

## Section 2: Rules of Construction and Definitions

### 2.1 Rules of Construction

For the purpose of this ordinance, the following words and terms shall be interpreted as follows:

The word **person** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Words used in the present tense include the future; the words **used for** include the words **intended for**; the word **lot** includes the word **parcel**; the word **structure** includes the word **building**; the word **shall** is mandatory; the word **may** is permissive.

For the purposes of this ordinance, horizontal dimensions such as setbacks and buffer widths shall be measured in plan view, rather than following the natural terrain of the land.

### 2.2 Definitions

**Abandoned:** The intentional or unintentional cessation of use, or maintenance of a building, structure or lot.

**Accessory Dwelling Unit:** A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

**Accessory Use Or Structure:** A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

**Active Recreation:** Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

**Adjacent:** Property abutting directly on the boundary of, touching, or sharing a common point.

**Adult Establishment:** A business as defined in North Carolina General Statute (NCGS) 14-202.10(2). This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in NCGS 14-202.10 and the definitions are adopted by reference. However, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

*Interpretation:* Massage businesses meeting these educational and ethical standards may be classified as "Offices" in the Permitted Use chart.

**Agency:**

A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

**Agricultural Uses:** *County only:* Land used as pasture or in the commercial production of crops, horticultural products, fish hatcheries or aquaculture. Also for the purposes of this ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not limited to poultry and hooved animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings.

*City only:* Land used as pasture or in the commercial production of crops, horticultural products, fish hatcheries or aquaculture. Also for the purposes of this ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not limited to poultry and hooved animals such as cattle, horses, goats, sheep and swine; however, swine commonly referred to as Miniature, Vietnamese, or Oriental Potbellied pigs (*sus scrofa vittatus*) shall not be considered livestock if the animals are no more than 18 inches in height and the owner has proof of registry with the International Potbellied Pig Registry (IPPR), and no more than 2 such Potbellied pigs may be kept in any household to qualify for this definition. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings.

**Airport:** A place where aircraft may takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled. Includes customary accessory uses.

**Alley:** A public thoroughfare 20 feet or less in width.

**Alluvial Soils Areas:** The areas within the special flood hazard area adjacent to watercourses or portions of watercourses excluded from the Flood Insurance Study that contain soils of the Chewacla-Wehadkee-Congaree Soils Association. The soils in this Association include Chewacla, Wehadkee, Congaree, Cartecay, Roanoke and Altavista soils. Alluvial Soils Areas may also include areas where fill land exists that transverses such soils.

**American Association of Nurserymen Standards:** Plant material standards in the current edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

**Antenna:** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but not be limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

**Antenna Array:** A single or group of antenna and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**Antenna-Supporting Structure:** A vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty feet.

**Anti-Climbing Device:** A piece or pieces of equipment which are either attached to an antenna-supporting structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones", the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.

**Applicant:** A person seeking an action or approval under provisions of this ordinance.

**Attached Wireless Communication Facility:** An antenna or antenna array that is secured to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either on the roof or inside or outside of an existing building. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

**Automobile Service and Repair:** See: "Vehicle Repair Shops"

**Base Flood:** The flood having a 1 percent chance of being equaled or exceeded in any given year, that is, the 100 year flood.

**Basement:** That lowest level which has its floor subgrade on at least 2 sides.

**Bed And Breakfast Inn:** A building or group of buildings containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

**Boarding House:** A building, other than a hotel, rooming house, or bed and breakfast inn, containing not more than 9 guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction for eventual removal without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a Registered Architect or Registered Professional Engineer's certificate.

**Broadcast Antennae, AM/FM/TV/HDTV Broadcast Facility:** Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennas/towers that transmit signals for radio and television communications.

**Buffer:** A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

**Building:** A roofed structure enclosed by exterior walls and used for business, industry, or shelter for persons, animals or goods.

**Building Front:** The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front, provided the building is situated so that it meets all front, side and rear yard requirements.

**Building Height:** The vertical distance from the average of the finished ground level to the highest finished roof surface of a flat roof, or to a point at the average height of the highest roof of a roof having a pitch.

**Building Line:** The edge of a building closest to the street.

**Building, Main:** A building which contains the principal use. In a residential district, any dwelling shall be deemed to be a main building on the lot which it is situated.

**Building Permit:** A permit issued by the Inspections Department in conformance with the State Building Code.

**Bulk Storage:** Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

**Business Services:** Establishments primarily engaged in rendering services (which are not listed elsewhere in this ordinance) to business establishments on a contract or fee basis. These services include but are not limited to: advertising, claims adjusters, and computer software development.

**Caliper:** Tree trunk diameter measured 6 inches above ground level up to and including 4 inch caliper size and 12 inches above ground level for larger sizes.

