

CHAPTER 10. DEFINITIONS

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Chapter 10 – Definitions

10.1 RULES OF MEASUREMENT, COMPUTATIONS, AND EXCEPTIONS

A. PURPOSE

The purpose of this section is to clarify the general rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. This Ordinance may establish other standards for specific circumstances or situations, which specific standards supersede these general rules.

B. DISTANCE MEASUREMENTS, GENERALLY

Unless otherwise expressly stated, distances between points specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points. Unless otherwise expressly stated, measurements determining the spacing between uses are to be taken from property line to nearest property line as a straight line measurement.

C. LOT MEASUREMENTS

1. LOT AREA

The total horizontal area within the boundary lines of a lot exclusive of street or highway rights-of-way and easements for access to other property. Utility and similar easements are included within a lot area.

2. LOT WIDTH

Lot width is the distance between the side lot lines measured along the front building setback line. In cases where a structure is “condominiumized,” or the interior floor area of a structure is owned by different owners, the zoning district lot width requirements shall apply only to the parent tract or development site, not the individual ownership units.

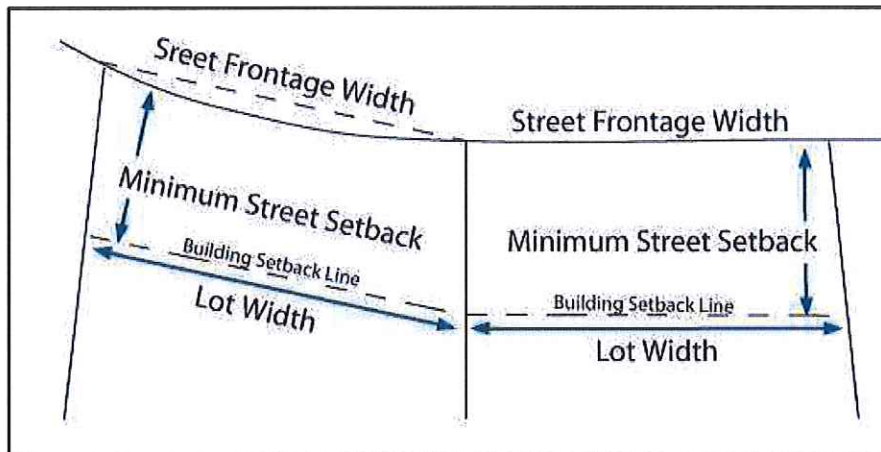
3. LOT DEPTH

The shortest perpendicular distance from the front lot line to the rear lot line.

4. LOT WIDTH AND DEPTH FOR CUL-DE-SAC LOTS

The permit issuing authority may allow the creation of new residential lots that do not meet the minimum lot width requirement at the front setback line if the sole reason for not meeting the minimum width is due to the reduced lot frontage on the public or private road created by the end of a cul-de-sac, provided the required lot width is met within 75' measured from the edge of the right of way. The permit issuing authority may also allow construction in front of the lot width line, so long as the front setback is not less than the district minimum when measured from the edge of the right of way.

Figure 10-1: LOT MEASUREMENTS



D. GROSS RESIDENTIAL DENSITY MEASUREMENT

1. Gross residential density (the number of dwelling units per gross acre of land) shall be determined by dividing the total area of land within the boundaries of the parcel, including areas in public streets, rights-of-way and areas reserved as open space, by the minimum lot area for the district in which the parcel is located.
2. For sites being developed as attached dwellings, in cases where a site's acreage allows a gross density that exceeds a whole number by 0.51 or more, the total density may be rounded up to the next whole number, thus allowing an additional dwelling unit to be located on a site.

E. SETBACKS

Setbacks are defined for each zoning district in Section 6.3, Dimensional Requirements. All structures and buildings must meet the setback requirements stated, unless the permit issuing authority modifies such setback pursuant to authority granted by this Ordinance, or dimensional variance is granted by the Board of Adjustment in accordance with Section 3.9.

1. Setback Measurements

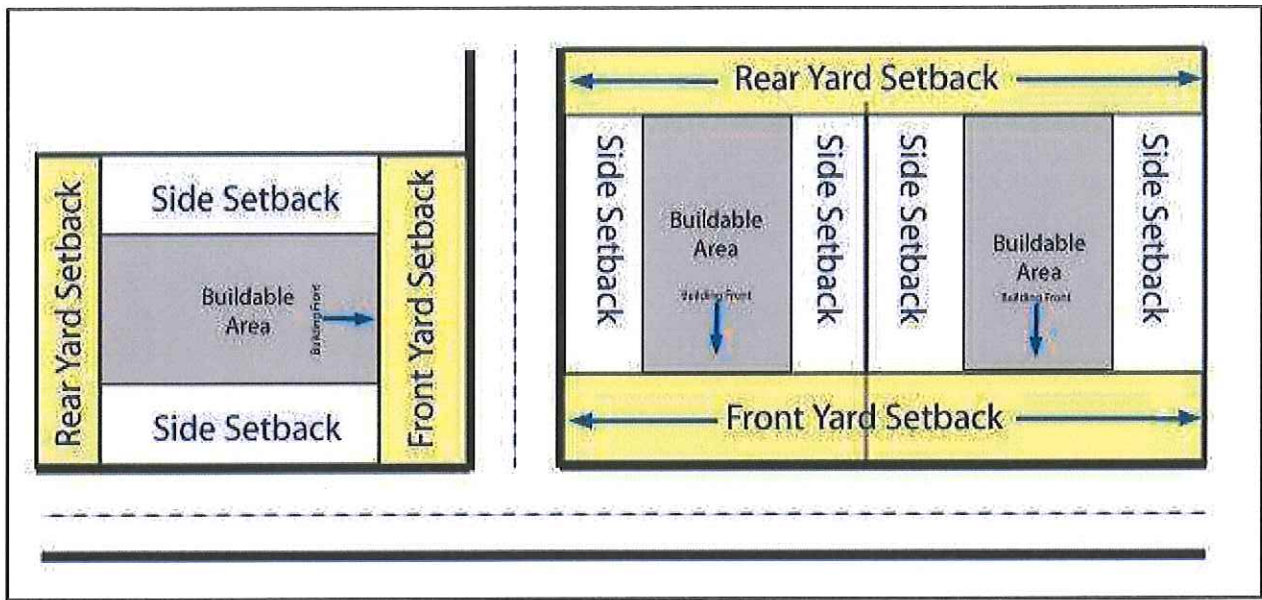
A setback from a public street shall be measured from the street right-of-way line if such line is readily determinable in the field or by reference to a recorded map, set irons, or other means.

A setback from a property line shall be measured as the shortest perpendicular distance from the property line to the structure.

2. Permissible Encroachment into Required Setbacks

- (a) One and two family driveways, walkways, fences, retaining or decorative walls, ornaments, furniture, and landscape plantings may be permitted in any setback.
- (b) Patios may encroach into required setbacks, provided that the minimum patio setback is ten feet from a rear or side property line and provided that the patio surface is not more than 6 inches above the adjacent grade. Covered patios or patios with shade structures must observe the setback established for the district as set forth in Section 6.3, Dimensional Requirements.
- (c) Accessory buildings may encroach into a side yard or rear yard setback not adjacent to a street right-of-way to within 5 feet of the property line, with the following limits:
 - i. For an accessory building with a highest point 12' or more above the ground elevation, an additional setback of 2' for each 1' of elevation above 12' is required until the standard setback is met.
 - ii. The setback being reduced is not part of a land use or stream buffer required elsewhere in this Ordinance, nor a recorded easement for utilities, drainage, or access.
- (d) Parking lots and parking spaces are not allowed within setbacks.
- (e) HVAC units and auxiliary power supplies (generators) are not allowed within setbacks.
- (f) For setback provisions that apply to nonconforming lots of record, see Section 7.5, Nonconforming Lots of Record.

