping, and/or trees.

*Square.* An open space consisting of paved walks, lawns, trees, and civic buildings that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes.

*Town architect.* An architect retained by the developer of an approved Traditional Neighborhood Development Plan to review architectural plans for new structures within a Traditional Neighborhood District for conformance with adopted architectural standards.

*Traditional Neighborhood Development Plan.* A master site plan for the development of one (1) or more compact, mixed use, pedestrian-oriented neighborhoods to be located in the Traditional Neighborhood District, upon zoning approval, which includes a list of permitted uses and standards and a defined set of design guidelines for physical improvements and public spaces.

*Traditional neighborhood open space.* Land dedicated to the public or designated by a development plan for the use, benefit and enjoyment of all residents, which may include green space, greenways, parks, plazas, preserves, and squares. (Ord. No. 99-26, § 6, 3-2-99; Ord. No. 02-239, § 2, 12-3-02; Ord. No. 07-234, § 5, 10-16-07)

**ARTICLE III. PERMITS AND PROCEDURES**

**30-3-1. PERMIT REQUIRED**

No person shall undertake any development activity subject to this Ordinance without first