

# **CHAPTER 1    DEFINITIONS**

## **ARTICLE I ADMINISTRATIVE AND LEGAL PROVISIONS**

### **1-1 Definitions in the Flood Damage Prevention Ordinance**

Definitions in the Flood Damage Prevention Ordinance are not included in this section, as they are defined in the Code of Federal Regulations and may vary from these definitions adopted by the Rockingham County Commissioners for interpretation of the zoning, subdivision and watershed ordinances).

### **1-2 Interpretation of Words, Terms and Graphics**

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for purposes of the Unified Development Ordinance, have the meanings as indicated. Terms that are defined in other sections of the UDO shall apply as indicated in those sections. All words and phrases not defined shall be defined by reference first to comparable usage in the State statutes or the State Building Code, then by ordinary and common meaning.

Words used in the present tense include the future tense, and words used in the future tense include the present tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise.

Words used in the male gender include the female gender.

The word "shall," "will" and "must" are mandatory implying an obligation or duty to comply with the particular provision..

The word "may" is permissive.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "structure" shall include the word "building."

The word "lot" shall include the words, "plot," "parcel," or "tract."

Illustrations and captions are provided for purposes of describing, clarifying or presenting examples of the definitions in the text and do not replace or limit the meaning of the text.

## **ARTICLE II DEFINITIONS**

### **Access Lot**

A lot having lake or river frontage and road frontage which offers lake frontage and/or lake access to those lots not having direct lake frontage within a lakefront subdivisions.

### **Access Corridors**

A strip of land lying between the side lot boundary lines of Lake Front lots offering access to lots one lot depth away from the water's edge.

### **Accessory Use**

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

### **Agricultural Use of Water**

The use of waters for stock watering, irrigation, and other farm purposes. (Amended 11/1/1993; Effective Date 1/1/1994)

### **Agritourism activity**

Activities conducted on a working farm and offered to the public or invited groups for the purpose of recreation, education, or active involvement in the farm operation that generates supplemental income for the owner. These activities must be related to agriculture and subordinate (secondary and incidental) to the primary farming operation. This term includes but is not limited to: farm tours, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. (Amended 4/10/2006)

### **Airport**

Any public or private area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport. This definition shall not include an airstrip.

### **Airport Hazards**

Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft landing or taking off at the airport.

### **Airstrip**

An area of land or water, located on private property, which is not used in conjunction with flying lessons or the rental or sale of aircraft which the owner of such land uses (or authorizes the use of) for landing and take-off of i) not more than three aircraft owned or leased by the owner of the property, or ii) aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip.

**Alley**

A roadway which affords only a secondary means of access to abutting property.

**Alterations**

The word "alteration" shall include any of the following:

- a. Any addition to the height or depth of a building;
- b. Any change in the location of any of the exterior walls of a building;
- c. Any increase in the interior accommodations of a building.

**Animal Units**

A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations. One hundred animal units equates to 70 dairy cows, 100 beef cattle, 250 hogs, 50 horses, 1,000 sheep, 5,500 turkeys, 3,000 chicken with liquid manure systems, 10,000 chickens with continuous overflow waterers, or 500 ducks. (Amended 11/1/1993; Effective Date 1/1/1994)

**Antenna**

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC. (Amended 7/11/2005)

**Apartment**

A room or suite of one (1) or more rooms in a multi-family residence (three or more dwelling units) intended for use as a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

**Area of Operation /Point of Operation/Operation Area**

The portion of a tract of land on which a business or industry is situated that is actually under use for the operations. This includes the area occupied by buildings, structures, equipment, parking, storage and other similar operations. Driveways and internal roads may extend beyond the area of operation.

**Asphalt Plant**

A plant or facility, including all related equipment for the manufacture and production of a black or brown "tarlike" variety of bitumen, which when mixed with proper amounts of sand or gravel or both, results in material suitable for paving and/or roofing, etc.

**Automobile Service Station**

A building or other structure or a tract of land where gasoline or other similar fuel, stored in tanks, is dispensed directly to users of motor vehicles. The following activities are included as accessory uses to a service station; the dispensing of oil, grease, antifreeze, tires, batteries, and automobile accessories directly to

users of motor vehicles; tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items listed above; washing of automobiles, provided that no chain conveyor, blower, steam cleaner, or other mechanical device is employed. All other activities shall be prohibited, including, but not limited to, upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling and auto sales.

**Balance of Watershed**

The entire water supply watershed, minus the critical area. (Amended 11/1/1993; Effective Date 1/1/1994)

**Bed and Breakfast Home**

A private home offering bed and breakfast accommodations to eight or less persons per night for a period of less than a week. (15A NCAC 18A 2200) (Amended 2/8/2010)

**Beneficial Fill**

Fill material consisting only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel where fill activity involves no excavation.

**Best Management Practices (BMP's)**

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. (Amended 11/1/1993; Effective Date 1/1/1994)

**Board of Adjustment**

A committee of citizens appointed by the Board of County Commissioners to hear quasi-judicial zoning matters, most commonly variance petitions. (Source SOG)

**Bona fide farm**

The use of one or more tracts of land for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products. Large swine farms (i.e. those that include more than 250 animal units) are not included in the definition of a "bona fide farm."

**Buffer**

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and

from the bank of each side of streams and rivers. (Amended 11/1/1993; Effective Date 1/1/1994)

**Building**

Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or property.

**Building, Accessory**

A subordinate building, the use of which is incidental to that of a principal building on the same lot.

**Building, Principal**

A building in which is conducted the principal use of the lot on which said building is situated.

**Building Setback Line**

A line establishing the minimum allowable distance between the main portion of any building and the street or highway right-of-way line when measured perpendicularly thereto. Covered porches, patios and carports, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into the required yard.

**Built-upon Area (impervious area)**

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Amended 11/1/1993; Effective Date 1/1/1994)

**Cement Manufacturer**

An establishment primarily engaged in manufacturing Portland, natural, masonry, pozzalanic and other hydraulic cements. Cement manufacturing establishments may calcine earths or mine, quarry, manufacture or purchase lime.