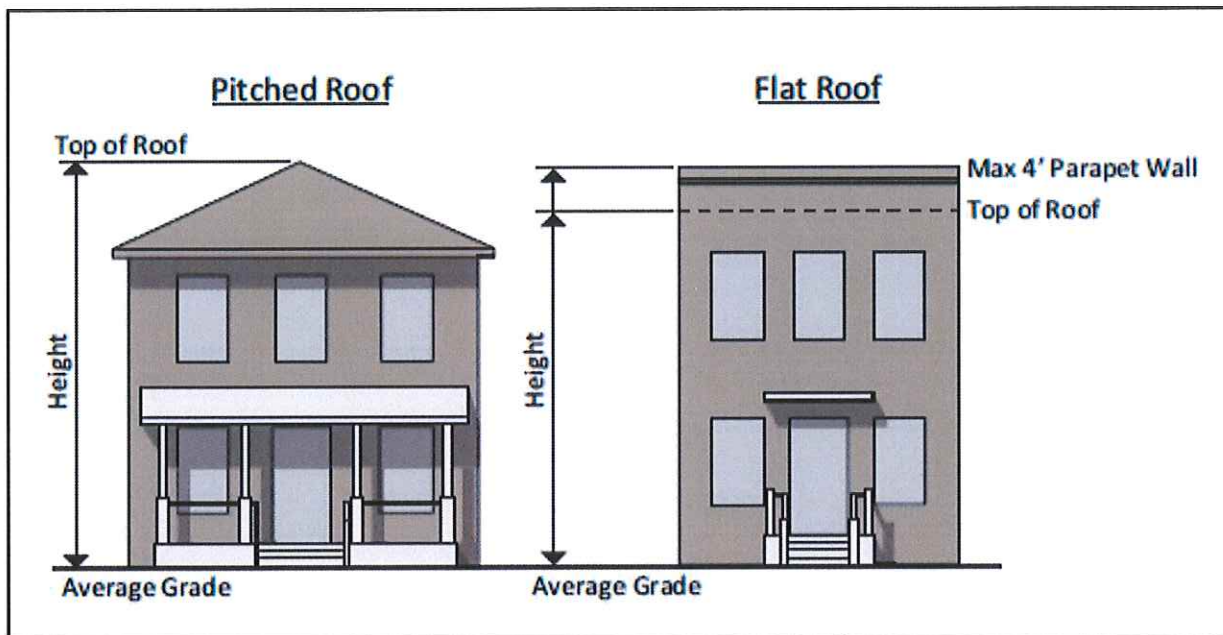
Figure 10-2: SETBACKS



F. HEIGHT MEASUREMENT

1. The height of the side of a building or structure shall be the vertical distance measured from the mean elevation of the finished grade along that side of the building or structure to the highest point of that building or structure, not including a maximum four (4) foot parapet wall encroachment.
2. Subject to the remaining provisions of this section, no part of a building or structure in any district may exceed the height limit as indicated in Section 6.3, Dimensional Requirements.

Figure 10-3: HEIGHT MEASUREMENTS



G. HEIGHT LIMIT EXCEPTIONS

1. The following features are exempt from the height limitations set forth in Section 6.3, Dimensional Requirements, so long as they do not exceed such height limitations by more than 10 feet:
 - (a) Chimneys and elevator shafts;
 - (b) Antennas which are self-supported shafts of 6" in diameter or less, flag poles and similar devices;
 - (c) Solar collectors;
 - (d) Church spires and their ornamentation so long as they do not exceed such height by more than 10 feet if located within the Historic District overlay zone; and so long as they do not exceed such height by more than 20 feet when located outside the Historic District.

2. The permit issuing authority may authorize a structure to exceed the height limits set forth in Section 6.3, Dimensional Requirements so long as they do not exceed such height limitations by more than ten (10) feet when it concludes the following:
 - (a) There are sound architectural, structural, historical, or other reasons why the proposed structure should be allowed to exceed the normal height limits;
 - (b) That portion of the proposed building or structure that will exceed the height limit will be so located and/or buffered so that it will not be visually obtrusive or offensive in any substantial way, OR the total height of any addition to an existing building including any roof elements does not exceed the maximum height including any roof elements of the existing building;
 - (c) The Historic District Commission has granted a Certificate of Appropriateness for the project if it is located within the Historic District.
 - (d) Any adverse impact on neighboring properties is insignificant or is substantially outweighed by the hardship suffered by the applicant if the height exception is denied; and
 - (e) Adequate fire protection can be provided.

10.2 DEFINITIONS

Accessory Use	A use customarily associated with and clearly subordinate to a principal use located on the same zoning lot and in the same zoning district as the principal use. Accessory uses may be listed in Table 5.1.1, Table of Permitted Uses, but are not limited to uses provided in the table.
Active Recreation	Any use or mix of uses including but not limited to the following: athletic fields, buildings or structures for recreational activities, concession, community garden, courses or courts, children's play area, dog play area, or a bike path.
Administrative Decision	Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this UDO. These are sometimes referred to as ministerial decisions or administrative determinations.
Adult Day Care	A for profit or not for profit establishment which provides supervision and activities for senior citizens who for reasons of age or abilities should not be alone during daytime hours.
Adult Establishments	A facility wherein the activities described in N.C. Gen. Stat. § 14-202.10 are intended to occur.
Adverse Impact	A negative effect caused by or resulting from development. These effects may include, but are not limited to the following: noise, vibration, air pollution, liquid waste, glare, traffic congestion, and storm water run-off.
Aggrieved Party	Person or entity whose interests or property rights are, or may be, negatively impacted by a land use decision or activity
Agricultural Uses	The cultivation of crops or livestock, including (but not limited to) orchards, vineyards, nurseries, or animal husbandry, along with any buildings or structures necessary to conduct such activities.
Angled Parking	Vehicle parking arrangement where the chassis of the vehicle is parked on a diagonal to the curb or flow of traffic.
Apartment	Type of attached dwelling unit
Appeal	Action taken by person claiming to be aggrieved by a final decision of the Planning Director or of a Town board acting under authority granted by this Ordinance.
Applicant (Stormwater)	An owner or developer who has or intends to apply to the Town of Wallace for the necessary permits to allow construction or development of a site located within the planning or zoning jurisdiction of the Town.
Application (Stormwater)	Application form to be submitted by applicant requesting a permit from the town to construct a project pursuant to this article.

Approved Accounting Tool	The accounting tool for nutrient loading approved by the EMC for the relevant geography and development type under review.
Arboretum	A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational or passive recreational purposes, not including the harvest of plants or their produce.
Architectural Elevation	Building façade
Architectural Feature	Component or characteristic of a building façade including but not limited to windows, doors, trim, cornice, etc.
Architectural Style	A recognized period or type of building construction
Artisan Studio	A facility where physical artists or craftsmen practice, display, and sell their works to the general public
Authorized registered professional (Stormwater)	A professional engineer, professional land surveyor, landscape architect, or other professional who is registered, licensed, or certified pursuant to the North Carolina General Statutes and who is authorized by law to prepare plans and specifications, and to oversee the construction of a stormwater control device required under this ordinance.
Automated Teller Machine (ATM)	An unstaffed machine for accessing financial accounts. These may be attached to a bank branch or independently located for walk up or drive up customers.
Bank & Financial Institution	An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and checkcashing facilities, but shall not include bail bond brokers. Financial institutions may also provide Automated Teller Machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial institutions may include drive-up windows.
Bar	Premises used primarily for sale or dispensing of alcoholic beverages by the drink for on-site consumption, and where food may be available for consumption on the premises as accessory to the principal use. (See also definitions for Nightclub and Restaurants.)
Berm	A constructed landscape feature, usually an elongated mound of soil, which creates a vertical barrier above the adjacent grade
Bona Fide Farm	see farm, bona fide
Bed and Breakfast Facility	A building or group of attached or detached buildings containing, in combination, three (3) to twelve (12) lodging units for daily or weekly occupancy, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

BMP	“Best Management Practice” – a structural or nonstructural management-based practice used singularly or in combination to reduce point source inputs to receiving waters for the purpose of achieving a given level of water quality in stormwater runoff or to control the quantity thereof.
Botanical Garden	A garden having documented collections of living plants for the purposes of scientific research, conservation, display, or education.
Buffer	A screening device used to moderate the adverse impact(s) of one land use upon another. Buffers may include walls, hedges, landscaped areas, berms, additional setbacks, or combinations of the above.
Building	A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or tangible personal property.
Building Height	The height of the side of a building or structure shall be the vertical distance measured from the mean elevation of the finished grade along the side of the building or structure to the highest point of that building or structure.
Building Permit	Document issued by the Duplin County Building Inspector authorizing the commencement of construction work, which includes permits issued for any of the individual building trades, and details the conditions under which work may proceed.
Building/Trade Contractor’s Office	An establishment that serves as the base of operations for building contractors, plumbers, electricians, mechanical systems technicians, and the like. This use also includes other service type businesses dispatching to a work site including but not limited to exterminators, carpet cleaners, or mobile vehicle service with no on-site garage. This use may include office, onsite and off-site repair, and sale of related supplies and equipment. Outside storage of supplies, equipment, or vehicles that meet the definition of storage rather than parking is only permitted as a combination use.
Building, Accessory	A subordinate structure detached from the principal structure, the use of which is incidental to the permitted use of the principal building.
Built-upon Area	For the purposes of stormwater regulation, that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.
Bus Passenger Shelter	A small structure to house bus passengers during inclement weather.

