

9. DEFINITIONS

9.1 RULES OF MEASUREMENT, COMPUTATIONS, AND EXCEPTIONS

9.1.1 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.

9.1.2 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.

9.1.3 LOT MEASUREMENTS

9.1.3.1 Lot Area

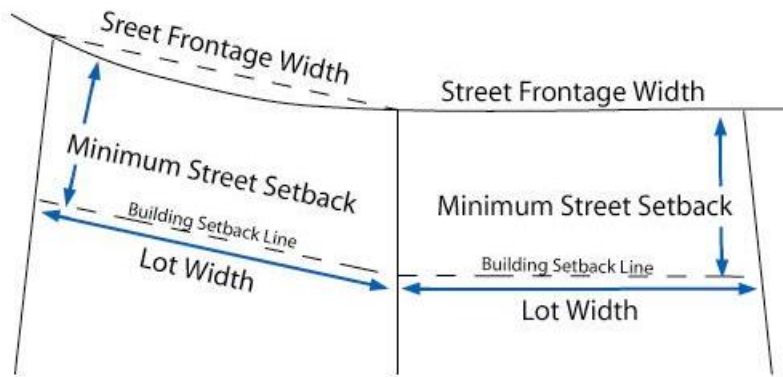
The area of a lot includes the total horizontal surface area within the lot's boundaries exclusive of rights of way or easement for streets (public or private) or access to other property. Utility and similar encumbrances are included in the lot area.

9.1.3.2 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.

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 9-1: Lot Width



9.1.4 DWELLING UNIT YIELD

9.1.4.1 The dwelling unit yield (total number of dwelling units allowed for a development tract) shall be determined by dividing the total area of land (in square feet) within the development tract by the minimum lot area established by the zoning district in which the development tract is located. For example, if a development tract contains 4.5 acres that translates to 196,020 SF. If that development tract is zoned R-10, 19.6 dwelling units would be the yield on that tract. Nineteen lots could be created from this parcel, assuming they all met the other dimensional requirements in the ordinance.

9.1.4.2 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.

9.1.5 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 3.10.

9.1.5.1 Setback Measurements

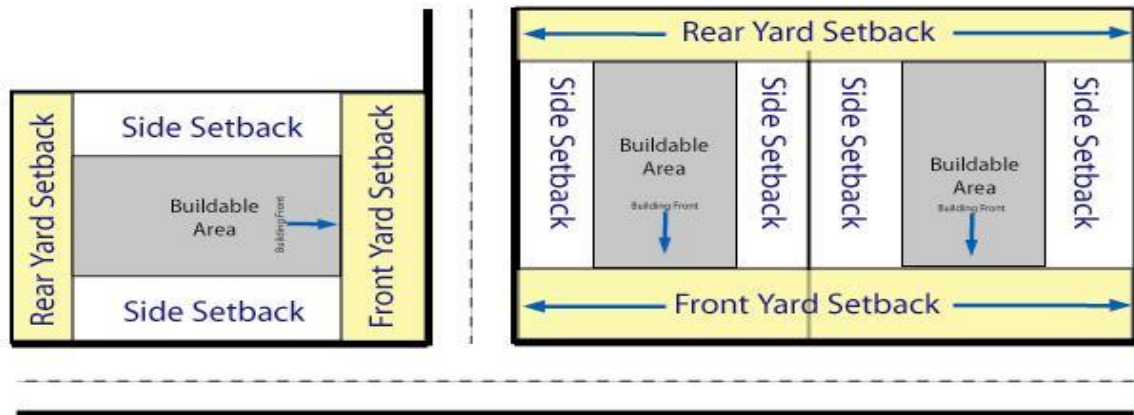
- a) A setback from a public street shall be measured from the street right-of-way line if such line is readily determinable in the field or by reference to a recorded map, set irons, or other means.
- b) A setback from a property line shall be measured as the shortest perpendicular distance from the property line to the structure.
- c) Lots with zoning designations in the "proposed" column of Table 6.3.3 shall observe the required setback in Table 6.3.2 for that zoning district for any setback adjacent to a public street.
- d) Lots encumbered with private street rights of way shall measure their setback from the right of way boundary.

- e) Lots encumbered with access easements not classified as private streets, utility or other easements shall measure setback requirements from the property line, not the easement.

9.1.5.2 Permissible Encroachment into Required Setbacks

- 9.1.5.2.a** One and two family driveways, walkways, fences, retaining or decorative walls, ornaments, furniture, and landscape plantings may be permitted in any setback.
- 9.1.5.2.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*.
- 9.1.5.2.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:
 - (a) 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.
 - (b) 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.
- 9.1.5.2.d** Parking lots and parking spaces are not allowed within setbacks.
- 9.1.5.2.e** HVAC units and auxiliary power supplies (generators) are not allowed within setbacks.
- 9.1.5.2.f** For setback provisions that apply to nonconforming lots of record, see Section 7.5, *Nonconforming Lots of Record*.
- 9.1.5.2.g** Steps, risers and ramps without a roof, awning or similar covering extending from residential structures may encroach in required setbacks, provided that a minimum setback of no less than 10 feet remains along any property line shared with another residential property (not street right of way). Required landings between two runs of risers or ramps may also encroach provided the landing is also without a roof, awning or similar cover. In the case where an existing structure does not observe a 10 foot setback from a property line shared with another residential property or street right of way at the time of application, the maximum possible setback shall be preserved while allowing necessary access to an existing structure.