**Camp Ground:** Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

**Canopy:** A roof-like cover extending over an outdoor improvement for the purpose of sheltering individuals or equipment from the weather.

**Car Wash, Automatic:** A commercial facility where vehicles are mechanically washed.

**Car Wash, Self Service:** A structure housing equipment used by individuals for spray washing vehicles.

**Cemetery:** A place used or to be used and dedicated or designated for earth interments of human remains or pet animal remains.

**Center Line of Street:** The center line of a right of way, as defined or surveyed by the North Carolina Department of Transportation or the Durham Engineering Department.

**Certificate of Compliance (Previously called a Certificate of Occupancy or C.O.):** A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Zoning Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

**Charitable Organizations:** Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

**Clinic:** Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

**Club or Lodge:** A building or site used by a non-profit membership organization for recreational or social purposes.

**Cluster Housing:** Dwelling units grouped on lots with smaller dimensions than normally permitted within a zoning district in exchange for the provision of permanent open space within the same development.

**College Or University:** An institution other than a trade school that provides full-time or part-time education beyond high school.

**Colocation:** The practice of installing and operating multiple and various wireless carriers, service providers, and/or Radio Common Carrier licensees on the same antenna-supporting structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

**Columbarium:** A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

**Combined Antenna:** An antenna or an array of antennas designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

**Commercial Dormitory:** A structure specifically designed for a long term stay by students of a college, university, or non-profit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

**Commercial Recreation:** Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Commercial recreation establishments include but are not limited to: skating rinks, water slides, miniature golf courses, arcades, bowling alleys, billiard halls, but do not include movie theaters.

**Commercial Recreation Facilities on Natural Sites:** Commercial recreation premises consisting of woodlands, water courses, and fields used for active recreational activities which do not require modifying the existing setting, including but not limited to, paintball, laser tag, and orienteering.

**Concealed Wireless Communications Facility:** A wireless communications facility, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A concealed facility may have a secondary function, including, but not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree). A non-concealed wireless communication facility is one that is readily identifiable such as a monopole or lattice tower.

**Condominium:** A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

**Contractors:** (SIC Code 15 & 16) General contractors and builders engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

**Contractors, Special Trade:** (SIC Code 17) Contractors who undertake trades of a type that are specialized to assist in building construction and remodeling. This definition includes but is not limited to heating, air conditioning, painting, plumbing, and roofing.

**Convalescent Center or Nursing Home:** A facility that provides nursing services and custodial care on a 24 hour basis for 3 or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

**Convenience Store:** A retail store with a floor area of less than 2,500 square feet that sells groceries and may also sell gasoline but not including automotive service stations, or vehicle repair shops.

**Correctional Facilities:** Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Day Care Facility:** A place other than an occupied dwelling, which provides for the care of children or adults; or a large care home as defined by 10 NCAC 3U.0102 (14). Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. Of those receiving care, only dependents of a large care home operator may reside on the site.

**Day Care Home:** A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations.

If children are the primary clients of the use the following standards must be met:

- A. The home meets all state standards for registration and inspections.
- B. The number of children does not exceed 5 preschool children including the caregiver's children and 3 school aged children not including the caregiver's children.

**Density:** The number of dwelling units per acre.

**Development:** Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of the City or County of Durham, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of materials.

**Development Plan:**

A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this ordinance. The development plan provides guidance for site plans.

**Diet House or Diet Facility:** A facility housing a dietary treatment program supervised by trained professionals which may also contain temporary living quarters for clients.

**Drive Thru or Drive Up Window Establishment:** An establishment that dispenses products or services to patrons who remain in vehicles.

**Driveway:** A private roadway located on a parcel or lot used for vehicle access.

**Durham Natural Inventory:** A survey of botanical habitat areas reported in the Inventory of the Natural Areas and Rare Species of Durham County, Robert D. Sutter, March, 1987 and a survey of zoological habitat areas reported in the Inventory of the Wildlife Habitats, Movement Corridors, and Rare Animal Populations of Durham County, North Carolina, by Steven P. Hall, August, 1995, both as amended.

**Dwelling, Duplex (Or 2 attached dwellings):** A building containing 2 individual dwellings. This definition does not include a single family dwelling with an accessory dwelling unit. (Diagram 2)

**Dwelling, Multifamily:** A building containing 4 or more individual dwellings with separate cooking facilities and toilet facilities for each dwelling.

**Dwelling, Single Family:** A building designed for, or occupied exclusively by, 1 family. Not to include manufactured housing. (Diagram 1) Modular housing as defined elsewhere is included in this definition.

**Dwelling, Triplex (Or 3 Attached Dwellings):** A building containing 3 individual dwellings. Accessory dwelling units are not included in this definition. (Diagram 3)

**Dwelling Unit:** Rooms used for human habitation containing independent cooking, sleeping, and toilet facilities but excluding boarding houses, hotels, and dormitories. Included in this definition are "stick-built" and/or modular construction. Manufactured housing is defined elsewhere in this Section.