Canopy Tree	Any deciduous tree with at least a 12" diameter measured at breast height or non-deciduous tree with at least a 24" diameter measured at breast height (4' from the ground).
Cemetery	Uses intended for the interment of the dead and dedicated for cemetery purposes and may include public or private cemeteries. This Use Type may include a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.
Certificate of Appropriateness	A permit reviewed and approved by the Historic District Commission indicating compliance of a development application with the standards of evaluation and design guidelines applicable within the Historic District Overlay district.
Certificate of Completion (Stormwater)	Signed, sealed and dated certificate prepared by an authorized design professional which states that the construction authorized by the permit-to-construct as issued by the town has been completed.
Certificate of Occupancy (Stormwater)	The certificate from the county inspections department allowing the occupancy of a building.
Changeable Message Sign	A sign, the face of which contains an area where the message can be changed regularly by adding, removing or adjusting individual letters or numbers, or the use of LED fixtures. This definition does not apply to signs displaying the prices for motor vehicle fuels or movie theatre marquees.
Child Day Care	In accordance with state statutes, child day cares are an arrangement or program where, at any one time, either three (3) or more preschool-age children or nine (9) or more school age children receive child care in a building other than a residence on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. Such uses may also involve the provision of educational services in preparation for elementary school. Institutions providing elementary education are designated as an elementary school, regardless of whether they also provide pre-school services.
Church, Place of Worship	A structure used in the practice or celebration of beliefs in religious entities or deities. Normal accessory uses include, but are not limited to, offices related to the operation of the organization, meeting rooms, missionary operations, residential facilities for clergy, child care, and related facilities so long as the principal use is the place of worship.
Circulation Space	That portion of a parking lot or vehicle accommodation space used for access to parking or loading spaces or other facilities on the lot. Essentially, driveways and other maneuvering spaces (other than parking spaces) comprise the circulation space.
Civil Penalty	A fee imposed on a property owner for the violation of this ordinance.
Clearing (Stormwater)	Any activity which removes the vegetative ground (root mat) cover from a site.

Club or Lodge	An establishment operated by a corporation or association of persons for social, recreational, fraternal, or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business. Clubs and lodges require private membership. (See also definition for Community Center.)
Combination Use	Use consisting of a combination of two (2) or more principal uses separately listed in the Table of Permitted Uses.
Community Center	A public or privately owned facility used as a place of meeting, recreation, or social activity and not operated for profit. Community centers do not require private membership or allow membership by the general public. (See also definition for Club or Lodge.) Community centers typically do not include lodging space for overnight accommodations.
Comprehensive Plan	A Comprehensive Plan is a policy document, or set of documents, formally adopted by the Town Board, that provides guidance on the Town’s vision for development of its zoning jurisdiction over a given period of time. The primary emphasis of a Comprehensive Plan is to provide long-term policy direction to property owners, residents, and decision makers on land use and community issues, such as where future development and redevelopment should occur, and at what scale and densities. Comprehensive Plans typically consist of maps, vision statements, goals, policies, and action items to address a number of issues related to growth and land use, sustainability, economic vitality, transportation, neighborhoods and housing, public infrastructure and services, parks and recreation, historic preservation, and community character and aesthetics.
Conditional Use	A use of land which would not be appropriate generally throughout the zoning district or without special study, but which, if controlled as to number, area, location or relation to the neighborhood, or other appropriate conditions, may be appropriate for a particular site.
Condominium Development	A project of two (2) or more units in one (1) or more buildings designed and constructed for unit-ownership as permitted by the North Carolina unit-ownership act.
Connection (Stormwater)	Any ditch, pipe or other device for the diversion or transmission of storm drainage which will in any way affect the operation or maintenance of the receiving stormwater conveyance.
Construction	The process of building, erecting or making improvements on or to land.
Contiguous Property	Parcel or lot which adjoins a subject property by either sharing a property line, or would share a common property line but for the existence of an intervening right-of-way.
Contractual Interest	Interest in real estate via a lease, contract to purchase or other legal document or instrument.

Contributing Building	A building determined to contribute to the character of the Historic Overlay District due to its age, architectural style, integrity, or history as noted in the architectural inventory.
Critical Root Zone	The subsurface area under the dripline of a tree or shrub.
Cultural Resource	A structure, landscape, vista or other characteristic of land or an improvement thereto, that provides information about the history or development of the community.
Dbh	(Diameter at Breast Height) diameter of a tree measured four feet above the ground.
De Minimus	Something or some act which, standing alone, is so insignificant that it does not warrant consideration.
Debris	Construction debris, stumps, branches and limbs, and mine tailings. This definition does not include household trash, garbage, industrial waste and hazardous material.
Deciduous tree	Any tree which loses its leaves for a portion of the year.
Dedication	A conveyance by the owner of land, or an interest therein, for a specified purpose or purposes. Because a transfer of property is entailed, dedication must be made by written instrument and is completed by written acceptance. Dedication is typically made to a unit of government or to a property owners association.
Deed of conveyance (Stormwater)	The transfer of an easement interest or fee simple title in a stormwater management facility or a stormwater control device to the Town.
Destroyed	Damage or alternation to the original or most current existing form of a sign, structure, site, or building caused by some force other than the action or inaction of the owner, someone employed by the owner, or otherwise with the owner's consent. To be considered "destroyed" the damage must be so severe that the cost to repair exceeds 50% of the value of the damaged structure.
Detention (Stormwater)	The collection and storage of stormwater runoff with subsequent discharge to surface waters.
Detention Facility	A facility operated by or on behalf of the government to provide group quarters and rehabilitation for individuals serving sentences within the criminal justice system.
Determination	A written, final, and binding order, requirement, or determination regarding an administrative decision of the UDO Administrator. Such determinations shall be provided to interested parties in accordance with NCGS 160D-403(b).
Developed land (Stormwater)	Parcels altered from a natural state by construction or installation of impervious surfaces. For new construction, the town shall consider parcels

developed upon the issuance of the permit-to-construct pursuant to this and related activities, and the covering of land surfaces with any structure or impermeable material. Mowing and bush hogging operations, which does not disturb the root mat, shall not be considered land disturbing activity.

Developer (Stormwater)

A person engaged in land, site, or building development. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

Development

Any man-made change or improvement to real property, including but not limited to the construction, erection, structural alternation, enlargement or rehabilitation of buildings or structures, including farm building; mining; dredging; filling; grading; paving; excavation or drilling operations; clearing of vegetation; any division of a parcel of land into two or more parcels; and any use or change in use of any structures or land. Development shall also include any land disturbing activity on improved or unimproved real property that changes the amount of impervious or partially impervious surfaces on a parcel, or that otherwise decreases the natural infiltration of precipitation into the soil.

Development Approval

An administrative or quasi-judicial approval made pursuant to this UDO that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, development agreements entered into, and building permits issued. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this UDO attach to and run with the land. Town-issued development approval permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced.

Development Regulation

A unified development ordinance, zoning regulation, subdivision regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, building code regulation, or any other regulation adopted pursuant to this UDO.

Direct Illumination

Lighting observed when the light source has an unobstructed path to the receiving surface

Drainage nuisance (Stormwater)

The unapproved obstructions of swales, ditches, culverts, pipes or other stormwater conveyances.

Dripline (of a tree)

The ground area under the canopy of branches, often drawn as a circle within the tree trunk of the center and a radius equal to the distance from the center to the farthest branch extent.

Drive-up Window	A window type feature at a facility (such as, but not limited to, a bank, pharmacy or a fast food restaurant) designed to enable a person to transact business while remaining in a motor vehicle.
Driveway	That portion of the vehicle accommodation space that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
Dry Cleaning or Laundry Plant	A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes take place on site.
Dry Cleaning or Laundry Services	A personal service business maintained for the drop off and pick up of clothes for off-site laundering or dry cleaning, without the operation of any laundry or dry cleaning equipment on the premises.
Duplex	type of attached dwelling unit containing two units of roughly equal size
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 rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary, and sleeping facilities. Units otherwise meeting this definition but occupied by transients on a rental or lease basis for periods of less than one week shall be construed to be lodging units.
Dwelling, Accessory	A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached, subordinate structure on the same zoning lot. Efficiency apartments are one type of accessory dwelling. (See also definition for efficiency apartment.)
Dwelling, Attached	Two-or more dwelling units that are joined together by a common wall. Attached dwelling units include duplexes, townhomes, apartments, condominiums, and other multi-family developments.
Dwelling, Mobile Home, Class A	<p>A mobile 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:</p> <ol style="list-style-type: none"> a) The pitch of the mobile home’s roof has a minimum vertical rise of two feet for each twelve (12) feet of vertical run. The length shall not exceed four times the width of the home and the minimum width shall be sixteen (16) feet. b) The exterior materials are of wood, hardboard, or aluminum comparable in composition, appearance, and durability to site-built houses in the vicinity. c) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the mobile home d) A deck containing stairs of at least thirty-six (36) feet is required; and

- e) The tongue, axles, transporting lights, and towing apparatus are to be removed subsequent to final placement.

