

Kathleen Snyder

2023-06-20 18:18:41

Susan,

The property at 7202 Kepley Road is zoned RR- Rural Residential, is in the Rural tier, and is in the Falls/Jordan Watershed Critical Area. The minimum lot size and width for the RR zoning in the Rural tier is 3 acres and 200 feet. The impervious surface limit for this property is 6% of the the total acreage.

The Use Table lists all of the uses that are permitted in the RR zoning district. I have linked it below.

Without additional access, this property cannot be subdivided, due to the requirements for ingress and egress. If additional property is acquired for the necessary frontage, there are some additional constraints that will need to be considered when possibly developing it. You would also need to take the stream and pond buffers in consideration.

Please let me know if you have additional questions.

Link to Durham Maps: <https://maps.durhamnc.gov/> (<https://maps.durhamnc.gov/>)

Link to Use Table: <https://durham.municipal.codes/UDO/5.1.2> (<https://durham.municipal.codes/UDO/5.1.2>)

Link to RR standards: <https://durham.municipal.codes/UDO/6.2.1>
(<https://durham.municipal.codes/UDO/6.2.1>)

Link to ingress/egress: <https://durham.municipal.codes/UDO/12.2.1>
(<https://durham.municipal.codes/UDO/12.2.1>)

Link to Watershed regulations: <https://durham.municipal.codes/UDO/8.7>
(<https://durham.municipal.codes/UDO/8.7>)

Link to Watershed regulation exceptions: <https://durham.municipal.codes/UDO/8.7.3>
(<https://durham.municipal.codes/UDO/8.7.3>)

Kathleen Snyder, AICP

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Durham, NC 27701

Planning@DurhamNC.gov (<mailto:Planning@DurhamNC.gov>)

Paragraph



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Add a message...

Export to PDF

Parcel Record

| | |
|------------------|--|
| Parcel ID | 143226 |
| Parcel ID Number | 0707-13-71-5987 |
| Acres | 35.34 |
| Owner Name | GEORGE MELBA TRUSTEE WRIGHT BARBARA TRUSTEE FOR VIRGINIA MORTGAGE CO |
| Site Address | 7202 KEPLEY RD |

Parks and Recreation Facility Impact Fee Zone
Zone 1

Development Tier
Rural

Open Space Land Impact Fee Zone
1A

Watershed Protection Overlay
Falls of the Neuse / Jordan Lake Critical Area

Sewer Basin
South

Soils
CrB (43%)
w (30%)
CrC (9%)
w (20%)

Wsb (9%)

Wsc (5%)

Wn (4%)

National Wetland Inventory

L1UBHh, 9.267 acres

Stormwater Regulatory Basin (Watershed)

Jordan Lake

Trade Inspectors

Building

District 2: Karey McConnell

Electrical

District 8: Chis Januzys

Mechanical

District 4: James Hobby

Plumbing

District 4: Michael Jar

Multitrade

District 1: Joseph Frazier

Cross Connection

District 3: Tony Pickett

Census Blocks 2010

Block Name

Block 2024

Tract

002019

Population

121

Dwelling Units

55

Flood Zones 2018 (for development purposes)

X, 35.338 acres

Flood Zones 2018 (for insurance purposes)