**Elevated Building:** A non-basement building built to have the lowest floor elevated above the ground level.

**Emergency Shelter:** A facility providing temporary sleeping quarters and meals at no cost for more than 6 individuals. Employees and volunteers provide on-site supervision.

**Family:** One (1) or more individuals residing in a dwelling unit, living as a single housekeeping unit, and complying with the following rules:

- A. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit;
- B. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed 3. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.
- C. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

**Family Care Home:** A dwelling that provides room and board for not more than 6 persons who because of age, illness, handicap, or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All family care home facilities shall be regulated by the State of North Carolina.

**Farm:** See: "Agricultural Uses"

**Feed Lines:** Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

**Financial Institutions:** A use where some or all of the following business services are provided to the public: banking, savings and loans, credit unions, security exchanges, safe deposit vaults, and investment services.

**Flex Space:** Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

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

**Flood Boundary and Floodway Map (FBFM):** The maps provided by the National Flood Insurance Program of the Federal Emergency Management Agency (FEMA), dated January 2, 1979, and any revisions thereto, on which have been delineated both the areas of special flood hazard the risk premium zones (Zone A, AE or AO).

**Flood Insurance Rate Map (FIRM):** The maps provided by the National Flood Insurance Program of the Federal Emergency Management Agency, dated January 3, 1979, and any revisions thereto, on which have been delineated both the areas of special flood hazard and the risk premium zones.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency, dated July, 1978, and any revisions thereto. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

**Flood Protection Elevation:** The natural base flood elevation plus 1 foot (See "Base Flood Elevation").

**Floodway:** The area within the special flood hazard areas that has been identified on the Flood Boundary and Floodway Map, which area is the portion 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 1 foot.

**Floodway Fringe:**

The area within the special flood hazard area that has been identified on the Flood Boundary and Floodway Map, which area is adjacent to but not within the Floodway but is within the 100 year floodplain and is inundated by the base flood.

**Floor area, Accessory Dwelling:** Area of finished living space used as the accessory dwelling, excluding: the primary dwelling, any unfinished area used exclusively for storage or mechanical elements, uncovered steps and uncovered porches.

**Floor area, Primary Dwelling:** Area of finished living space used as the primary dwelling, excluding: any accessory dwelling on the same lot, any unfinished area used exclusively for storage or mechanical elements, uncovered steps, and uncovered porches.

**Floor Area Ratio (FAR):** The ratio of building area to parcel area. Floor area ratio is a measure of non-residential land use intensity.

**Forestry:** A woodland area used for growing trees, harvesting timber or replanting trees in accordance with a management plan endorsed by the NC Division of Forest Resources.

**Foster Care Home:** A dwelling where a person performs the duties of a parent to the child of another by rearing the child and acting as a guardian.

**Fraternity or Sorority House:** A structure used as a dwelling by fraternity and sorority members in association with a college or institution.

**Frontage:** The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded.

**Funeral Home:** A building used in the preparation of the dead for burial or cremation. Also a facility where funeral services are held, funeral vehicles are stored, and caskets and other funeral supplies are sold.

**Garage, Commercial:** See: "Vehicle Repair Shop"

**Garage, Private:** Any garage intended for, and used to park, the private motor vehicles of the families resident upon the premises.

**Garage, Public:** Any garage intended for, and used to park vehicles which is not included within the definition of a private garage.

**Geographic Search Area:** An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

**Golf Course:** An area laid out for playing golf, which may include some or all of the following accessory facilities: clubhouses, putting greens, swimming and tennis facilities, concessions for food and supplies. Driving ranges may also be included, unless specifically excluded by provisions of this ordinance. This definition does not include Par 3 or miniature golf.

**Gross Density:** The quotient of the total number of dwelling units divided by the total gross acreage of a site.

**Gross Floor Area:** The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.

**Gross Tract Area or Gross Acreage:** The total area of a project including rights-of-way, open space, and dedicated public properties.

**Group Home:** A dwelling operated under state regulations that provides room and board for more than 6 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.

**Guest Room:** A room or suite used as living accommodations for 1 or more paying visitors.

**Guyed:** A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

**Handoff Candidate:** A wireless facility that receives call transference from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**Hazardous Material or Hazardous Waste:** Materials, or mixtures containing those materials, which pose a physical, environmental or health hazard by virtue of their carcinogenic, corrosive, highly toxic, irritant, sensitizing or toxic properties as defined in 29 CFR 1910.1200. Included in this definition are materials included in EPA's most recent Priority Pollutants List and substances which are regulated, or caused to be regulated, under provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. For the purposes of this Section, hazardous materials shall include hazardous wastes, which are the byproducts resulting from the use of hazardous materials, materials which have been used to clean up spills of hazardous materials, and hazardous materials which have reached their shelf-life or have been used or contaminated. Also included in this definition are hazardous wastes regulated, or caused to be regulated by the Resource Conservation and Recovery Act (40 CFR 261, Subpart C and Subpart B).