Dwelling, Mobile Home, Class B

A mobile 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 criteria:

- a) The pitch of the mobile home's roof has a minimum vertical rise of two feet for each twelve (12) feet of vertical run. The minimum width shall be fourteen (14) feet.
- b) The exterior materials are of wood, hardboard, or aluminum comparable in composition, appearance, and durability to site-built houses in the vicinity.
- c) A continuous, permanent masonry foundation or vinyl underpinning, unpierced except for required ventilation and access, is installed under the mobile home
- d) A deck containing stairs of at least thirty-six (36) feet is required; and
- e) The tongue, axles, transporting lights, and towing apparatus are to be removed subsequent to final placement.

Dwelling, Mobile Home, Class C

All mobile homes other than Class A or Class B mobile homes.

Dwelling, Single-Family (Detached)

A residential building that contains one (1) dwelling unit on a single lot and may also include one (1) efficiency apartment.

Easement

A grant of rights by a property owner to another individual, group, or governmental unit to make limited use of a portion of real property for a specified purpose.

Efficiency Apartment

An efficiency apartment is a dwelling use accessory and subordinate to a principal single-family dwelling, that is located within the principal dwelling unit.

Electronic Gaming Operation

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of 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. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming/machine operations, or cybercafés that otherwise meet the preceding definition. This does not include the North Carolina Education Lottery.

Electronic Message Display

A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Erosion (Stormwater)

The process by which the ground surface is worn by the action of wind, water, ice, or gravity.

Erosion and sediment control measures (Stormwater)	A system of structural and vegetative measures that minimize soil erosion and off site sedimentation. This term, where appropriate, shall include stormwater management and control measures.
Event Center	A building containing in some combination two or more of the following: a bed and breakfast facility; a restaurant; a bar; a night club; or a meeting facility. The facility may make some or all services available to the general public in addition to guests.
Excavation	Addition, removal, or rearrangement of earth on a lot which cannot reasonably be done with hand held tools.
Existing Development	For purposes of stormwater compliance, development not otherwise exempted by this ordinance that meets one of the following criteria: <ul style="list-style-type: none"> a) It either is built or has established a statutory or common-law vested right as of the effective date of this ordinance; or b) It occurs after the effective date of this ordinance, but does not result in a net increase in built-upon area and does not decrease the infiltration of precipitation into the soil.
Expansion of site (Stormwater)	The addition of new buildings, structures, parking lots, or any other new impervious surface to a site. Construction of any new impervious surface on an area previously impervious which does not meet the definition of redevelopment as defined in this section shall be considered as expansion.
Extended Care Facility	A facility licensed by the appropriate state agency, as a facility for fifteen (15) or more unrelated individuals (excluding supervisory personnel) who are mentally or physically handicapped, aged, or disabled and are undergoing rehabilitation or extended care. This includes, but is not limited to, nursing homes, rest homes, hospices for the aged or terminally ill, adult congregate, and assisted living facilities. Adult congregate and assisted living are used with the definitions established by the North Carolina Division of Facilities Management.
Extraction of Earth Products	The process of removing natural deposits of minerals, ores, soils or other solid, liquid, or gaseous matter from their original location. It does not include processing of such materials, beyond incidental mechanical consolidation or sorting to facilitate transportation to the site of use or location for further process. This does not include the necessary removal of material in connection with the construction of a building.
Extraterritorial Jurisdiction	The geographical area, determined by ordinance and recorded in the Register of Deeds office, which is outside the city limits of Wallace but subject to the requirements of this Ordinance. By state statute, this area is generally 1 miles or less from the city limits at the time it is enacted and is sometimes referred to as the extraterritorial mile or ETJ.
Facility (Stormwater)	A stormwater management facility, and shall include all land, materials, and appurtenances used in construction and operation of the facility. Facilities include, but are not necessarily limited to, constructed wetlands, infiltration systems, retention ponds, detention ponds, grassed swales and ditches.

Family	Two or more persons related by blood, marriage, state-approved foster home placement, court-approved adoption, or up to five unrelated persons, constituting a single housekeeping unit.
Family Care Home	A facility licensed by the appropriate state agency as a family care home for one (1) to six (6) unrelated individuals, together with support and supervisory personnel. See also definitions in N.C. Gen. Stat. § 168-20.
Family Child Care Home	In accordance with state statutes, Family Child Care Home is an arrangement located in a private residence where, at any one time, more than two (2) but less than nine (9) children receive child care on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption.
Farm, Bona Fide	Land on which the raising of crops or livestock, including orchards, vineyards, nurseries, or animal husbandry, are conducted, along with any buildings or structures necessary to conduct such activities. When a property that is located in the Town's extraterritorial jurisdiction that is used for bona fide farm purposes in accordance with G.S. 160D-903(a) and is exempt from zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to G.S. 160D-903.
Farmer's Market	an open air market that may be comprised of temporary or permanent structures for multiple vendors occupied at least one day per week on a regular schedule for the sale of produce, farm products, or handcrafted items on a lot owned by a unit of local government, a sponsoring bona fide farm, or the nonprofit entity operating the market
Fill (Stormwater)	Any act, or the conditions resulting there from, by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported.
Flex Space	Building designed and marketed as suitable for offices but including areas suitable to accommodate bulk storage, showroom (including retail sales as an accessory, but not predominant use), manufacturing, assembly, or similar operations. Generally flex space has storefront type windows in the office area of the space.
Floodplain (Stormwater)	Any area susceptible to being inundated by water from any stream, creek, ditch, etc.
Freestanding Sign	A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is a freestanding sign. If the message is removed from the structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

Funeral Home	An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.
Gallery	A facility open to the public for the display and sale of physical art (such as paintings, sculptures, pottery and jewelry).
Garbage (Stormwater)	Any animal and vegetable refuse resulting from the handling, preparation, cooking of food, yard debris from yard maintenance, and construction debris from construction activities.
Government Facilities & Office Buildings	An office or other facility occupied by a government agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, motor vehicle licensing and registration services. Government facilities that do not provide services directly to the public but serve as the base of operations for government functions including but not limited motor pools, fleet maintenance facilities, utility storage yards shall be treated and classified as the most similar private sector use.
Grading	See "excavation"
Greenhouse/Nursery	The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for retail sale to members of the general public. Such uses may include greenhouses, outdoor storage of goods, materials and equipment irrigation systems, and caretaker's dwellings.
Gross Floor Area	The total area of a building measured based on the exterior dimensions of the building at each floor level intended for occupancy or storage.
Group Care Facility	A facility licensed by the appropriate state agency, as a permanent or transitional residence for seven (7) to fifteen (15) unrelated individuals (excluding supervisory personnel), 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. This category includes group homes for all ages, nursing/rest homes, halfway houses, and foster homes.
Hazardous material (Stormwater)	Any substance which, when discharged in any quantity, may present an imminent and substantial danger to the public health or welfare or to the environment.
Health Care Facility	An establishment engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, out-patient care facilities, and miscellaneous types of medical services.
Health/Fitness Center	Establishment which offers classes &/or equipment for physical fitness.
High density development (Stormwater)	Development of a nature which results in a concentration of use(s) within a given area, such as apartment, mobile home parks, planned unit

developments (PUDs), shopping centers (retail or wholesale outlet stores included), shopping malls, schools, industrial parks, large industrial plants, or any other type of development resulting in the creation of impervious area exceeding 30% of the total land area.

High-Density Project

As defined under state stormwater management regulations, a high-density project is any project that exceeds the low density threshold for dwelling units per acre and built-upon area.

Home Occupation

An accessory commercial use of a residential property by a resident thereof, which is clearly incidental and subordinate to the principal use of the property as a residence. The residence must be the base of operations for the business and the function of the business must take place at the residence to require a permit.

Hospital

An institution providing 24 hour physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, and staff offices.

Hotel & Motel

A building or group of attached or detached buildings, in combination, containing twelve (12) or more lodging units, or ten (10) or more dwelling units, intended primarily for rental or lease to transients by the day or week.

Illicit discharge (Stormwater)

Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

Impact Vibration

Mechanical oscillations about an equilibrium point caused by the impact of one object upon another with force.

Impervious Surface

A ground covering that limits the absorption of stormwater into the ground water system. Examples include buildings, asphalt, concrete, gravel, and similar treatments

Industrial Use

Use permitted in the industrial districts which involves the creation of consumer products from raw or prepared materials, or is otherwise involved in converting raw materials to final products

Infiltration (Stormwater)

The recharge of stormwater runoff into the subsurface soil.