X, 35.338 acres

Tax District

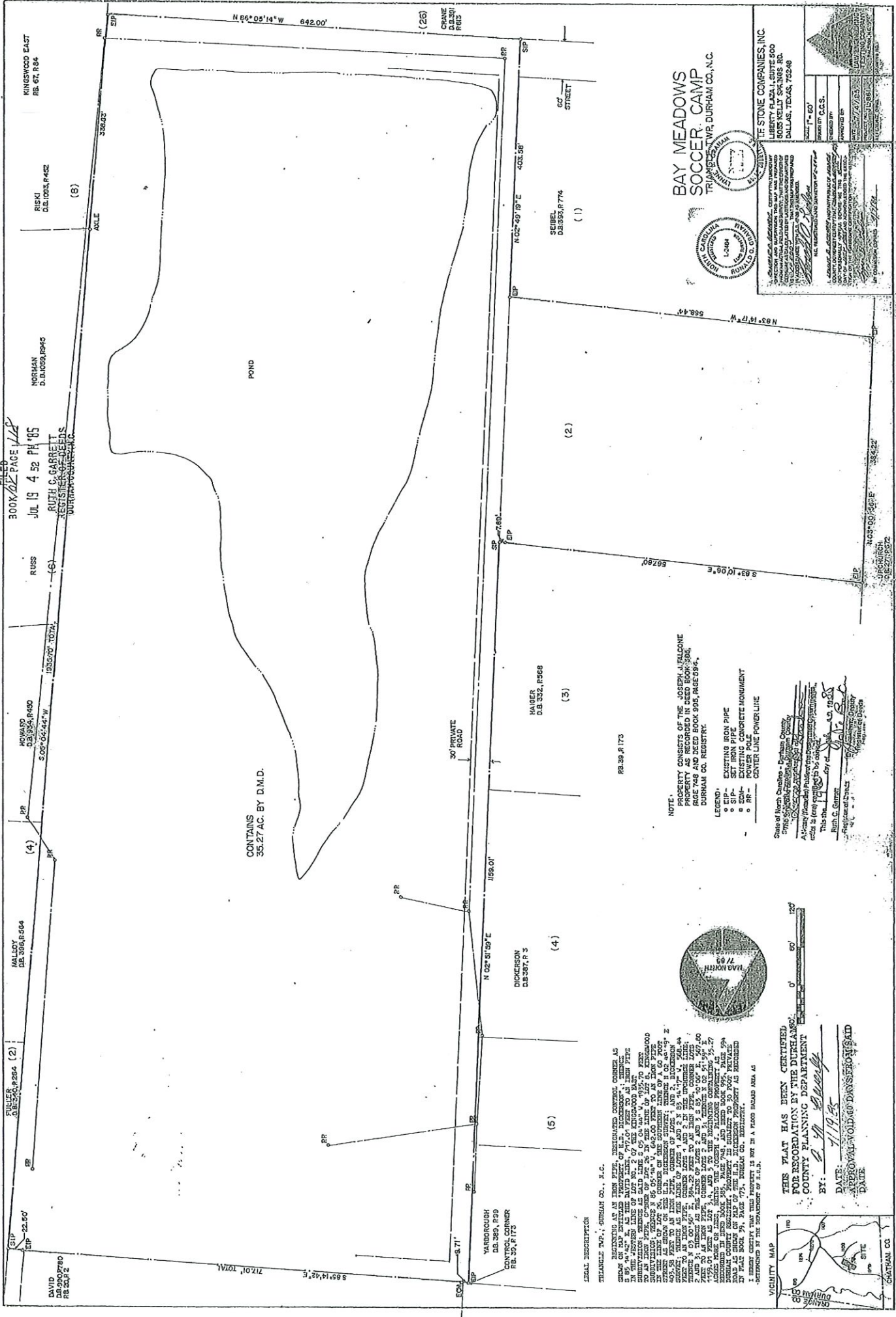
DCo Fire and Rescue - Service District

Zoning
RR

Future Land Use
Rural Density Residential (0.5 DU/Acre or less), Rural

Layers that did not overlap
Streets Impact Fee Zone
Local Historic Districts
Local Historic Landmarks
Neighborhood Protection Overlay
National Historic Districts
Longtime Homeowner Grant Assistance Area
Research Triangle Park
City Sewer Drain to County (County 80% Sewer Area)
Airport Overlay
Major Transportation Corridor
Transitional Office Overlay

108-118



300X 1/2 PAGE 1/2
JUL 19 4 52 PM '85
RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, N.C.

RUSSELL
(6)

1035.00' TOTAL

HOWARD
D.B. 354, P. 450
S. 08° 56' 44" W

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MALLOY
D.B. 366, P. 564

FULLER
D.B. 354, P. 254 (2)

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KINGSWOOD EAST
P.B. 67, P. 84

RISKI
D.B. 1005, P. 452

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Sec. 17.3 Defined Terms



[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

A Definitions



Accelerated Erosion: Any increase over the rate of [natural erosion](#) as a result of [land-disturbing activity](#).