Figure 9-2: Setbacks



9.1.6 HEIGHT MEASUREMENT

- 9.1.6.1 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.
- 9.1.6.2 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*.

9.1.7 HEIGHT LIMIT EXCEPTIONS

- 9.1.7.1 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.
- 9.1.7.2 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.

9.2 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, <i>Use Table</i> , 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.
Activities of Daily Living	Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting and eating.
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.
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
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 check-cashing 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 with the provision of live entertainment allowed as an accessory use (See also definitions for Performance Facility and Restaurant.)
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, commonly used in stormwater management.
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 Orange County Building Inspections 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, on-site 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).
Caregiver	An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person, and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring
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.
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 marques.

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

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">The pitch of the mobile home's roof has a minimum vertical rise of two feet for each twelve feet of vertical run.The exterior materials are of wood, hardboard, or aluminum comparable in composition, appearance, and durability to site-built houses in the vicinity.A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the mobile home; andThe tongue, axles, transporting lights, and removable towing apparatus are to be removed subsequent to final placement.
Dwelling, Mobile Home, Class B	<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.</p>
Dwelling, Mobile Home, Class C	<p>All mobile homes other than Class A or Class B mobile homes.</p>
Dwelling, Single-Family (Detached)	<p>A residential building that contains one (1) dwelling unit on a single lot and may also include one (1) efficiency apartment.</p>
Easement	<p>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.</p>
Efficiency Apartment	<p>An efficiency apartment is a dwelling use accessory and subordinate to a principal single-family dwelling, that is located within the principal dwelling unit.</p>
Electronic Gaming Operation	<p>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, or skill-based games including sweepstakes, and where cash, merchandise or other items of value may be 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, sweepstakes, fish tables, internet cafes, internet sweepstakes, electronic gaming/machine operations, or cybercafés that otherwise meet the preceding definition. This does not include the N.C. Education Lottery.</p>

Engineered Stormwater Control	A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater control includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.
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"><li data-bbox="597 1178 1481 1255">a) It either is built or has established a statutory or common-law vested right as of the effective date of this ordinance; or<li data-bbox="597 1276 1481 1388">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.
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 Hillsborough 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.
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.
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 non-profit entity operating the market.

Fence	A constructed, freestanding, vertical barrier (not landscaping) or enclosure. A fence may be decorative and insubstantial or completely opaque. Construction materials include but are not limited to wood posts and wire, metal, wooden posts with pickets or boards, and brick or stone columns with metal or wood panels. Fences may also be constructed to support or protect the growth of plant material.
First or Second Degree Relative	A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece and includes half, step and in-law relationships.
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.
Food Preparation Business	The enterprise of creating foods or beverages for off-site retail sale or serving (catering). When combined with on-site retail sale and on-site consumption, this will be classified as a combination restaurant/food preparation business. When combined with on-site retail sale and off-site consumption, this will be classified a combination retail/food preparation business.
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).

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.
Government Maintenance Yard	A facility owned and operated by a unit of government to park, storage, repair, and stage service vehicles and repair equipment includes but not limited to transit vehicles, solid waste and street repair vehicles, utility system and park vehicles.
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.
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 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.
Homeless Shelter	A facility that provides temporary lodging for 1-12 indigent individuals and/or families with no regular home or residential address. Supportive services (including, but not limited to: a community kitchen or food pantry; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) may also be provided in conjunction with lodging. Similar services provided within an existing church/place of worship shall be considered an accessory use to the church/place of worship's principal use, and shall not require a Special Use Permit when the space allocated to the shelter operation does not exceed 25% of the area of occupied structures on the same parcel.
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.
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
Intermittent Stream	Any water feature shown as broken blue lines on the most current USGS Quadrangle maps for Orange 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.
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 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 Orange County registry of Deeds prior to the existence of the establishment of a zoning ordinance and/or subdivision regulations in Hillsborough'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 Hillsborough. (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.
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.
Master Plan	A plan for the development of 20 or more acres of land approved as part of a rezoning request to a special use district, that defines basic development uses, intensities, and a transportation network for the sites.
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.
Mentally or Physically Impaired Person	A person who is a resident of the State of North Carolina and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in the State of North Carolina.