Intermittent Stream

Any water feature shown as broken blue lines on the most current USGS Quadrangle maps for Duplin County, or so designated by authorized staff upon a field investigation.

Junkyard

An establishment where junk, waste, discarded, salvaged, or similar materials from motor vehicles are brought, sold, exchanged, baled, packed, disassembled, stored, or handled.

Kennels, Boarding	A facility or establishment which offers to the public the service of boarding animals for a fee. Such facility or establishment may offer grooming services for domesticated animals in addition to providing shelter, food, and water.
Kiosk	A freestanding structure meant to display and convey information to passers-by. The information in such structure shall not be comprehensible by passing vehicular traffic. The structure shall provide little or no protection from the elements to pedestrians unless co-located with a transit shelter
Land Disturbing Activities	Activity that disturbs the pavement, building, or topsoil or vegetative cover of a site. Also, any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.
Land Use Plan	A set of documents and maps that categorize existing patterns of land development and set guidelines for the desirable intensity, density, quantity, and location of future development based on the goals and policies set forth in the Comprehensive Plan.
Larger Common Plan of Development or Sale	Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.
Legal Nonconformity	A use or situation that does not satisfy the provisions of this Ordinance, but which use or situation legally existed prior to the adoption of this Ordinance.
Legislative Decision	The adoption, amendment, or repeal of a regulation under this UDO, which shall include any text or map amendment (rezoning). The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of NCGS.
Library	An establishment where books, periodicals, newspapers, sound recordings, and picture recordings are available for members to borrow and where other resources may be available for members to conduct on site research (books, periodicals, computers, historical collections, and the like).
Light Industry	The manufacture, service, repair or testing of products every aspect of which activity occurs within an enclosed building.
Lighting Contours	Graphic or pictorial representation of the light intensity emanating from light fixtures.

Loading Area	That portion of vehicle accommodation area used to park vehicles which are making pick-ups or deliveries of goods or materials to or from the building to which that area is allocated.
Lodging Unit	A room or rooms connected together, constituting separate lodging for one (1) family and which are physically separated from any other dwelling or lodging units. Where two (2) or more rooms are connected by a doorway or doorways, and are arranged, equipped and furnished in such a manner that they might reasonably be rented, leased, or occupied, either individually or in combination, each room shall be construed as a lodging unit.
Lot Area	The total horizontal area within the boundary lines of a lot exclusive of street or highway rights-of-way and easements for access to other property. Utility and similar easements are included within a lot area.
Lot Depth	The shortest perpendicular distance from the front lot line to the rear lot line.
Lot, Double Frontage	A continuous (through) lot which is accessible from both the streets upon which fronts on opposite sides.
Lot of Record	A lot created by deed or plat and recorded in the Duplin County registry of Deeds prior to the existence of the establishment of a zoning ordinance and/or subdivision regulations in Wallace's zoning jurisdiction. (See also definition for Zoning Lot.)
Lot Width	Lot width is the distance between the side lot lines measured along the front building setback line. In cases where a structure is "condominiumized," or the interior floor area of a structure is owned by different owners, the zoning district lot width requirements shall apply only to the parent tract or development site, not the individual ownership units.
Lot, Non-Conforming	Legally created lot of record, existing at the time regulations were passed requiring greater minimum width or area than provided on such lot, or establishing other limitations which such lot does not meet. Such lots may be considered substandard lots of record.
Lot, Non-Legal for Zoning Purposes	A lot which is neither a zoning lot nor a non-conforming lot. No such lot shall be used or occupied, except as open space, until it is made to conform to the requirements of the Ordinance and other applicable regulations.
Lot, Zoning	A designated parcel, tract or area of land established by plat, or as otherwise permitted by law, to be used, developed or built upon as a unit. Zoning lots are designated on the Official Zoning Map for the Town of Wallace. (See also definition for Lot of Record.)

Low-Density Project	As defined under state stormwater management regulations, a low-density project is any project that has no more than two (2) dwelling units per acre or twenty-four (24) percent built-upon area (BUA) for all residential and non-residential development.
Mail Order House	Enterprise in which the principal activity involves receiving, processing, packaging, and shipping orders for retail goods to individuals or businesses.
Manufacturing Facility	A building or structure in which manufacturing, processing, creating, renovating, painting, cleaning, and assembling of goods, merchandise or equipment occurs, and which does not require an air quality permit from the State of North Carolina or a Special Industrial Users Permit from the Town Utilities Director.
Maximum Building Capacity	A value, determined by the State Building Code, of the number of occupants that can safely be inside a building at one time.
Mechanical Equipment	Equipment, usually located outside a building, and attached to the roof or to an outside wall, intended to facilitate the provision of utilities or air handling to the structure. Examples include but are not limited to electrical panels, generators, hot boxes, backflow preventors, and HVAC equipment.
Meeting Facility	A building, part of a building, or series of building available for rent for public and private meetings and events. This type of facility may provide rooms of various sizes to accommodate one or more functions at the same or different time, restrooms or changing rooms for guest use, and/or a warming kitchen or similar food staging area. This use does not include on-site food preparation, lodging, or any personal care services.
Merchant Organization	For the purposes of event signage in Section 6.19, an association of merchants or organization of merchants may include any formal group with bylaws and a membership roster that holds at least 1 meeting per year to conduct the business of the association or organization.
Minor Work	Building modification or landscaping that takes place within the Historic Overlay District, which due to its limited impact or temporary nature, may be approved by the Planning Director.
Mobile Classroom	A structure consisting of one, two or three principal components assembled in a factory and transportable on its own chassis specifically designed and constructed to be used as a classroom or office space as, opposed to a dwelling.
Mobile Home	See dwelling, mobile home.
Mobile Home Park	A lot in single ownership used or proposed to be used for the long term placement of two (2) or more mobile homes for use as dwelling units.

Mobile Home Space	A parcel of land occupied or intended to be occupied by one (1) and only one (1) mobile home, the area of which is to be used exclusively by the occupants of the mobile home.
Modular Home	A dwelling built according to the North Carolina Residential Building Code having neither its own chassis nor wheels, consisting of one (1) or more modules constructed off the building site and designed for transportation to and erection on a permanent foundation at the building site.
Motor Vehicle Fuel Station	An establishment offering retail sale of vehicle fuel or means of propulsion (including gas, diesel, natural gas).
Motor Vehicle Maintenance & Service	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major paint service. Accessory uses can include carwashes, auto detailing, window tinting and related appearance services.
Motor Vehicle Repair	An establishment where automobile maintenance or service is rendered, with the addition of body work, straightening of body parts, painting, welding, temporary storage of motor vehicles not in operating condition, major mechanical work, including engine overhaul and other major work requiring overnight storage.
Motor Vehicle Sales/Rental	An establishment including any building or land area for the display of motor vehicles, trucks, vans, tractor trailers, or recreation vehicles for the purpose of sale or rental, and including any warranty repair work and other repair service conducted as an accessory use. (See also definition for Personal Vehicle Sales.)
Multi-tenant Development	A non-residential development in which there exists two or more individual tenants or leaseholds, and/or separate activities and in which there are appurtenant shared facilities (such as parking areas or pedestrian mall areas).
Municipal separate storm sewer (Stormwater)	A stormwater conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains).
Museum	A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food are served to the public.
National pollutant discharge elimination system (NPDES) (Stormwater)	A permitting system established by section 402 of the Clean Water Act. NPDES permits are issued by the state for discharges directly to the surface waters of the state.
Natural ground surface (Stormwater)	The ground surface in its original state before any land disturbing activity.

New development (Stormwater)	Any activity for which a building permit or a grading permit is required, or where any land disturbing activity occurs, except for the construction of a single-family home not governed by the town's subdivision ordinance.
Nightclub	An establishment in which alcoholic beverages are served for on- site consumption, which has a capacity for 100 or more persons, and which offers recorded or live music performance.
Nonconforming Project	Any structure, development, or undertaking that is underway, but incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
Nonconformity	A lot, use of land without structures or with minor structures, use of major structures and premises, structures, and/or, characteristics of uses which are prohibited, regulated, or restricted by the enactment of this Ordinance or a subsequent amendment thereto. Nonconformities which lawfully existed prior to the effective date of this Ordinance may continue, subject to the provisions of Section 7.
Non-deciduous tree	Any tree which does not lose its leaves or needles for a portion of the year.
Non-profit Organization	An entity or group organized for purposes other than generating a profit, such as charitable, religious, fraternal, scientific and/or social organizations.
Non-residential Uses	Uses of land for purposes other than permanent, or long term, residential use by owners or occupants pursuant to lease or rental agreements. This category includes retail, office, commercial, industrial, institutional and other similar uses. This category does not include multi-family or attached dwellings.
Nursing Home	See Group Care Facility
Office Uses Not Providing Services To Clients Via Walk-In Traffic	Establishments that primarily serve as the base of operations for businesses. Examples include, but are not limited to corporate headquarters and enterprises engaged in intellectual research or consulting. The traffic pattern of these uses is generally confined to employee traffic and general service providers rather than clients or customers who came to the establishment for on-site meetings or consultations.
Offices Uses Providing Services To Clients	A business establishment which may offer a range of services for its clients, including but not limited to, government offices, insurance office, attorney office, or real estate office. The traffic pattern of these uses includes client visits as well as employee and general service traffic. This category does not include uses captured by the term "health care facility" or service businesses classified as "personal service businesses."
Off-site facility, with respect to any particular property (Stormwater)	A stormwater management facility serving such property and located on such property.