Accessory Dwelling Unit: A dwelling that exists as part of a principal dwelling or on the same [lot](#) as the principal dwelling and is [subordinate](#) in size to the principal dwelling.

Accessory Use or Structure: A use or [structure](#) that exists on the same [lot](#) with the [principal use](#) or [structure](#) and is [subordinate](#) in size and purpose to the [principal use](#).

Act of God: An event, such as an earthquake or hurricane, that is caused by natural forces and cannot be prevented or foreseen.

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

Addition (to an existing building): An extension or increase in the [floor area](#) or height of a [building](#) or [structure](#)

Adequate Erosion Control Measure, Structure or Device: means one which controls the soil material within the land area under responsible control of the [person](#) conducting the [land disturbing activity](#).

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

Adopted Land Use Plans: Any land use plan adopted by a governing body including, specifically, the [Comprehensive Plan](#).

Adult Establishment: A business as defined in North Carolina General Statute ([NCGS](#)) §[14-202.10\(2\)](#). This definition includes adult bookstores, adult motion picture [theaters](#), adult mini-motion picture [theaters](#), adult live entertainment businesses or massage businesses. These uses are further defined in [NCGS](#) §[14-202.10](#) and the definitions are adopted by reference; however, [massage therapy businesses](#) as defined in this Ordinance are exempt from this definition.

Affiliate: A [person](#) that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another [person](#).

Affordable Housing Dwelling Unit: A [dwelling unit committed](#) for a minimum 30-year term as affordable, through covenants, restrictions, or officially adopted agreements, to households with incomes as follows. Income eligibility, affordable rent levels and affordable for sale prices, as well as monitoring and compliance requirements for [affordable housing dwelling units](#), will adhere to the adopted rules and procedures of the City of Durham's Community [Development](#) Department.

A. For rental units, household income at initial occupancy of the rental [affordable housing dwelling unit](#) must be at or below 60% of [area median income](#) as defined by the United States Department of Housing and Urban [Development](#) (HUD) for the HOME Investment Partnership Program. The unit will remain qualified as an [affordable housing dwelling unit](#) if household income rises above 60% [AMI](#) but remains at or below 80% [AMI](#) after initial occupancy. If tenant income after initial occupancy rises above 80% [AMI](#), the unit will no longer qualify as an [affordable housing dwelling unit](#).

B. For homeownership units, household income at closing of the for sale [affordable housing dwelling unit](#) must be at or below 80% of [area median income](#) as defined by HUD for the HOME Investment Partnership Program. There are no limits on increases in income after closing as long as the unit remains the household's principal residence.

Afforestation: The act of establishing forest cover.

Agency: A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's [office](#), travel [agency](#), temporary employee [agency](#), etc.

Agricultural Uses: Land used as pasture or in the commercial production of [crops](#), [forestry](#), horticultural products, fish hatcheries or aquaculture, and the keeping of [livestock](#) for commercial or noncommercial purposes. Also included in this definition of [agricultural uses](#) are agricultural accessory [buildings](#) and sales of [farm products](#) grown or produced on the

premises. This definition does not include domesticated chickens allowed pursuant to Sec. 5.4, Accessory Uses and Structures, the commercial slaughtering of animals for marketing, and farm tenant dwellings.

Airport: A place where aircraft can takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled.

Alley: A strip of land, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alternative Form of Compliance: A form of compliance that equals or exceeds an applicable standard and is subject to approval as defined in the Unified Development Ordinance.

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

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

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

Antenna-Supporting Structure: A vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. A wireless support structure is defined separately within this section.

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

Appeal: Request for review of a final order, interpretation or decision by any administrative official authorized to make such decision.

Apiculture: The maintenance of honey bee colonies.

Area Median Income (AMI): Income thresholds established by the United States Housing Department of Housing and Urban Development (HUD) based on median income for households in metropolitan areas, adjusted for family size, to determine eligibility for a variety of housing programs.

Area of Shallow Flooding: A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Articulation: An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; or modulation of building façades, massing, and detail to create variety.

B Definitions



Banquet Hall: See "Event Venue."