**Heavy Equipment:** Any vehicles that have a Gross Vehicle Weight (GVW) of at least 13 tons, or any construction equipment, or any farm equipment.

**Heliport:** An area of land, water, or structural surface designed for discharge or pickup of passengers or cargo from or by helicopters, plus accessory buildings and uses.

**Helistop:** An area of land, water, or structural surface designed for discharge or pickup of passengers or cargo from or by helicopters, but excluding field service or maintenance.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Home Occupation:** Any occupation conducted by the inhabitants of the dwelling, which is secondary to the main use as a dwelling, and causes no change in the exterior of the dwelling. Home Occupations are further defined in Section 7.

**Hospital:** An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

**Hotel, Motel:** A building or group of buildings containing 10 or more guest rooms, for transient guests, and containing registration facilities, on-site management, cleaning services and combined utilities.

**Industry:** A use engaged in the processing of raw materials or the manufacture of materials or products.

**Intermittent Stream:** A watercourse that collects surface runoff and a) is shown as a dashed blue line on the most recent USGS seven and one-half (7 1/2) minute quadrangle topographic maps or is shown as an intermittent stream on maps in the most recent US Department of Agriculture Soil Survey of Durham County, North Carolina; and b) drains an area greater than 25 acres. Where a USGS topographic map and the Soil Survey map show a difference in stream type for a particular reach of stream, the map that offers the greater stream protection shall apply

**Intermodulation Distortion:** The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

**Junk Yard:** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste, or for operation and maintenance of a place of business for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor parts.

**Kennel:** A commercial establishment engaged in boarding, breeding, buying, selling, grooming or training of pet animals.

**Laboratories:** A place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

**Land Disturbing Activity:** Any use of land by any person in residential, industrial, educational, institutional or commercial development and in highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. This includes borrow and waste disposal activity not regulated by the provisions of the Mining Act of 1971 or the Department of Human Resources, Division of Health Services. Land Disturbing Activity shall not include forestry activities conducted in conformance with Section 8.1.3, Forestry.

**Landfill, Sanitary:** A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

**Landfill, Demolition:** A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

**Landmark Signs:** Signs which have received an official designation because they serve as visible reminders of the historic or cultural heritage of Durham, or serve as community landmarks, or are unique in character, or which display craftsmanship and/or materials no longer in common use. Landmark signs may be free standing, mounted on structures, placed in windows, or painted on walls.

**Landscape Plan:** A portion of a site plan that graphically illustrates the locations of landscape features including materials and specifications of plant materials, fencing, screening and ground form. This includes spot elevations, details, plant material quantity, common and botanical names, and minimum sizes.

**Lattice:** A tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

**Laundromat:** A commercial establishment where self-service washing machines and clothes dryers are available for public use.

**Least Visually Obtrusive:** A Wireless Communication Facility (WCF) that is designed to present a visual profile that is the minimum profile necessary for the facility to properly function.

**Light Industry:** The manufacture, service, repair or testing of products taking place in a totally enclosed building. There is no outside storage. Noise, odor, glare or emissions from the industrial activity are not detectable off of the property.

**Linear Block:** That property abutting one side of a street between the 2 nearest intersecting or intercepting streets, natural barrier, or between such cross-street and the end of a dead end street or cul-de-sac. Where a street curves so that any 2 adjacent 100 foot chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

**Loading Area:** A space used to transfer goods and material between vehicles and a building or lot.

**Lot:** For the purpose of this ordinance, a parcel of land that is to be used, developed or built upon and a unit under single ownership.

**Lot, Corner:** A lot abutting 2 or more streets at their intersection, where the angle of intersection is 120 degrees or less. (Also see: "linear block")

**Lot, Flag:** An irregularly shaped lot which has an appendage or extension which does not meet the dimensional requirements of the district.

**Lot, Front of:** The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, either side abutting a street may be considered to be the front, provided the building to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located.

**Lot, Interior:** A lot other than a corner lot. (Diagram 7)

**Lot Line:** Boundary of a lot.

**Lot of Record:** A parcel of land described by metes and bounds or a lot that is part of a subdivision where the description or plat has been recorded in the office of the Register of Deeds of Durham County prior to the adoption of this ordinance.

**Lot, Through:** A lot, other than a corner lot, with frontage on more than one street. These lots may also be called "double frontage lots".