**Certificate of Occupancy**

A statement signed by an Enforcement Officer, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both. (Source SOG)

**Certification**

The signature and seal of a licensed professional engineer. (Amended 7/11/2005)

**Chemical**

An element, chemical compound, mixture of elements or compounds or both. This definition shall not include pharmaceutical manufacturing.

**Chemical Manufacturing**

A facility primarily involved in the production, synthesis, formation processing, refining, manufacturing and or distribution of chemical products in bulk for other than retail sales on-site. This definition does not include Pharmaceutical Manufacturing.

**Chemical Storage Facility**

A facility whose primary use is for the storage of chemical compounds in bulk.

**Chip Mill**

A mechanized facility that grinds whole logs into wood chips for paper, particle board and other products and is capable of producing at least 250,000 tons annually. Temporary mobile "tub grinding" operations are not included in this definition

**Clerk of Superior Court**

Clerk of Superior Court of Rockingham County, North Carolina.

**Cluster Development**

Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes non-residential development as well as single-family residential and multifamily developments. For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.

**Co-location**

The shared use of a tower or structure to support antennae for the provision of wireless services. (Amended 7/11/2005)

**Commercial/Commercial Use**

The use of a building and/or land for the purpose of operating a business intended to profit, whether or not a profit is actually realized, through the exchange of monies for goods and/or services.

**Commercial Incinerator**

Any enclosed device that burns more than 250 pounds of any material per hour other than the classical boiler fossil fuels, such as natural gas, propane, coal or fuel oil, which is a principal use on any lot or parcel.

**Commercial Livestock Auction**

A facility or area used for the commercial selling or buying of livestock on a set schedule (i.e. weekly or monthly).

**Comprehensive Plan**

The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, official map, and any other plans regarding land use and development that have been officially adopted by the Board of County Commissioners.

**Concrete Monuments**

Concrete monuments shall be as described in the most recent edition of "The Standards of Practice for Land Surveying in N.C." as required by G.S. 47-30.

**Concrete Supplier (Ready Mix)**

An establishment primarily engaged in manufacturing hydraulic cement, including Portland, natural and masonry cements to be delivered from the site to a purchaser in a plastic and unhardened state. This industry includes production and sale of central-mixed concrete, shrink mixed concrete and truck mixed concrete. Also included are the manufacture of concrete products from a combination of cement and aggregate.

**Conditional District Zoning**

A zoning map amendment that adds site-specific standards and conditions to the rezoning. The decision is entirely legislative. (Source SOG)

**Condominium Development**

Two or more single units in a multi-unit structure with common areas and facilities on one tract of land. Unit owners own only the interior portion of their unit and accessory space, and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments.

**Cone of Illumination**

The area, as measured on the ground, illuminated by a lighting device.

**Construction Activity**

The act of adding an addition to an existing building or structure; the erection of a new principal or accessory building or structure on a lot; or the addition of appurtenances to a building or structure; or mining, dredging, filling, grading, paving excavation, or drilling operations and storage of equipment or materials.

**Convenience Center/Transfer Station**

A facility used for the collection, temporary storage and transfer of solid waste to a landfill as defined by this ordinance.



**Critical Area**

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). (Local governments may extend the critical area as needed.) Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile. (Amended 11/1/1993; Effective Date 1/1/1994)

**Dedication**

A devotion or setting aside of land or some interest or easement therein to a particular public or private use by an unequivocal act of the owner either expressed or implied and whether voluntary or involuntary. Dedicated access by means of a public street is required of all lots created after the effective date of the subdivision ordinance unless a dedicated private street is specifically permitted under the terms of the Unified Development Ordinance. (Implied by amendments dated 4/3/1989)

**Development**

Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil. (Amended 11/1/1993; Effective Date 1/1/1994)

**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. (Amended 11/1/1993; Effective Date 1/1/1994)

**Dwelling Unit**

A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities.

**Dwelling, Single Family**

A detached building containing one dwelling unit.

**Dwelling, Two Family**

A detached building containing two dwelling units.

**Dwelling, Multi-Family**

A building containing three or more dwelling units.

**Electronic Gaming Operations**

Any for-profit business enterprise where persons utilize electronic machines or devices, including but not limited to, computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. The term electronic gaming operations include, but are not limited to cyber-gaming establishments, internet cafes, internet sweepstakes, beach sweepstakes, video sweepstakes or cybercafés. This definition does not include any game operated pursuant to the North Carolina Lottery Act as defined in the North Carolina General Statutes, Chapter 18C.

**Essential Service**

Public or privately owned facilities or systems for the distribution of gas, electricity, steam or water; communication systems and similar functions necessary for the provision of public services (i.e. law enforcement, emergency medical and rescue services, fire protection); government uses and related services.

**Evidentiary Hearing**

The formal hearing required to gather evidence prior to making a quasi-judicial zoning decision. All of the essential elements of a fair trial must be observed, such as having witnesses under oath and subject to cross-examination, no gathering of evidence outside the hearing, written findings of fact, and substantial, competent, and material evidence in the record to support the findings. (Source SOG)

**Ex Parte Communication**

The gathering of evidence or information outside the bounds of a hearing, such as discussing a case with an applicant prior to the hearing.