Off-street Loading	Area, usually in or adjacent to a parking lot, reserved to provide short term parking for delivery vehicles while loading or unloading goods, materials, equipment, etc. for a nearby commercial establishment.
One-year, 24-hour Storm	The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.
On-site facility, with respect to any particular property (Stormwater)	A stormwater management facility serving the property but not located on such property.
Opacity	A measurement indicating the degree of obscuration of light or visibility.
Open Space	That area within a development that is not covered with a structure or impervious surfaces, which has been set aside for resource protection, amenity, and/or buffers (including water quality buffers on streams and required land use buffers), legal title to which may be held by the developer, property owners' association, unit of government, or non-profit entity. Buffers and building setbacks that are privately held on individual lots are not included in the definition of open space. Stormwater control devices, including swales and ponds, recreation areas, reserved rights-of-way, and easements for above ground activities or utilities are not considered open space. Open space shall be designated as such on the preliminary and final plans.
Outlet Sales	Ancillary sales of products on the premises where the products are manufactured or packaged for distribution. Outlet sales areas may not exceed 10% of the building space on the parcel.
Outparcel	A parcel of land adjacent to, and developed in association with a shopping center or multi-tenant property development, which is designated on an approved site plan as a location for a freestanding structure.
Outfall	A point at which stormwater (1) enters surface water or (2) exits the property of a particular owner.
Owner	For stormwater purposes, this term shall mean the legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.
Park, Athletic	A site containing public or non-profit athletic facilities for use by the general public. Examples include ball fields, indoor or outdoor courts,

pools, skating rinks, etc. Uses in this category serve the community or regional recreation needs. Substantial indoor facilities will be considered Recreation Facilities.

Park, Community

A site, typically 5 acres or more in area, offering a variety of recreation opportunities for use by the general public. May contain elements of all other park types listed. Generally serves the entire community or region.

Park, Cultural

A site containing public or non-profit recreation facilities of a cultural nature for use by the general public. These include but are not limited to historic sites/structures/areas, concert sites, museum site, and other facilities providing cultural, educational, or interpretive services of a historic, natural, or aesthetic resource.

Park, Natural

A site offering enjoyment of the natural environment for use by the general public. Expected uses include trails, picnic areas, signage, overlooks, etc. Comfort facilities may be installed. Sites which also provide structured interpretive events regularly shall be considered cultural.

Park, Neighborhood

An area created for the recreational enjoyment of the immediate neighborhood that may be owned & maintained by a governmental agency, property owners association, or other non-profit organization. Features typically include: play equipment, picnic area, benches, open areas for non-regulation sports. These parks should be designed with significant neighborhood input.

Parking (principal use)

An off-street parking area (i.e., parking lot or structure) provided on a different parcel than the use(s) it is intended to serve.

Parking Space

A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

Passive Recreation Area

Undeveloped land or minimally improved lands which includes the following: landscaped area, natural area, ornamental garden, non-landscaped greenspace, stairway, decorative fountain, picnic area, water body, or trail without recreational staffing, devoted to recreational activities.

Patio

An outdoor paved surface without a roof, the elevation of which is less than a 6" above from the surrounding ground level.

Pedestrian Amenities

Items located within the public right of way or on public or private property for the benefit of pedestrians or bicyclists including but not limited to benches, drinking fountains, refuse and recycling containers, bicycle racks or lockers, wayfinding signage

Pedestrian Circulation

The path or paths pedestrians use to move around a site. This includes both improved and unimproved routes.

Pedestrian Façade

That plane of the building elevation or façade that is oriented to pedestrian passers-by and/or has or is expected to have a pedestrian entrance

Perennial Stream	Any water feature shown as solid blue lines on the current USGS Quadrangle maps for Duplin County or so designated by authorized staff upon a field investigation.
Performance Bond or Guarantee	Financial guarantee provided by an applicant to the town to ensure the completion of a required element of a plan or permit. Such guarantee must be issued in accordance with G.S. 160D-804.1.
Performance Facility	A structure designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or terpsichorean performances, speeches or ceremonies, motion picture presentations, and other entertainment events.
Permanent Road	Roads intended to be used in excess of one year, and, therefore, designed and constructed to standards sufficient for such long term use.
Permit (Stormwater)	Any and all permits required by federal, state and local ordinances and regulations.
Permittee (Stormwater)	Any person to whom a permit is issued.
Permit-issuing Authority	Term used to generically refer to the various elected, volunteer, and staff entities within the town government possessing authority under this Ordinance to review and approve development proposals.
Permit-to-construct (Stormwater)	Following the satisfactory review of the application form and supporting documents whereby the town finds that the application and supporting documents are consistent with the requirements of this article, the town will issue a permit-to-construct.
Perpendicular Parking	A pattern of parking where the individual parking spaces are oriented perpendicular to the curb or the flow of traffic.
Person	Includes, without limitation, individuals, firms, partnerships, associations, institutions, corporations, municipalities and other political subdivisions, and governmental agencies.
Personal Property	Property which is owned, utilized and/or maintained by an individual or occupant of his or her residence and acquired in the normal course of living in or maintaining a residence. Personal property shall not include merchandise which was purchased for resale or obtained on consignment.
Personal Service Business	A business establishment which may offer a range of services for its clients' body or clothing, including but not limited to, beauty parlor, barber shop, doctor's office, dental office, salons or spas, tailors, dry cleaning drop off/pick up, laundry self-serve or drop off/pick up, therapeutic massage, and /or mental health counseling.
Personal Vehicle Sales	An establishment including any building or land area for the display and sale of passenger cars, trucks, sport/utility vehicles, mini or conversion vans, motorcycles or other motorized vehicles designed to transport less

than 10 individuals. On-site display is limited to 15 or fewer vehicles. (See also definition for Motor Vehicle Sales / Rentals.)

Petroleum Products Storage	Establishments that store and distribute motor vehicle fuel, fuel oil, propane, kerosene, liquefied natural gas, and liquefied propane gas to retail (no more than ten thousand (10,000) gallons or bulk (more than ten thousand (10,000) gallons) sale customers.
Phased Development Plan	Plan for development of property to be completed in distinct sections or phases, the distinction between phases usually involving different uses of land. A phased development plan is typically subject to a special use permit process.
Plat	A map drawn on translucent material for recording in the Register of Deeds.
Pod (Master Plans)	A component of a master plan that shares a single land use designation. It may or may not be intended for subdivision as a single parcel.
Post Office	A facility operated by the United States Postal Service, to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery.
Post-development state (Stormwater)	A site in its proposed condition following the completion of a development activity.
Private facility (Stormwater)	Any stormwater management facility not owned or operated by the Town or the State of North Carolina.
Processing Facility	A building or structure in which manufacturing, processing, creating, renovating, painting, cleaning, and assembling of goods, merchandise or equipment occurs. Uses in this category may require an air quality permit from the State of North Carolina and/or a Special Industrial Users Permit from the Town Utilities Director.
Public Event	A discernible activity offered for general public enjoyment including but not limited to performances, competitions, displays of collectables or art not generally available for public viewing, speeches, fund raisers selling items not generally available to the public at that location and the like. The event must be open to the public, with or without an entrance fee, and must take place in Town or in the extraterritorial zoning jurisdiction. Examples of public events include: festivals, fund raisers or tournaments. Public events must be sponsored by non-profits, units of state or local government, or formal associations of merchants. Registration periods for sports leagues or camps (but not individual classes) offered by not-for profit organizations and taking place within the jurisdiction of this ordinance also qualify as "public events."
Public facility (Stormwater)	Any stormwater management facility owned and/or operated by the Town or the State of North Carolina.