**Lot Width:** The distance between the side lot lines, measured along a straight line parallel to the front property line or parallel to the chord of the front property line at a point 50 feet back from the front property line or at the building line on flag lots or gore shape lots. (Diagram 9)

**Manufactured Home (Class A, B, C):** A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code and is composed of 1 or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within the text of this ordinance, when the term single family dwelling is used it shall not include a manufactured home.

**Manufactured Home, Class A:** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- A. The manufactured home has a length not exceeding 4 times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- B. The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- C. The pitch of the roof of the manufactured home has a minimum vertical rise of 3 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- D. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- E. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- F. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with NC Building Code and Durham Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- G. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- H. The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

**Manufactured Home, Class B:** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, and that meets or exceeds the following criteria:

- A. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- B. The moving hitch, wheels and axles, and transporting lights shall be removed.
- C. The manufactured home shall be skirted with a durable material that encloses the area between the chassis and the ground. Durable material includes but is not limited to vinyl or masonry.
- D. The manufactured home shall meet requirements of the North Carolina Department of Insurance for installation and tie-downs.

**Manufactured Home, Class C:** Any manufactured home that does not meet the definition of a Class A or Class B manufactured home.

**Manufactured Home Park:** A residential development under single ownership with sites for manufactured homes of Class A or B and various other facilities for the residents of the development.

**Manufactured Home Subdivision:** A recorded subdivision containing residential lots for individual sale and occupancy by Class A or B manufactured homes.

**Manufacturing, Heavy:** The processing of raw materials such as lumber, metals, food products or petroleum; or the assembly, fabrication or processing of goods that have impacts on adjacent properties; or uses that require large amounts of outside storage or equipment.

**Manufacturing, Research Related:** The assembly or fabrication of products where scientific research comprises a significant component of the value added by manufacture for each unit of product. This definition includes but is not limited to, electronic products, pharmaceuticals, computer equipment, scientific equipment, optical equipment, precision instruments, medical equipment, and communications equipment. Heavy manufacturing is not included in this definition.

**Manufacturing, Selected:** The assembly or fabrication of products having few off-site impacts and generally taking place in an enclosed building. These industries are further defined using SIC Codes found in the I-2 zoning district.

**Mass Grading:** The grading of five (5) acres or more at one time to prepare multiple lots for construction, rather than lot-by-lot grading at the time of building construction. This definition does not include grading necessary to install required infrastructure such as roads and utilities.

**Mean Sea Level (MSL):** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

**Medical Clinic:** See: "Clinic"

**Mini-warehouse:** A building divided into units that are leased individually for storage. Storage shall be limited to dead storage. For the purpose of this ordinance, dead storage excludes on site retail, manufacturing, or service operations. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included.

**Mitigation:** A modification to increase the height of an existing antenna support structure, or to improve the structural integrity of an existing antenna support structure, or to replace or remove one or several antenna support structure(s) located in close proximity to a proposed new antenna support structure in order to encourage compliance with the ordinance, improve aesthetics, or functionality of the overall wireless network.

**Modular Unit or Modular Home:** A factory-fabricated, transportable building or dwelling, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building on a permanent location on a permanent foundation. A modular unit shall not be considered a manufactured unit or manufactured home for the purpose of this ordinance. The unit is approved by the North Carolina Building Code.

**Monopole:** A style of free-standing antenna-supporting facility that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

**Multifamily Unit:** See: Dwelling, Multifamily.

**Museums:** Establishments of a noncommercial nature, receiving some governmental funding which are used for the display of art, historic, or science objects for the purpose of education and research.

**NCAC:** North Carolina Administrative Code.

**NCGS:** North Carolina General Statutes.

**Net Tract Area or Net Acreage:** The residual acreage of a project after the amount of rights-of-way, open space, and public property have been deducted from the "Gross Tract Area".

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**Night Club:**

*City Definition:*

An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 and older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS 18B-1000(6), clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health and athletic facilities.

*County Definition:*

An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 and older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS 18B-1000(6), retail stores, convenience stores, clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health athletic facilities.

**Non-Conforming Building or Structure:** A building or structure that is not in conformance with the provisions of the zone in which it is located.

**Non-Conforming Lot:** Surveyed and recorded lots that met existing zoning regulations when created but no longer conform with adopted regulations.

**Non-Conforming Use:** Use of a building or of land that does not conform to the regulations for the district in which it is situated.

**Nuclear Material or Nuclear Waste:** Any natural or man-made material which undergoes radioactive decay, during which process it releases energy in the form of ionizing radiation; this also includes any mixture of materials which contains nuclear material. For the purpose of this Section, nuclear material shall include nuclear waste, which is any material that is a byproduct resulting from the use of radioactive material.

**Nursing Home:** See "Convalescent Center"

**Office:** A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

**Open Space:** Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or home owners association. Public open space is open space owned by a governmental jurisdiction.