**Exclusive Use Easement**

An easement for the sole purpose of accessing a lot, in lieu of a public or private road, that is intended to serve that lot and only that lot which it accesses. No other lots may be accessed by this easement.  
(Amended 9/16/1991, Effective 9/17/1991)

**Existing Development.**

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (1) substantial expenditures 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 as authorized by the General Statutes (G.S.153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

A lot described by a valid instrument recorded at the Rockingham County Registry of Deeds or on file at the Office of the Clerk of Court for Rockingham County which conveys or devises the property described therein or a lot which has been surveyed and recorded on a plat at the Rockingham County Registry of Deeds, said recording or filing predating March 17, 1988. (Amendment of 9/16/1991; Effective Date 9/17/1991)

**Existing Lot (Lot of Record).**

(Specific to Watershed Protection)

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

**Explosives Manufacturing**

Manufacturing of a chemical compound, mixture or device, the primary purpose of which is to function by explosion This term includes but is not limited to dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniting cord, igniters and display fireworks but does not include hand-loaded small arms ammunition. OR

Establishments primarily engaged in manufacturing explosive preparations, detonators for explosives, and explosive devices, except ammunition. This use includes but is not limited to dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniting cord, igniters and display fireworks but does not include hand-loaded small arms ammunition. The term includes the manufacture of devices containing explosives and explosive storage sites that are incidental to the manufacture of explosives for sale.

**Extraterritorial Jurisdiction**

The authority of a city to apply its zoning ordinance outside of the city limits. Cities in North Carolina generally have the authority to do this in an area immediately adjacent to the city. This area is often referred to as the "ETJ." (Source SOG)

**FAA**

The Federal Aviation Administration, or its duly designated and authorized successor agency. (Amended 7/11/2005)

**FCC**

The Federal Communications Commission, or its duly designated and authorized successor agency. (Amended 7/11/2005)

**Fall Zone**

The radius measured horizontally from the centerline base of the elevated structure equal to the height of the tower plus 10 percent. (Amended 7/11/2005)

**Family**

Any number of related persons living together as a single housekeeping unit.

**Family.** (Specific to Watershed Protection)

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

**Family Care Home**

A home defined and described in Article 3 of G.S. 168 as having support and supervisory personnel, that provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is defined as person 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 G.S. 122-58.2(1)(b).

**Flea Market**

Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, hand-crafted, used, old or obsolete.

**Fracking or Hydraulic fracturing or Hydrofracking**

A process by which fractures in rocks and rock formations below the earth's surface are opened and widened by injecting chemicals and liquids at high pressure. The larger fissures allow more oil and natural gas to flow out of the formation and into the wellbore, from where it can be extracted.

**Frontage**

All the property abutting on one (1) side of a public or private street or road, an exclusive use easement, or a road easement with no initial dedication as provided for in alternate requirements for lots greater than 10 acres, measured along the street line. (Amended 10/6/2003)

**Garage, Private**

An accessory building intended for and used to store or house, the private motor vehicles of the residents of the premises.

**Garage, Repair**

A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles.

**Gross Floor Area**

The interior floor area of a building exclusive of stairways, storage, closets, and elevators shafts.

**Group Home**

A residential facility for not more than twelve (12) persons licensed by the State of North Carolina, by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a "family care home" as defined by this ordinance, which has support and supervisory personnel and which provides room, board and personal care in a family or group setting. Refer to G.S. 131D-2.

**Guest Home (Tourist Home)**

Any dwelling occupied by the owner or operator in which rooms are rented for lodging or transients and travelers for compensation.

**Guest House**

A free standing dwelling unit that is not attached or physically connected to the principal dwelling unit and is secondary and incidental to the use of the property as single family residential. A guest house may have an attached garage. Recreational vehicles, campers, travel trailers and manufactured homes shall not be used as guest houses.

**Hazardous Material**

Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances). (Amended 11/1/1993; Effective Date 1/1/1994)

**Hazardous or Infectious Waste**

A solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

### **Hazardous Waste Facility**

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. Hazardous waste facility does not include a hazardous waste transfer facility that meets the requirements of 40 Code of Federal Regulations § 263.12. (NCGS 130A-290)

### **Height**

For telecommunications purposes refers to a tower or structure and is the distance measured from the pre-existing grade level to the highest point on the tower or structure, including an antenna or lightning protection device. (Amended 7/11/2005)

### **Home Occupation**

Any use conducted entirely within a dwelling and carried on by the occupants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display and no more than one (1) person, not a resident on the premises, is employed specifically in connection with the home occupation. Uses for a Home Occupation shall include only the following:

- a. The office or studio of a physician or surgeon, dentist, artist, crafts person, musician, lawyer, architect, teacher, or other like professional person residing on the premises;
- b. Workshops not conducted for profit;
- c. Customary home occupations such as millinery, dressmaking and hairdressing, conducted by a person residing on the premises.

Provided that no show window or sales room is installed on the premises and no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes and provided further that not over 25% of the total actual floor area or 500 square feet, whichever is less, of any structure shall be used for home occupations or professional purposes. Off-street parking shall meet the standards and requirements as set forth in this ordinance.

### **Homeless Shelter**

A facility which provides, without charge, temporary lodging for individuals without a residence due to severe weather or other special conditions.

**Hotel and Motel**

A building, or other structure which is used, kept maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which rooms are furnished for the accommodation of such guests; and having or not having one (1) or more dining rooms, restaurants, or cafes where meals or lunches are served to such transients or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes; if existing, being conducted in the same building or buildings in connection therewith.

**Impervious Area**

Is a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, or any concrete, asphalt or compacted gravel surface. Public roads are excluded from computations of impervious area.

**Industrial/Industrial Use**

A use engaged in the manufacturing and basic processing of materials or products predominately from extracted or raw materials or previously prepared materials. This use may also include processing, fabrication, assembly, treatment, packing, storage, sales and distribution of such products.

**Industrial Development (Watershed)**

Any nonresidential development that requires a National Pollutant Discharge Elimination System Permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. (Amended 11/1/1993; Effective Date 1/1/1994)

**Junk**

The term "junk" shall include the following: old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or non ferrous material as described in NCGS 136-143. Junk shall also include, but not be limited to, household appliances, salvaged building materials, salvaged machinery parts, surplus and second-hand materials, any damaged, discarded, obsolete, salvaged, scrapped, worn-out, wrecked or dismantled object, item or material composed in whole or part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper plaster, plaster of Paris, rubber, wool, terracotta, cotton, cloth, canvas, organic material or other substance requiring reconditioning or rebuilding in order to be used for its original purpose.