Merchant Organization	For the purposes of event signage in Section 6.18, 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).
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.
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 operations	Location of business operations generally without daily face to face contact with customers or clients, including back office functions, telephone or internet based customer service and sales, or other business functions for a larger entity. This use includes corporate headquarters, enterprises engaged in intellectual research or consulting, and call centers or data centers not co-located with distribution operations.
Offices and professional services	Base of operations for government and client service businesses including but not limited to: real estate, finance, insurance, engineering, travel agents, web design, and others not captured by the term personal service business or the term health care facility as defined in this ordinance.
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.
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.
Order Fulfillment Center	Enterprise in which the principal activity involves receiving, processing, packaging, and shipping orders for retail goods to individuals or businesses.
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.
Park and Ride Facility	A parking and vehicle circulation area owned and/or operated by a local government or by a public transit operator for the purpose of providing parking spaces for transit riders in conjunction with transit stops. This use is generally not collocated with another use. Park and ride arrangements collocated with non-residential and mixed use centers are accessory uses to the primary use and are not governed by this definition.
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 Orange County or so designated by authorized staff upon a field investigation.
Performance Bond	Financial guarantee provided by an applicant to the town to ensure the completion of a required element of a plan or permit.

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. The provision of on-site food and beverages, including alcohol is allowed as an accessory use.
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-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
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 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, 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.
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 (like on 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.
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 discernable 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 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.
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. 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
Redevelopment	For stormwater purposes, any development on previously-developed land. Redevelopment of structures or improvements that (i) existed prior to December 2006 and (ii) would not result in an increase in impervious surface area and (iii) provides stormwater control at least equal to the previous development is not required to meet the nutrient loading targets of this ordinance.
Research Facility	A facility established to aid in the studios inquiry or examination of pure science or applied science in any field, including but not limited to botany, biology, chemistry, physics, computers, and electronics. Facilities under this definition may contain clean rooms and wet labs for processing and research but not those built to biocontamination prevention standards. Studies of the humanities are not included in this use but are included in "office operations."
Research Facility, Intense	A facility established to aid in the studios inquiry or examination of pure science or applied science in any field. Any facility containing cleanroom or wetlab facilities for the containment of biocontamination or involving experiments or testing on animal subjects outside the field of veterinary medicine will qualify under this definition. A facility rate by the CDC (Center for Disease Control) as BSL (Biosafety Level)-2 or above shall be considered an intense research facility
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	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. The provision of live entertainment allowed as an accessory use.
Restaurant, Convenience	A food service establishment with a drive-thru window or seating for fewer than 10 customers. Most customers order at a counter, from their vehicle, or through electronic means and food is generally provided in packages to allow customers to leave the premises.
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.
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 bed and breakfast 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.
Setback	The minimum distance between a property line or street right of way and structure including any projection thereof but excluding eaves and gutters, not to exceed twenty four (24) inches (see 9.1.5 for further information). Pedestrian or vehicular access ways may be constructed within the required setback line (see Figure 9-2).

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, 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, Illuminated Tubing	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, Off-premise	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.
Site Specific Development Plan	A plan of land development which has been submitted to the town with an application for a conditional use permit or special use permit, describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of land.
Sketch Plan	A preliminary and imprecise drawing of a proposed subdivision submitted for staff review
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 goods, products, or 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 with individual exterior access for rent to businesses or individuals for storage of items excluding bulk storage of materials that are flammable or explosive of 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 Design Manual	The stormwater design manual approved for use in this part of the Falls Watershed by the Department for the proper implementation of the requirements of the Falls Watershed stormwater program. All references herein to the Stormwater Design Manual are to the latest published edition or revision.
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 engineered stormwater controls owned or controlled by a person that drain to the same outfall, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.
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 Hillsborough.
Street, Public	A street which has been accepted for permanent maintenance by the State of North Carolina or the Town of Hillsborough.
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, conditional or special	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.

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.
Telephone Exchange and Switching Station	A facility designed and built to handle telecommunications equipment. This installation may contain any necessary storage and maintenance facilities.
Temporary Family Health Care Structure	A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).
Town	The word "Town" or "Town of Hillsborough" or "Hillsborough" shall refer to all lands in the corporate limits and within the extraterritorial planning boundaries of the Town of Hillsborough as recorded in the Orange 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.
Wall	A vertical portion of a structure meant to support a roof or horizontal member OR a vertical structure constructed to define a boundary, create an enclosure, or create a barrier. Different from a fence is a wall acting as a fence (second portion of the definition) which uses construction methods more generally associated with construction of an enclosing structure and are most typically completely opaque although pierced construction is not uncommon. Material examples include, but are not limited to: brick, block, and rock. For requirements relating to walls constructed to act like fences, refer to the portion of Section 5 relating to fences and walls. Retaining walls are not walls constructed to act like a fence.
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 & 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).
Water Supply Watershed	An area of land that drains to existing reservoirs which are public water supplies for the town or county or to potential reservoir sites which have been designated for protection.
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
Zoning Compliance Permit	A document signed by the Planning Director, as required in the <i>Unified Development Ordinance</i> , 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 <i>Unified Development Ordinance</i> . The Zoning Compliance Permit is valid for a period of twelve (12) months from the date of issuance of from the date of the adoption of this Ordinance.
Zoning Lot	See Lot, Zoning.