**Outparcel:** Individual retail sites in a shopping center. The square footage of the outparcels is less than the square footage of the attached retail spaces which form the majority of the square footage of the shopping center.

**Owner:** Any person having charge of any real property according to the records held by the Register of Deeds.

**Parking Lot:** An area of land where vehicles are kept on a daily, overnight, or temporary basis; not to include the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles.

**Parking Space:** A designated off-street area designed to accommodate the parking of one vehicle.

**Passive Recreation:** Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

**Perennial Stream:** A watercourse that collects surface runoff and is a) shown as a solid blue line on the most recent USGS seven and one-half (7 1/2) minute quadrangle topographic maps or is shown as a perennial stream on maps in the most recent US Department of Agriculture Soil Survey of Durham County, North Carolina, and b) drains an area greater than 25 acres. Where a USGS topographic map and the Soil Survey map show a difference in stream type for a particular reach of stream, the map that offers the greater stream protection shall apply.

**Person:** Any individual, partnership, unincorporated association, joint venture, or corporation owning, keeping, or having charge of any real or personal property subject to this ordinance including any other legal entity recognized by State or Federal Law, as having legal existence in the State of North Carolina.

**Personal Service Establishments:** An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: barber shops, cleaners, and shoe repair shops.

**Personal Wireless Service:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Public Antenna-Supporting Structure:** An antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

**Public Safety Communications Equipment:** All communications equipment utilized by the City/County of Durham for the purpose of operation in the interest of the safety of the citizens of Durham and operating within the frequency range of 806 MHz and 1,000 MHz and future spectrum allocations at the direction of the FCC.

**Pilot Plant:** A building or operation in which processes planned for use in production elsewhere can be developed and/or tested, but not including the production of any goods on the premises primarily for sale or for use in production operations.

**Place of Worship:** A building primarily used by a non-profit organization for organized religious services and supporting uses.

**Planning Commission:** The Durham Planning Commission.

**Planning Department:** The Durham City-County Planning Department.

**Principal Use:** The main use of land or buildings as opposed to a secondary or accessory use.

**Public Facility:** A building or area owned or used by any department or branch of the Durham City Government, Durham County Government, the State of North Carolina, or the Federal Government.

**Public Park or Playground:** A park or playground available to the general public.

**Public Utility:** A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service.

**Quasi Public:** Uses rendering public services yet under private control.

**Radio Frequency Emissions:** Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection.

**Recycling Center:** A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junk yards or wrecking yards.

**Recycling Drop Off Site:** A site providing containers for the collection of recyclable materials, typically an accessory use. Recyclable materials are transported from the drop off site to another location for processing.

**Repair Shop:** A structure or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed building. Vehicle repairs are a separate definition.

**Reservoir Watershed:**

The entire drainage basin which contributes to a reservoir intended to be a source of public drinking water.

**Residency Hotel: (Are often called an apartment hotel or single room occupancy housing or SRO):**

A building or group of buildings containing 10 or more guest rooms for transient or permanent residents. (Transients are generally daily rentals and permanent are generally weekly or monthly rentals.) Occupancy shall not exceed 2 people per guest room. Registration facilities, 24 hour on site management and housekeeping services shall be provided. Accessory uses may include restaurants, laundry facilities, or other services for occupants.

**Residential Zoning District:** Any zoning district with the "R" designation, (RD, R-20, etc) including the PDR district.

**Restaurant:** An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias and lunch counters.

**Retail Center:** A grouping of business providing goods and services to individuals.

**Retail, Fabrication Business:** Establishments in which products may be manufactured, processed, or assembled on-site, for on-site retail sale; including: metal work, sign painting, and cabinetmaking. There is no outside storage or operations.

**Retail Stores and Shops:** Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include vehicle or heavy equipment sales but shall include video rentals.

**Retirement Center, Life Care Facility, or Elderly Congregate Living Facility:** A development for 6 or more persons. The facility provides housing and some degree of food service and may also provide individual assistance with some medical needs or housekeeping. The facility may also provide recreational facilities and some personal service shops such as a bank or barber shop.

**Roadside Stand:** A structure (generally an open air structure) used for display and sale of products grown or produced on-site and the incidental sale of products from off-site. Sales are conducted on a temporary or seasonal basis.

**Rooming House:** A building other than a motel, hotel, bed and breakfast inn or boarding house, containing not more than 9 guest rooms. A rooming house may not contain kitchen facilities within the guest rooms, and no meals are served to guests.

**Root Zone Protection Areas:** The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid the tree's survival. Root zone protection areas shall be the greater of a) a six (6) foot radius around the tree or b) one (1) foot for every inch of tree diameter measured at a point four and one half (4 1/2) feet above the ground. Root zone protection area measurements shall be rounded off to the nearest foot.