### **Junked Motor Vehicle**

A motor vehicle that:

- a. Is partially dismantled or wrecked; or
- b. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- c. Is more than five years old and appears to be worth less than one hundred dollars (\$100.00); or
- d. Does not display a current license plate. [NCGS 153A-132(b)(2)]

### **Junkyard**

The use of more than six hundred (600) square feet of any lot for the storage of junk, including scrap metals or other scrap materials or the dismantling or abandonment of automobiles or other vehicles or machinery.

### **Kennel**

Any facility, structure, or building used for a business use (non-profit or for profit) for the purpose of boarding domesticated animals. Such business use includes organizations devoted to the welfare, protection, rehabilitation, or humane treatment of animals. In addition to boarding, kennel activities may include, but are not limited to, the sale of animals, treatment of animals, grooming or cleaning, breeding, letting for hire, or training of domesticated animals. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally accepted household pets. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

- (a) The ownership of domesticated animals as household pets.
- (b) The ownership of domesticated animals for hunting or tracking purposes pursuant to Chapter 113 of the North Carolina General Statutes.

### **Land-disturbing Activity**

Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (GS 113A-52(6))

### **Landfill**

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. [NCGS 130A-290(16)] (Amended 11/1/1993; Effective Date 1/1/1994)

### **Landfill, Land Clearing/Inert Debris (LCID), Major (Off-Site)**

A facility for the land disposal consisting only of land-clearing debris, stumps, tree limbs, other naturally occurring vegetative materials, wood, brick, concrete, uncontaminated soil, gravel and rock, used asphalt, and sand, all of which shall be untreated and unpainted. The facility may not be used for the disposal of



construction or demolition debris. Major LCID Landfills are those which are greater than 2 acres.

**Landfill, Land Clearing/Inert Debris (LCID), Minor (Off-Site)**

A facility for the land disposal consisting only of land-clearing debris, stumps, tree limbs, other naturally occurring vegetative materials, wood, brick, concrete, uncontaminated soil, gravel and rock, used asphalt, and sand, all of which shall be untreated and unpainted. The facility may not be used for the disposal of construction or demolition debris. Minor LCID Landfills shall be limited to 2 acres or less.

**Landfill, Sanitary**

A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under NCGS 130A, Article 9.

**Legislative hearing**

A hearing held for the purpose of soliciting public comments on a proposed change in the zoning text or zoning map. Reasonable time limits on speakers may be imposed and responsible decorum maintained. Unlike quasi-judicial hearings, there is not requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing. (Source SOG)

**Line of Fire** - A line which passes through the firing point and bisects the target.

**Lot**

A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word "lot" includes the words "parcel," "plot," or "tract."

**(a) Corner Lot**

A lot abutting upon two streets at their intersections. The street line forming the least frontage shall be deemed the front of the lot.

**(b) Double-Frontage Lot**

A continuous (through) lot which is accessible from both of the parallel street upon which it fronts.

**(c) Lot Depth**

The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the rear lot line.

**(d) Lot Front**

That part of the lot adjacent to the street or land access.

**(e) Lot of Record**

A lot described by a valid instrument recorded at the Rockingham County Registry of Deeds or on file at the Office of the Clerk of Court for Rockingham County which conveys or devises the property described therein or a lot which has been surveyed and recorded on a plat at the Rockingham County Registry of Deeds, said recording or filing predating March 17, 1988. (Amendment of 9/16/1991; Effective Date 9/17/1991)

**(f) Lot Width**

The distance between side lot lines measured at the building setback line.

**(g) Reverse Frontage Lot**

A continuous (through) lot which is accessible from only one of the parallel streets upon which it fronts.

**Major Arterials, Roads, and Highways**

Major arterials, roads, and highways are those public streets and highways designated, or hereafter designated, as major streets and highways on a major Thoroughfare Plan for the County, approved by the North Carolina Department of Transportation, or that may hereafter be approved by the North Carolina Department of Transportation.

**Major Variance.** (Specific to Watershed Protection)

A variance from the minimum statewide watershed protection rules that results in anyone or more of the following:

- (1) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- (2) the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
- (3) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

**Manufactured Home (See G.S. 143-145 (7))**

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer

voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976. (Amended 3/1/1999)

### **Manufactured Home, Class A**

A single section manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) Is occupied only as a single family dwelling;
- (b) Does not include towing apparatus in length and width measurements; **and** either has removable towing apparatus, wheels, axles, and transporting lights removed after final placement on the site and before occupancy or has non-removable towing apparatus concealed by curtain wall **or** masonry foundation of same material as underpinning, **or** screened with shrubbery. Such shrubbery at time of planting shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness. (Amended 4/10/2006)
- (c) Is set up in accordance with standards established by the N.C. Department of Insurance. The foundation may be either:
  - i. a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N.C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, and no visible exposed concrete block; or
  - ii. a continuous, concrete curtain wall or skirting that consists of solid segmented decorative concrete block measuring eight (8) inches in height by twenty four (24) inches in length by two and one half (2 1/2) inches in thickness with interconnecting slots connected by a durable rigid I-beam that integrates the blocks into a stable concrete masonry skirting unpierced except for required ventilation with access installed under the perimeter; or (Amended 3/5/2001)
  - iii. a replica hand-laid brick or hand-cut stone that provides the authenticity of real brick or stone, with panels made from an injection molded thermoplastic resin formulated with special additives to enhance long-term performance; a weight of approximately 4.5 pounds each for brick or stone panels and 20 pounds per square; panels contain UV inhibitors to protect against

damaging sun effects and are highly resistant to harsh weather conditions; the thickness of panels is approximately 1/4 inch in brick area to 1/8 inch in mortar area; and will not support combustion.