Public Hearing	A meeting of an advisory or elected board to review a proposal for action under this Ordinance or as a component of the comprehensive plan, at which the board receives comments from the applicant, staff, and general public about the proposal.
Public Safety Services	A service operated by government or non-governmental agency to provide protection for citizens or residents, such as fire, police, and rescue squad.
Public Utilities	Facilities and improvements for the provision of water, sewage, electricity, natural gas, cable television, or telephone service (excluding telecommunication towers) to or through an area. This category of uses includes but is not limited to, water treatment plants, wastewater treatment plants, elevated water tanks, electric substations, and other significant installations. This use does not include minor above ground items like transformers, telephone switches or exchanges, or pumping stations.
Quasi-judicial Decision	A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, certificates of appropriateness, special use permits, and appeals of administrative determinations. Such decisions shall follow statutory procedures as provided in G.S. 160D-406.
Recreation Service Area	Sometimes referred to as a “park district,” a “recreation service area” is a defined geographic area within the Town’s jurisdiction which has been designated as a unit for purposes of determining allocation of recreation or park facilities and/or resources.
Recreation Space	That area within a development which is designed, shaped, and constructed to provide a combination of active and passive recreational opportunities to the public and/or the owners and residents of the development, title to which is held by the developer, property owners’ association, unit of government, or non-profit entity.
Recreational Facilities	An indoor establishment (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of recreational facilities uses include, but are not limited to bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).
Recycling Materials Collections Center	A facility used as a temporary repository for recyclable and recovered materials for collection and transportation
Research Facility	A facility established to aid in the studious inquiry or examination of a scientific topic. This includes, but is not limited to botany, biology, chemistry, physics, computers, and electronics. Studies of the humanities are not included in this use but are included in “office uses not providing services to clients via walk in traffic.”

Residential	Use of land for permanent or long-term dwelling purposes, either by owners or, lessees or renters for periods longer than one month or when the occupant has no other registered address.
Restaurant (Types A, B, and C)	<p>Business specializing in preparing and/or serving food on site. A restaurant may also serve alcoholic beverages for on or off site consumption provided it has the proper license from the state for such sales and is classified as an eating establishment by virtue of its food/alcohol sales ratio:</p> <ul style="list-style-type: none"> a) Class A restaurants seat no more than 100 persons and do not have drive-thru service. b) Class B restaurants seat more than 100 persons and/or offer drive-thru service. c) Class C restaurants offer seating capacity for 20 persons or less and may offer carry out and/or delivery of food and beverages.
Restrictive Covenant	Legal instrument, suitable for filing with the Register of Deeds which establishes rights, duties, restrictions or limitations on the use of real property, described in the instrument.
Retail Sale & Rentals	Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase or rental and removal from the premises by the purchaser/renter. Examples include stores selling, leasing, or renting consumer, home, and business goods such as, but not limited to, art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos.
Retention (Stormwater)	The collection and storage of stormwater runoff without subsequent discharge to surface waters.
Right-of-Way	As used in this Ordinance, this term describes an area of land set aside in a deed, offer of dedication or plat, for use as a strip of land on or within which roads, streets, or other public facilities or utilities may be constructed, improved and maintained. Such rights-of-way are usually "public," title being conveyed to the Town or other public body or entity.
Riparian Buffer	Area set aside along rivers, streams or other bodies of water, within which the use and/or improvement of land is restricted or prohibited.
Rooming/Boarding House	A residential building consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented out or are designed or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month to month tenants) as opposed to overnight or weekly guests.

School: Art and Music	A public or private school or business offering art and music classes to students of a variety of ages. Such uses include classrooms, auditoriums, libraries, and other facilities that further the educational mission of the institution.
School: Dance/Martial Arts	A public or private school or business offering dance, martial arts, cheerleading, gymnastics, and similar classes to students of a variety of ages. Such uses include classrooms and other facilities that further the educational mission of the institution.
School: Elementary, Middle & Secondary	A public or private school offering a State appointed or authorized curriculum of general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
School: Higher Education	A public or private, institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
School: Vocational	A public or private school offering general, technical, and vocational instruction that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, laboratories, libraries, cafeterias, and other facilities that further the educational mission of the institution.
Screen	A built or natural device (hedge, fence, wall, berm, etc.) which defines an area and protects one use from the impacts of an adjacent use or activity.
Sediment (Stormwater)	Soils transported or deposited by the action or erosion or artificial means.
Sediment control (land disturbance) permit (Stormwater)	The sediment control permit issued by the State of North Carolina authorizing land disturbing activities in accordance with applicable ordinances and regulations.
Setback	The minimum distance between a property line and structure including any projection thereof but excluding eaves and gutters, not to exceed twenty four (24) inches. Pedestrian or vehicular access ways may be constructed within the required setback line (see Figure 10-2).
Setback Line	The line on the front, rear and sides of the lot, that delineates the boundary between the approved building area on a lot and the area

	within which a structure may not be constructed, erected, or placed. The setback line is set according to the zoning district regulations.
Sharp Cut-off Type	A light fixture where no portion of the fixture bulb (light source) may extend below the fixture housing.
Side Yard	The shortest distance between the structure on the lot and the nearest property line, other than the front lot line or rear lot line, measured parallel to the front setback line required for the appropriate zoning district.
Sight Distance	As used in this Ordinance, the minimum distance, usually measured in a straight line, between two fixed points, with no obstructions.
Sight Preservation Triangle	The triangle area formed by a diagonal line connecting two (2) points located on intersecting right-of-way lines (or a right-of-way line and the edge of a driveway), each point being a certain distance from the intersection, and from the two (2) intersecting right-of-way lines (or a right-of-way line and a driveway). On some occasions, the Town or state highway department may require additional sight zones as deemed necessary to provide adequate safety.
Sign	Any words, lettering, parts of letters, pictures, numerals, phrases, sentences, emblems, devices, trade names or marks by which anything is made known in a visible form used to attract attention from any public roadway.
Sign Band	Architectural feature of a building façade that indicates a preferred location for signage. Generally a horizontal depression centered above the primary door entrance of a commercial structure.
Sign, Ground Mounted	A sign which extends from the ground or which has support which places the bottom of the sign less than two (2) feet from the ground.
Sign, Identification and Occupancy	Any sign, symbol, trademark, structure or similar device displayed on premises to inform the public regarding the occupants or activities conducted on, or products available at, said premises.
Sign, Hanging	An advertising sign attached to the façade of a business that projects perpendicularly from the façade. Hanging signs are only permitting in the Historic District, generally have text on both sides, and are treated as wall mounted signs for sign area calculations
Sign, Joint Identification	A sign bearing the name of individual tenants located within a multi-tenant development, and which may include the name of the multi-tenant development.
Sign, Neon	A sign in which illuminated tubing constitutes or forms all or part of the message of the sign. Also includes signs in which the message area of the sign is outlined, underlined, or otherwise highlighted by illuminated tubing.

Sign, Portable	Any freestanding sign that is not permanently affixed to the ground.
Sign, Outdoor Advertising	Any sign which directs attention to a business, company, service, accommodation, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
Sign, Real Estate	A sign informing the public that all or portions of a given premises are for sale or rent.
Sign, Sandwich Board	A self-supporting sign resting on or supported by a means of poles, stands, or any other type of base that sits on the ground.
Sign, Temporary	A sign that (1) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (2) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
Single-family residential use (Stormwater)	One residential structure on one parcel containing one housing unit.
Site (Stormwater)	That portion of land, lot or parcel of land, or combination of contiguous lots or parcels of land upon which land disturbing activity is to be performed.
Site expansion (Stormwater)	The addition of new buildings, structures, parking lots or any other new impervious surface to the site. Construction of any new impervious surface on an area previously pervious, which does not meet the definition of redevelopment, as defined in this section; shall be considered as expansion.
Site Specific Vesting Plan	A site-specific vesting plan consists of a plan submitted to the Town in which the applicant requests vesting pursuant to this UDO and in accordance with the required procedure for approval, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property.
Sketch Plan	A preliminary and imprecise drawing of a proposed subdivision submitted for staff review
Solar Energy Facility	A Facility used to convert solar power energy into electrical power for interconnection with the power grid for primarily off-site energy consumption or to covert solar power for any other available uses.
Solid Waste Residual	Solids from a wastewater treatment plant
Stacking Spaces	Areas designed and located to accommodate motor vehicles waiting to make a turning movement or to be served at a drive-in window.
Storage & Warehousing: Indoor	A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or