**Runoff:** Water from precipitation which flows off a property.

**Salvage Yard:** A space or building for the storage of metal scrap, scrap materials or the dismantling of vehicles and machinery or where more than 2 inoperable motor vehicles are placed, not to include vehicle storage areas.

**Satellite Dish Antenna [Satellite Earth Station]:** A single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

**School, Public or Private:** *County Only:* A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary or secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However this definition does not include day care facilities, individual instruction, or classes in a specialized subject.

**School, Public:** *City Only:* An institution which offers regular instruction at the preschool, primary, or secondary level, or serves disabled students, and which is directly controlled and supervised by the Durham Board of Education or the State of North Carolina or a state agency. Among other things, this definition does not include charter schools, day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

**School, Private:** *City Only:* An institution which offers regular instruction at the preschool, primary, or secondary level, or serves disabled students, and which is not directly controlled and supervised by the Durham Board of Education or the State of North Carolina or a state agency. Among other things, this definition does not include day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

**School, Technical, Trade, Vocational or Business:** An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects; or a facility offering instruction at any level in martial arts, art, drama, dance, speech, music, or similar personal skills.

**Screen:** Plant materials and other landscape or architectural elements used separately or in combination to obscure views.

**Service Station:** *City Only:* Facilities used for the retail sale of gasoline, oil, or other fuels for the propulsion of motor vehicles and incidental services, including facilities for lubrication, and light repairs, but excluding convenience stores. This definition shall also include buildings or premises where tire sales or oil changes for passenger vehicles are conducted as the primary activity. Tire sales or oil changes may be accompanied by activities associated with routine maintenance of passenger vehicles such as tune ups. This definition shall not include major mechanical repairs, vehicle storage, or body work. In addition, this definition shall not include uses that feature parking, storage fueling, or servicing of heavy equipment or semi-trailers.

*County Only:* Facilities used for the retail sale of gasoline, oil, or other fuels for the propulsion of motor vehicles and incidental services, including facilities for lubrication, and repairs, but excluding convenience stores. [*County defines oil change establishments and tire sales establishments as Vehicle Repair establishments.*]

**Setback:** The distance between a property line and a building or structure. Unless specifically noted in the text, ground level parking and security gatehouses may be located within the setback area.

**Setback, Required:** The minimum distance between the property line and the building required by the zoning district and measured from the property line.

**Shopping Center:** A group of retail businesses developed under a uniform development scheme containing at least 20,000 square feet of gross floor area and served by common off-street parking facilities.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. For the purposes of this ordinance, this definition shall not include "trade dress" as a sign, i.e., architectural features identified with a product or business.

**Site Specific Development Plan:** A plan which meets all requirements of a site plan that is submitted for consideration at a Vested Rights public hearing as specified under the Vested Rights provisions of this ordinance.

**Start of Construction:** The date the building permit is issued, provided that the actual start of construction, repair, reconstruction, or improvement is within 6 months of the permit date. The actual start means 1) the first placement of permanent construction of a structure or manufactured home on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or 2) the placement of a manufactured home on a foundation. The permanent construction does not include 1) land preparation, such as clearing, grading and filling, 2) the installation of streets and/or walkways, 3) excavation for basement, footings, piers or foundations or the erection of temporary forms, or 4) 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.

**Steep Slope Areas:**

Steep slope areas shall be defined as land areas that a) have a grade of 25 percent or more, b) have an area of ten thousand (10,000) square feet or greater and c) are located within two hundred (200) feet of any floodway fringe and perennial stream or within one hundred (100) feet of an intermittent stream. Steep slope areas refer to natural grades and shall not include man-made grades.

**Story:** The vertical space of a building as defined by the North Carolina Building Code.

**Stream Buffer:** A natural or vegetated area adjacent to watercourses through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants.

**Stream Edge:** The shoreline of a stream during periods of average flow.

**Street Frontage:** The boundary of a property adjacent to one side of a street.

**Street, Private:** An area intended for local vehicular traffic, owned and maintained by a private corporation, individual, or group of individuals.

**Street, Public:** An area for vehicular traffic that is dedicated to or maintained by a public agency.

**Street Width:** The horizontal distance between the side lines of a street, measured at right angles to the side lines.

**Structure:** A walled and roofed building that is principally above ground or a manufactured home. For purposes of floodplain management, this term shall also include gas or liquid storage tanks, or other man made facilities or infrastructures.

**Subdivision:** The division of property into two or more lots or parcels.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, where the cost equals or exceeds 50% of its tax value or its replacement value, as determined by the Inspections Department. The base value can be determined from either (1) the value before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, the value before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed in the National Register of Historic Places or on a State Inventory of Historic Places.