- (d) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- (e) Has a roof pitch minimum vertical rise of three feet for each 12 feet of horizontal run;
- (f) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
- (g) Has an eave projection of no less than six inches, which may include a gutter; and
- (h) Has stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance.  
(Amended 3/1/1999)

#### **Manufactured Home, Class AA**

A multi-sectional 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 satisfies the following additional criteria:

- (a) Is occupied as a single family dwelling;
- (b) Has a minimum width of 18 feet; (Amended 1/6/2003)
- (c) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- (d) Does not include towing apparatus in length and width measurements; **and** either has removable towing apparatus, wheels, axles, and transporting lights removed after final placement on the site and before occupancy or has non-removable towing apparatus concealed by

curtain wall **or** masonry foundation of same material as underpinning, **or** screened with shrubbery. Such shrubbery at time of planting shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness. (Amended 4/10/2006)

- (e) Is set up in accordance with standards established by the N.C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N.C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, with no visible exposed concrete block;
- (f) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- (g) Has a roof pitch minimum vertical rise of three feet for each 12 feet of horizontal run;
- (h) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
- (i) Has an eave projection of no less than six inches, which may include a gutter; and
- (j) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance. (Amended 3/1/1999)

### **Manufactured Home, Class B**

A manufactured home constructed after July 1, 1976 that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class AA or a Class A manufactured home. (Amended 3/1/1999)

**Manufactured Home, Class C**

Any portable manufactured housing unit built before July 1, 1976 that does not meet the definitional criteria of a Class AA, Class A or Class B manufactured home above. (Amended 3/1/1999)

**Manufacturer and/or Storage Facility of Bulk Flammables (Fuel Oil, Propane, Gasoline and Natural Gas)**

A facility whose primary purpose is one of the following:

- (1) The production, synthesis, formation, processing, refining, manufacturing, distribution and/or storage of chemical products in bulk.
- (2) The storage, distribution, mixing or transfer of flammable or combustible liquids or gases received by or transferred by tank Bessel, pipelines, tank car, piping, or portable tank or container except such storage, distribution, mixing or transfer of flammable or combustible liquids or gasses shall not include filling stations or convenience centers used solely for retail distribution to individual customers.

**Medical Waste Facility**

A facility that stores or treats medical waste as defined by NCGS 130A-309.26a.

**Metal Recycling & Salvage Facility/ Scrap Metal Salvage Yards**

An establishment engaged in the wholesale distribution of automotive scrap, industrial scrap and other recyclable materials. This definition also includes auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

**Mining or Resource Extraction**

An operation for the digging, extraction or mining of minerals, ores, soils and other solid matter for commercial purposes. This definition shall not include excavation or grading when conducted solely in aid of on-site farming or on-site construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose of and to the extent necessary to determine the location, quantity or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area. This definition does not include "gem" or other mining generally operated as a commercial use for the general public or resource extraction by fracking.

**Minor Variance.** (Specific to Watershed Protection)

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

**Mobile Home Park**

A plot of ground together with all contiguous or adjoining parcels of land that are owned or controlled by the same person, persons, family, partnership, corporation, company, or similar organization which has been planned or improved for the placement and RENTAL of either two or more mobile homes or two or more land sites for placement of mobile homes for dwelling or sleeping purposes. (Amended 9/16/1991; Effective Date 9/17/1991)

**Motor Sports Activities**

The use of any parcel by an establishment or business for the operation, for more than two hours during any eight hour time period, of more than three motor propelled conveyances powered by internal combustion engines, including but not limited to automobiles, motorcycles and All-Terrain Vehicles.

**Motor Vehicle**

Any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle. [NCGS 153A-132(b)]

**Municipal solid waste**

Any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations. [NCGS 130A-290(1a)]

**Municipal solid waste management facility**

Any publicly or privately owned solid waste management facility permitted by the Department of Environment and Natural Resources that receives municipal solid waste for processing, treatment, or disposal. [NCGS 130A-290(18b)]

**NIER**

Non-Ionizing Electromagnetic Radiation. (Amended 7/11/2005)

**Nonconformance**

A lot, structure or land use that is inconsistent with current zoning requirements, but which was entirely lawful when it was originally established.

**Nonconforming Lot of Record.** (Specific to Watershed Protection)

A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

**Non-residential Development**

All development other than residential development, agricultural and silviculture. (Amended 11/1/1993; Effective Date 1/1/1994)

**Notice**

The formal legal notification of a public hearing on a proposed amendment or permit. A published notice is one required to be printed in a newspaper of general circulation. A mailed notice is one delivered to specified individuals (usually the applicant and surrounding property owners) by U.S. mail. (Source SOG)

**Outdoor Display Area**

An outdoor area designated on a site plan used for the permanent display and sale of merchandise or goods in conjunction with a legally permitted business occupying a permanent structure on the same lot.

**Outdoor Storage**

An outdoor area designated on a residential or non-residential site plan used for the storage of building materials, solid waste, junked motor vehicles, and/or junk and trash as defined in Chapter 1 and subject to the limitations listed in Development Standards, Section (j) and (k)

**Overlay District**

A zoning district that applies development standards in addition to the requirements of the basic (or underlying) zoning district. For example, a flood plain overlay district may impose restrictions on development in flood hazard areas that are in addition to whatever requirements are imposed by the underlying residential, commercial or industrial zoning district. (Source SOG)

**Rezoning**

The amendment of a zoning map to move property from one zoning district to another district. (Source SOG)

**Paper Mill**

An establishment primarily engaged in manufacturing paper from pulp. These establishments may manufacture or purchase pulp.

**Parking Space**

An area for storage of vehicles either within a structure or in the open, exclusive of driveways, circulation aisles or access drives.

**Permitted Use**

A use that is automatically approved in a zoning district. For example, a residential zoning district may list single family homes, places of worship and schools as permitted uses. These are also sometimes referred to as a use by right. (Source SOG)



**Person**

An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest. State agency, or any legal entity.