	explosive or that present hazards or conditions commonly recognized as offensive.
Storage & Warehousing: Outdoor	The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located, or an accessory use to a principal use.
Storage & Warehousing: Self	A use that provides individual storage units, buildings, or spaces for rent to businesses or individuals for storage of items excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive. This use may include parking spaces or outside storage areas for long-term storage of vehicles or boats and may include a dwelling for a caretaker or security guard.
Storage Tanks Elevated	Structures designs and built to store water in order to increase the pressure of water in the distribution system and to supply additional capacity for treated water; this does not include tanks used to store petroleum products or chemicals.
Stormwater management	The qualitative and quantitative measures for controlling stormwater runoff. Qualitative controls consist of vegetative, structural and other measures which control or treat pollutants carried by surface runoff. Quantitative controls consist of vegetative and structural measures which control the increased volume and rate of surface runoff caused by manmade changes to the land and have the effect of maintaining the predevelopment patterns of flood magnitude and frequency.
Stormwater management plan	A plan which has been submitted as a prerequisite to obtaining a zoning, conditional use, or building permit from the Town of Wallace, and which is designed to minimize erosion, prevent off-site sedimentation, and control stormwater runoff. The plan shall be prepared and designed in accordance with the requirements of this ordinance, and all other state laws and regulations as may apply.
Stormwater Runoff	Volume of water leaving a tract or parcel of land after a rain event, which is not retained on-site.
Stormwater system	All manmade structures or natural features within the town that serve to provide for conveyance of stormwater runoff water resulting from natural storm events. Components of the stormwater system include but are not limited to swales, ditches, pipes, channels, creeks, ponds, weirs, culverts, manholes, swales, inlet structures and infiltration fields.
Street	Public or private access ways that accommodate movements of vehicular traffic.
Street, Alley	A minor way which is not intended for general circulation but is used primarily for vehicular access to the rear or side of properties otherwise abutting a street at the front.

Street, Arterial	A street used or designed to be used for through traffic, usually on a continuous route. Arterial streets carry high volumes of traffic, in excess of twelve hundred (1200) trips per day. For purposes of these regulations, such streets include those so designated in the Comprehensive Plan or any element thereof.
Street, Collector	A street used or designed to carry traffic between minor, local streets and arterial streets, but which may also provide direct access to abutting properties. It serves or is designed to serve directly or indirectly more than one hundred (100) units and is designed to be used or is used to carry more than eight hundred (800) trips per day.
Street, Cul-de-sac	A street that generally terminates in a circular or bulbous right-of-way. It is used or designed to be used to provide access to abutting properties.
Street, Local	A street used or designed to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected or does handle between seventy-five (75) and two hundred (200) trips per day.
Street, Private	A street that is a privately maintained vehicular way built to the private street standards of the Town of Wallace.
Street, Public	A street which has been accepted for permanent maintenance by the State of North Carolina or the Town of Wallace.
Structure	Anything constructed, erected, or placed on the land, above or below grade. It includes, but is not limited to: buildings, signs, load bearing walls, docks, columns, and pools. Walkways, fences, patios, or one and two family driveways are not considered structures.
Structure, Principal	A structure or, where the context so indicates, a group of structures in which is conducted the main or principal use of the lot on which building is situated.
Subdivider	Any person or persons, firm or corporation subdividing land within the jurisdiction of this Ordinance.
Subdivision	Subdivision means 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 includes all division of land involving the dedication of a new street or a change in existing streets.
Subdivision, Conservation	A subdivision containing 20 or more lots in which the individual building lot size is reduced and common open space area equal to or greater than the reduction of individual lot sizes is provided. The provided open space must protect irreplaceable natural features or include difficult physical features that make a conventional development pattern undesirable. The density of a conservation subdivision will be established through the district density applied to the gross development parcel size.

Subdivision, Major	A division of a tract of land into five (5) or more lots with access to be provided from a public street.
Subdivision, Minor	A division of a tract of land into no more than four (4) lots with access to be provided from a public street.
Subdivision, Minor Expedited	The division of one existing parcel of land under single ownership that is not exempt per G.S. 160D-802(a); (1) where no part of the tract or parcel to be divided has been divided in the 10 years prior to the proposed division; (2) the entire area of the tract or parcel to be divided is greater than 5 acres; (3) after division, no more than three lots result from the division and all resultant lots comply with all lot dimension size requirements of the applicable zoning district and the use of the lots is in conformity with the applicable zoning district; and (4) a permanent means of ingress and egress is recorded for each.
Substantial Progress	For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.
Supporting documents (Stormwater)	The plan, profiles, details, specifications, calculations, deeds, easements, covenants, operation and maintenance plan, maps delineating the 404 wetlands on the site signed by the U.S. Army Corps of Engineers, soils investigation data, and other such material as may be required by the town to review the application for a permit-to-construct for a project pursuant to this article.
Temporary Operating Permit	A permit issued by the Council permitting a nonconforming mobile home park to be maintained and operated for a period of six months subject only to the provisions of this chapter made expressly applicable to the owner, or owners, lessee or agent.
Ten-year frequency storm (Stormwater)	The storm of an intensity expected to occur, on average, once in a ten (10) year period of time, and whose duration can be expected to produce the peak rate of runoff for the watershed of interest. This information shall be obtained from NOAA's National Weather Service Precipitation Frequency Data server (http://dipper.nws.noaa.gov/hdsc/pfds/).
Telephone Exchange and Switching Station	A facility designed and built to handle telecommunications equipment. This installation may contain any necessary storage and maintenance facilities.
Town	The word "Town" or "Town of Wallace" or "Wallace" shall refer to all lands in the corporate limits and within the extraterritorial planning

boundaries of the Town of Wallace as recorded in the Duplin County Registry of deeds and as shown on the Official Zoning Map.

Townhouse	A one (1) family dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside; no unit is located over another unit; and each unit is separated from any other unit by one (1) or more common fire resistant walls.
Transmission Lines	For lines carrying electrical energy, transmission lines are those that carry forty-five thousand (45,000) volts or more. For lines which carry liquids or gases, transmission lines are those operating, or designed to operate, at pressures of one hundred (100) pounds per square inch or greater.
Tree Protection Zone	Area on a development plan designated for no development and no land disturbing activity
Understory Tree	A subset of deciduous trees that are smaller in mature height than canopy trees and prefer a growth habitat under the protection of canopy or shade trees
Undisturbed Area	Area where the ground cover plant material is intact and undamaged
Variance	A relaxation of the literal terms of this Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, and where a literal enforcement of the Ordinance would result in unnecessary and undue hardship to the property owner. Establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.
Vehicle Accommodation Area	That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of the circulation area, parking spaces and loading and unloading spaces.
Vehicle Restoration	The business of renovating vehicles ten (10) years of age or older to showroom condition that does not involve outside storage or sales of vehicles. Accessory uses of restored parts sales, restored vehicles sales, restored vehicle upholstery, and restored machining are allowed.
Veterinarian Office / Animal Hospital	An establishment used for the care, grooming, diagnosis, and treatment of animals.
Walkways	Public pedestrian way within the road right-of-way or other public access easement of an approved surface. Walkways are available for public use, but may be owned and maintained by homeowners associations or similar entities.
Water course or drainage way (Stormwater)	Any natural or artificial water course, including, but not limited to: streams, rivers, creeks, ponds, lakes, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continuously or

intermittently; and including any areas adjacent thereto which are subject inundation by reason of overflow or flood water.

Water & Sanitary Sewer Pumping Station

Mechanical installation for boosting water pressure or applying pressure to sewage collection lines to address topographic challenges in a water supply or waste water collection system

Water Feature

A prominent aspect or characteristic of a geographic area that exhibits verifiable evidence of a presence of water in the soil. Examples of water features include, but are not limited to, perennial and intermittent streams, lakes, ponds, reservoirs, springs, artesian wells, irrigation wells, marshes or swamps, wetlands, and natural drainage ditches (non-ephemeral).

Wetlands (404 Wetlands)
(Stormwater)

Those areas defined by the U.S. Army Corps of Engineers as jurisdiction 404 wetlands.

Wholesale Sales

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial commercial, institutional, or professional business users; or to other wholesalers.

Written Narrative

A written description of a proposed action

Yard Sales

All sales open to the public, conducted from or on a residential building or premise in any zone, as defined by the Unified Development Ordinance, for the purpose of disposing of personal property including but not limited to, all sales referred to as "garage sale," "lawn sale," "yard sale," "attic sale," "porch sale," "room sale," "backyard sale," "patio sale," "rummage sale" or similar name. Yard sales normally consist of selling used household goods and/or belongings. This definition shall not include a sale where no more than 2 specific items are held out for sale and any advertisement of such sale specifically names those items to be sold.

Zoning Compliance Permit

A document signed by the Planning Director, as required in the Unified Development Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the Unified Development Ordinance. The Zoning Compliance Permit is valid for a period of twelve (12) months from the date of issuance or from the date of the adoption of this Ordinance.

Zoning Lot

See Lot, Zoning.

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