**Support Equipment:** Any and all devices utilized to attach or hold antennas, feed lines or any related equipment to the WCF.

**Theater:** A building or structure which contains an assembly hall for the performing arts and/or for the showing of motion pictures.

**Theater, Drive-In:** An outdoor facility where motion pictures are viewed from passenger vehicles.

**Thoroughfare:** A street whose primary use is carrying traffic between major centers of traffic and designated as a thoroughfare on the adopted Thoroughfare Plan for Durham City and County.

**Townhouses:** A group of 4 or more attached dwellings which each have separate entrances to the outside and are entirely separated from each other by walls that meet North Carolina Building Standards. (Appendix 4)

**Towers for transmitting and receiving electronic signals:** Structures whose principal function is to support communication antenna(s).

**Tract:** Contiguous land under one ownership or under multiple ownership either developed as a single unit or recorded as a single unit.

**Trailer:** A portable enclosure designed to be towed by a vehicle and used for carrying objects, animals, or for temporary occupancy by traveling or vacationing individuals. Trailers are not to be defined as Manufactured Housing for zoning purposes.

**Transfer Station:** A facility where waste materials from residences, commercial and industrial establishments are transferred to vehicles which will take the materials to a landfill or other disposal site.

**Ultimate Right-Of-Way:** A line running more or less parallel to the centerline of certain existing or proposed streets for the purpose of determining future width as established by the officially adopted Thoroughfare Plan.

**University:**see: "College or University."

**Utility structure:** See: "Public Utility."

**Urban Growth Area:** Land defined by the Urban Growth Boundary. Land within the Durham City Limits and land surrounding the City Limits which can be expected to receive urban services within the next 20 to 30 years.

**Use:** The purpose for which a building, structure, or area of land may be arranged or occupied or the activity conducted or proposed in a building, structure, or on an area of land.

**Variance:** A grant of relief to a person from the requirements of this ordinance which permits construction or use in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Vehicle Repair Shops:**

*City Only:* Buildings and premises where mechanical work, servicing, and repair of motor vehicles is conducted as the primary activity. Excluded from this definition are dwellings where not more than 2 vehicles owned by the lawful residents of the dwelling are repaired on-site.

*County Only:* Buildings and premises where mechanical work, servicing, and repair of motor vehicles is conducted as the primary activity. Included in this definition are tire sales and oil change establishments. Excluded from this definition are dwellings where not more than 2 vehicles owned by the lawful residents of the dwelling are repaired on-site.

**Vehicle Sales:** An area of land, a building, or structure used for the display of vehicles that are for sale.

**Vehicle Storage Areas:** A holding facility for the storage of wrecked operable or inoperable vehicles awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by the police. No dismantling of vehicles is permitted.

**Vehicles:** All motorized vehicles as defined by the State of North Carolina Department of Motor Vehicles, including but not limited to: automobiles, trucks, buses, all terrain vehicles (ATVs) and motorcycles. This definition shall not include "Heavy Equipment" as defined elsewhere.

**Vested Rights:** Right of property owner to develop according to the terms of an approved site specific development plan or building permit even if the zoning or zoning district requirements are changed prior to development. Vested rights are described in Section 18.

**Warehousing:** The storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.

**Wholesaling or Wholesale Trade:** Businesses involved in the sale of goods, products or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

**Wireless Ancillary Structures:** Forms of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

**Wireless Communication Facility (WCF):** Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment enclosures, and may include an antenna-supporting formation. The following facility types shall be considered as a Wireless Communication Facility: developments containing new, mitigated or existing antenna-supporting structures, public antenna-supporting structures, replacement antenna-supporting structures, co-location on existing antenna-supporting structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities; but excluding amateur wireless facilities satellite dish antenna, and antenna supporting structures, antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities.

**Wireless Communication Facility Equipment Compound:** A fenced outdoor area surrounding a wireless communication facility including the areas inside or under the antenna-support structure's framework and WCF support equipment.

**Wireless Communications:** Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

**Yard:** An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

Ground level parking may be located in the yard unless specifically regulated elsewhere in this ordinance. (Appendix A, Diagram 10)

**Yard, Front:** A yard extending across the full width of the lot and lying between the street frontage of the lot and the nearest line of the building front.

**Yard, Rear:** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. The depth of a rear yard shall be measured at right angles to the rear line of the lot.

**Yard, Side:** A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front street line and the rear lot line. In residential districts, except RD and R-20, the main entrance to individual dwelling units may not be located on the side yard side of a dwelling unless the side yard has been increased to the same depth as the front yard requirements. In the RD and R-20 zones, the main entrance may not be located on the side yard unless the side yard has a depth of at least 20 feet. (Appendix A, Diagram 6)

**Zero Lot Line:** A development in which one or more detached dwelling units abuts at least one property line. This definition does not include townhouses.