**Pharmaceutical Manufacturing**

Establishments primarily engaged in one or more of the following:

- (1) manufacturing biological and medicinal products;
- (2) processing (i.e. grading, grinding and milling) botanical drugs and herbs;
- (3) isolating active medicinal principals from botanical drugs and herbs; and
- (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions and suspensions.

**Phased development plan**

A plan which has been submitted to the Planning Staff by a landowner for a phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the County to be a site specific development plan. (Amended 4/10/2006)

**Planned Business Development**

An area of land under unified control; developed for business, commercial or industrial uses; consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets or lots. The minimum acreage for a planned business development shall be 1 acre. (See Special Use provisions of the Rockingham County Zoning Ordinance for further requirements)

**Planned Unit Development**

An unconventional subdivision of land not subsequently to be subdivided into conventional streets and lots and designated for ownership by separate property owners. A PUD may include within it a variety of forms of residential occupancy and ownership such as single-family detached housing, single family attached housing and some multi-family units. Significant areas of common properties which may include private streets are owned and maintained by private ownership associations. The minimum acreage for a PUD shall be 2 acres. (See Zoning Ordinance for Special Use permit requirements).

**Planning Board**

A citizen committee appointed by the Rockingham County Board of Commissioners to assist in land use planning and the zoning process. The Planning Board usually reviews all proposed zoning amendments and makes a recommendation to the governing board regarding their adoption. The Planning

Board may also be assigned some or all of the duties of the Board of Adjustment, most typically deciding special use permit applications. (SOG)

**Plat**

A map or plan of a parcel of land which is to be, or has been subdivided. (Amended 11/1/1993; Effective Date 1/1/1994)

**Propane**

A heavy flammable gaseous alkane C<sub>3</sub>H<sub>8</sub> found in crude petroleum and natural gas, also known as LP gas.

**Protected Area.**

The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed. (Amended 11/1/1993; Effective Date 1/1/1994) Amended 10/9/2012)

**Pulp Mill**

This industry comprises establishments primarily engaged in manufacturing pulp without manufacturing paper or paperboard. The pulp is made by separating the cellulose fibers from the other impurities in wood or other materials, such as used or recycled rags, linters, scrap paper and straw; or a manufacturing facility that converts wood chips or other plant fiber source into a thick fiber board which can be shipped to a paper mill for further processing.

**Quarrying (including sand, clay and gravel pits)**

Open excavations where the works are visible at the surface and intended for the extraction of stone, slate, marble or other mineral from a mass of surrounding rock.

**Reception/Banquet Facility**

A facility whose primary purpose is for hosting a party, banquet, reception, or other social event. No overnight lodging is permitted. (Amended 2/8/2010)

**Reservation**

A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

**Residence**

Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "residence" shall not be deemed to include a hotel, motel, tourist home, or other building designed for transient residence. Neither shall it

include travel trailers, campers, motor homes, or other vehicles designed for transient residence. The term "residence" shall include the term "dwelling unit."

### **Residential Development**

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

### **Residential Development, Single-Family.**

Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling. (multi-dwelling exception.) (Amended 11/1/1993; Effective Date 1/1/1994)

### **Residuals.** (Specific to Watershed Protection)

Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

### **Resource Extraction**

The removal of any naturally occurring substance from the land and not otherwise covered by the definition of mining and quarrying. Such substances include, but not limited to, petroleum in any form, natural gas or other gaseous substance. Such substances do not include timber, surface or subsurface water or any renewable resource.

### **Rooming House**

A residence which contains more than three (3), but fewer than ten (10) guest rooms which are let to individuals for compensation.

### **Rural Guest Establishment:**

A tract of land under single ownership and management with not more than 12 guest rooms available for short-term rental (less than 30 days). The guest rooms may be in a main "lodge" building and/or in detached, freestanding "cabin" structures.

### **Rural tourism activity**

Activities that provide income and diversification to rural areas that do not necessarily occur on a farm and may or may not generate supplemental income for agricultural operations. This type of tourism activity requires appropriate zoning, a SUP, and for some activities, a Special Event Permit. Some activities permitted as agritourism are also permitted as rural tourism. The distinction between agritourism and rural tourism is whether the activity is *secondary and incidental* to the operation of the farm. See Rural Tourism SUP for examples of types of activities. (Amended 4/10/2006)

### **Sanitary Sewage System**

An approved sanitary sewage system means a complete system of sewage collection, treatment and disposal and includes:

- a. connection to a public, community, or municipal sewage treatment and disposal system
- b. connection to a private or individual septic tank and ground absorption sewage treatment and disposal system with its collection and treatment components
- c. proper and specific approval, including permits, operation, and maintenance, from the governing bodies and agencies having jurisdiction

### **Sawmill**

Any commercial operation employing three or more fulltime employees established for a period of six months or more where timber is customarily processed into raw limber, finished wood products or other wood products, regardless of whether the products are sold on premises or transferred to another facility for storage or sale. The definition includes the reprocessing of lumber and wood planing operations.

### **Screening**

Hedges, informal plantings, natural vegetative covers, berms or fencing provided for the purpose of protecting adjacent uses from potential noise, glare, trash, odor, visual disorder or other harmful or noxious effects.

### **Set Back**

A requirement that a structure be located a minimum specified distance from a property line or other reference point. For example, a 10-foot side yard setback means a building in that district must be located at least 10 feet from the property line along the side of the lot. (Source SOG)

For telecommunication purposes, is the distance equal to the Fall Zone that a tower must be from any residential structures, public and/or private road rights-of-way (excluding the access road to the tower), recorded easements and rights-of-way, and/or property lines. (Amended 7/11/2005)

### **Shooting Range**

An area or facility designed, designated and/or operated for the purpose of providing a place on which to discharge firearms, shoot air guns and/or archery equipment. The term may also refer to several ranges constructed in a complex. This term shall not include "Turkey Shoots" or "Skeet, Trap and Sporting Clay Ranges."

### **Shooting Range Complex**

A grouping of two or more ranges of differing types, purposes or firing distances located at a single site location or property. It may include club houses, parking facilities and other related structures.

### **Signs**

Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

### **Sign Area**

Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area including architectural trim. In computing area, only one (1) side of a double-faced sign shall be considered.

### **Site specific development plan**

A plan which has been submitted to the Planning Staff by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional district or special use district zoning plan. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. (Amended 4/10/2006)

### **Slaughtering and Processing Plant**

An establishment primarily engaged in slaughtering, dressing, packing, freezing, canning, cooking and/or curing animals or poultry and/or their by-products, or processing or manufacturing products from such animals or poultry or their by-products; and establishments primarily engaged in the collection and/or processing of the inedible portion(s) of animals or poultry or their carcasses. This definition specifically excludes: slaughtering and processing activities performed for personal use only and those slaughtering and processing plants processing less than 100 animals per month for other than personal use.

### **Solar Energy System, Large Scale**

A solar collection system that generates electricity from sunlight, to be sold-for-profit to a wholesale electricity market through a regional transmission

organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers.

### **Solar Panel**

A solar thermal collector used to convert energy contained in the sun's rays into energy. 'Solar Panel' may refer to a photovoltaic module which is an assembly of solar cells to generate electricity.

### **Solid Waste**

Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. See NCGS 130a-290(a)(35) to see specific exclusions.

### **Special Event (temporary)**

Fairs, carnivals, festivals, shows or other types of events that are (i) infrequent in occurrence and limited in duration and (ii) intended to or likely to attract crowds, and (iii) is unlike customary or usual activities generally associated with the property where the special event is located. Special events are generally associated with commercial or non-profit ventures.

### **Special Use Permit**

A permit required for a use that is allowed in a particular zoning district only if conditions specified in the zoning ordinance are met. A formal evidentiary hearing is required to determine if the conditions are met. In Rockingham County, special use permits may be granted by either the Planning Board or Board of Commissioners, and the granting entity is specified for each special use. (Source SOG)

A Major Special Use Permit requires approval from the Rockingham County Board of Commissioners. A Minor Special Use Permit requires approval from the Rockingham County Planning Board. Major and minor special use permits may be granted for a specified land use which is permitted in a given zoning district under ordinance provisions which authorize the use when the Board makes specified findings. The permitting board is also authorized to affix other reasonable and appropriate conditions to its permit for the protection of both the neighboring properties and larger public interests. Special Use features introduce flexibility into the zoning ordinance so that uses that might otherwise be suitable in a district can be made satisfactory to neighbors in that district. (Amended 4/2/2001)

### **Stealth or Stealth Technology**

Minimum adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and generally in the same area as the requested location of such Wireless Telecommunications Facilities. This shall mean using the least visually and physically intrusive facility that is technologically or commercially practicable possible. (Amended 7/11/2005)

### **Structure**

Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land. (Amended 11/1/1993; Effective Date 1/1/1994)

### **Street**

A right-of-way containing, or intended to contain, a roadway used for passage or travel by motor vehicles, whether designated as a street, highway, thoroughfare, parkway, freeway, road, boulevard, land, court, etc., but not including driveways, and whether dedicated to the public or retained solely in private ownership. Where the title to the land extends to the center of a roadway or right-of-way, the side lines of such roadway or right-of-way will be considered as the side lines of the street.

### **Street (Road).** (Specific to Watershed Protection)

A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

## **Streets and Roads**

### **(a) Rural Roads**

#### **(1) Principal Arterial**

A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

#### **(2) Minor Arterial**

A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

#### **(3) Major Collector**

A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

**(4) Minor Collector**

A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

**(5) Local Road**

A local road primarily serves to provide access to adjacent land and for travel over relatively short distances.

**(6) Major Thoroughfares**

Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

**(7) Minor Thoroughfares**

Minor thoroughfares are important streets in urban systems and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

**(8) Local Street**

A local street is any link not a part of a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

**(b) Specific Types of Rural and Urban Streets**

**(1) Cul-de-sac**

A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

**(2) Frontage Road**

A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

**(3) Alley**

A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**(4) Expressway**

An expressway is a street or road usually with a median which serves through traffic with full or partial control of access and



generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

**(5) Freeway**

A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at all intersections.

**(6) Public Street**

A street located on a right-of-way dedicated to public use under the requirements of this ordinance. (Implied by amendments dated 4/3/1989)

**(7) Private Street**

A right-of-way dedicated to private use which affords access to abutting properties and requires a subdivision disclosure statement in accordance with G.S. 136-102.6. Emergency and other public services are not necessarily provided over private streets. Private streets shall be privately maintained. (Implied by amendments dated 4/3/1989)

**Subdivider**

Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

**Subdivision**

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets. Exceptions to this definition are listed in Chapter 3 Subdivisions, Article IV, Section 4-2.

**(a) Major Subdivision**

Any subdivision with (a) six or more lots or (b) that involves the development or extension of new public or private streets.

**(b) Minor Subdivision**

A subdivision (a) with five or less lots and that does not involve the development or extension of new public or private streets with all lots having access to an existing state maintained road or (b) a subdivision with five or less lots where no more than three lots are served by private roads.

**Telecommunications**

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems. (Amended 7/11/2005)

**Temporary Storage Unit**

A transportable box-like container for the purpose of storing household goods and other personal property intended to be filled, refilled, or emptied while located outdoors on a residential property for a limited period of time. Such unit shall not be considered an accessory structure.

**Townhouse**

Two or more attached single family residences contained within one or more residential structures with each unit located on a separate plot.

**Toxic Substance**

Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects. (Amended 11/1/1993; Effective Date 1/1/1994)

**Turkey Shoot** - A shooting competition open to the public, for a fee, in which prizes are given to the winner.

**Use**

The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

**Used or Occupied**

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

**Variance**

An authorization to something contrary to the strict terms of the Zoning Ordinance, such as extending a structure into a required setback area. Variances are quasi-judicial decisions that require an evidentiary hearing. A variance may only be issued upon a finding of practical difficulty or unnecessary hardship as a result of strict compliance and that the variance would be consistent with the spirit, purpose and intent of the ordinance.

**Variance (Specific to Watershed Protection)**

A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.(Amended 11/1/1993; Effective Date 1/1/1994; Amended 10/9/2011)

**Vehicular Surface Area**

An area primarily used for the parking of private passenger vehicles. "Vehicular surface area" includes the means of ingress and egress to the area where private passenger vehicles are parked. "Vehicular surface area" includes any median, traffic island, or other traffic control device or structure contained wholly within the vehicular parking area. "Vehicular surface area" does not include covered vehicle parking areas or multilevel vehicle parking areas. (GS 113A-70(B)(4))

**Vested Right**

The right to complete or continue development in accordance with the development rules that were in place when the right "vested" rather than having to comply with changed zoning requirements. (Source SOG)

**Water Dependent Structure**

Any structure for which the use requires access to, proximity to, or location 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. (Amended 11/1/1993; Effective Date 1/1/1994)

**Water Quality Critical Area (WQCA)**

Land located adjacent to the shoreline of a water supply reservoir at normal pool level extending to a point either to the ridge line of the watershed or 1/2 mile (or 1 mile depending on the size of the watershed) from the normal pool level, and specifically delineated on the official zoning and watershed maps of Rockingham County.

**Water Supply System**

An approved water supply system which, depending upon ownership and/or number of hook -ups, may be:

- (a) connection to a public or municipal system
- (b) connection to a community or non-community privately owned system serving an extended geographic area (system and extensions regulated by the Department of Human Resources, Division of Health Services)
- (c) connection to a private well serving up to 14 connections and less than 25 residents (regulated by the County Health Department); Department

of Natural Resources and Community Development, Division of Environmental Management; Division of Human Resources, Division of Health Services)

- (d) connection to a public system with 15 or more connections serving 25 or more residents (approved by the Department of Human Resources, Division of Health Services)

**Watershed**

The entire land area contributing surface drainage to a specific point (e.g. the water supply intake). (Amended 11/1/1993; Effective Date 1/1/1994)

**Watershed Administrator.** (Specific to Watershed Protection)

An official or designated person of Rockingham County responsible for administration and enforcement of this ordinance.

**Wireless Telecommunications Facilities** (also includes **Tower** and **Telecommunications Tower**)

An un-staffed facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines. This includes, without limit, towers of all types and other structures that may employ camouflage technology, and all related facilities such as cabling, equipment shelters and other structures associated with the site. (Amended 7/11/2005)

**Yard, Front**

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. Where a lot abuts more than one street, the Zoning Administrator shall determine the front yard for purposes of this ordinance.

**Yard, Rear**

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side line of the lot.

**Yard, Side**

An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

### **Yard Sale**

Also known as **garage sale, carport sale, rummage sale, tag sale, attic sale, moving sale, or junk sale.** An informal, irregularly scheduled sale of personal property (goods) by private individuals. Typically, the goods are unwanted items from the household with the home owners conducting the sale either inside or outside of any building on the seller's premises. The goods are sometimes new, like-new or just usable, offered for sale because the owner does not want or need the item or to minimize their possessions.

### **Zoning Map**

The official zoning map(s) of Rockingham County, North Carolina.

### **Zoning Permit**

A permit issued by the Zoning Administrator which must be obtained prior to establishment of a use within a zoning district.

## **ARTICLE III            DEFINITIONS RELATED TO SPECIFICALLY TO HAZARDOUS WASTE FACILITIES**

**Accessory building or use:** a building or use which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) is located on the same zoning lot as the principal building or principal use.

**Buffer zone:** a strip of land established to protect one type of land use from another with which it is incompatible. Normally, a buffer zone is landscaped and kept for open space.

**Disposal:** the destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous or infectious waste or toxic substance into or on any land water or air.

**Disposal facility:** a facility or part of a facility at which hazardous or infectious waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous or infectious waste or toxic substance will remain after closure.

**Facility:** all contiguous land, and structures, other appurtenances, and improvements on the land for storing, treating, transporting or disposing of hazardous or infectious waste or toxic substance. A facility may consist of several storage, treatment, transport, or disposal operational units, (e.g., one or more landfills, surface impoundments, or combinations of them.)

**Generator:** any person whose act or process produces hazardous or infectious waste or toxic substance identified or listed in Part 261 of the North Carolina

Hazardous Waste Management Rules or whose act first causes a hazardous or infectious waste or toxic substance to become subject to regulation; provided that, "generator" does not include a facility which accepts hazardous or infectious waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous or infectious waste or toxic substance.

**Hazardous or infectious waste or toxic substance:** any solid waste, as solid waste is defined in NCGS 130A-290 (18), or any substance regulated under the federal Toxic Substances Control Act of 1976 (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical, chemical or infectious characteristics may;

1. Cause or significantly contribute to an increase in serious irreversible or incapacitating illness; or
2. Pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**Hazardous or infectious waste or toxic substance facility:** a facility for the storage, collection, processing, treatment, destruction, incineration, transporting, recycling, recover, or disposal of hazardous or infectious waste or toxic substance.

**Principal building:** a building in which is conducted the principal use of the lot on which it is located.

**Principal use:** the main use of land or structures as distinguished from a secondary or accessory use.

**Storage:** the temporary or permanent holding of hazardous waste or toxic substances.

**Stream:** any stream as shown on the U. S. Geological Survey quadrangle maps of Rockingham County.

**Transportation facility:** any transportation facility including its storage areas and parking areas where shipments of hazardous waste or toxic substances are held for transportation to another site.

**Treatment:** any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste or toxic substance so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous, safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduce in volume