Bar: See "Nightclub."

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year based on current conditions hydrology.

Base Flood Elevation (BFE): The water surface elevations for the Base Flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation in Special Flood Hazard Areas.

Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communication network. The term does not encompass a wireless support structure as defined in this section or any equipment associated with a tower.

Basement: The lowest level or story which has its floor sub-grade on at least three sides.

Bed and Breakfast: A state-regulated facility for overnight accommodations as defined under NCGS § 130A-247.

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

Best Management Practice or BMP: Stormwater and runoff pollution control practices designed to reduce the amount of flow or pollutants contained in discharges to the stormwater conveyance system and receiving waters.

Bicycle Parking, Long-Term: Bicycle parking that is not required to be publicly accessible, but provided for the use of residents, employees, and visitors to a site for long periods of time during a day or overnight.

Bicycle Parking, Short-Term: Bicycle parking that is publicly and readily accessible, and visible, with the intention to be used for short periods of time.

Block: A usually rectangular space enclosed by right-of-way and occupied by or intended for buildings.

Block Face: One side of a right-of-way between two consecutive intersecting or intercepting rights-of-way, natural barrier, or between a cross-street and the end of a dead end street or cul-de-sac. Where a street curves so that any two adjacent 100-foot chords thereof form an angle of 120 degrees or less, measured along the centerline of the street, such curve shall be construed as an intersecting street.

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

Boulevard: Major streets with a median and two or more lanes that are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Brewery: A brewery that produces 15,000 or more US beer barrels (460,000 US gallons) per year.

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

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

Buffer Zone: The strip of land adjacent to a lake or natural watercourse.

Build-To Line: The line a set distance from the back of curb establishing the required building location. Build-to lines shall be measured from the predominant curbline (not including bulb outs) or future curbline where no curb currently exists.

Build-To, Percent of Frontage: The percent of the principal structure's frontage that shall be constructed to a fixed line designed to pull structures forward on a lot. The required minimum build-to is set out as a percentage of the frontage.

Building: As defined in the North Carolina Building Code, as amended, or the North Carolina Residential Code for One and Two-Family Dwellings, as amended, as applicable.

Building Articulation: See Articulation.

Building Base: The lower level(s) of the building podium specifically designed and articulated as the base or plinth of the building.

Building Coverage: The horizontal area within the outside of the exterior walls of the ground floor of all principal and accessory buildings. Building coverage is set forth as a percentage of the total lot area.

Building Elevation: One of the exterior vertical faces of a building.

Building Envelope: The area between all required setbacks within which a structure can be located.

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front.

Building Line: The primary edge of a building closest to the street, side, and rear property lines, and extending from the physical edge of the building.

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

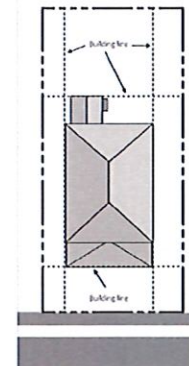
Building, Primary or Principal: A building which contains the principal use(s). In a residential district, any primary dwelling shall be deemed to be a primary building on the lot on which it is situated.

Building Podium: See Podium.

Building Separation: The required separation between primary buildings.

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

Build-to Zone: In Design Districts, the area parallel to the street where a street-facing façade or forecourt is required to be located.



C Definitions



Caliper: The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

Campground : A commercial recreational facility developed to accommodate the use of travel trailers, motorized homes, tents, cabins, or other similar device or facility used for temporary occupancy, with or without facilities for the exclusive use of its occupants. This definition shall not include manufactured homes, manufactured home parks or subdivisions, or the storage of recreational equipment or vehicles.

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

Cardinal Direction: One of the four principal compass points: north, south, east, or west.

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

Certificate of Compliance: A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with this Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Changeable Copy: The characters, letters, or illustrations of a sign that change, either manually or electronically, without altering the sign.

Chemical Storage Facility: means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Chicken: Poultry or fowl of the species *Gallus gallus*/G. *gallus domesticus*. The species includes many different breeds of chicken.

Chicken Coop: A structure for the sheltering of chickens.

Chicken Pen: An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

Clerestory Window: A window set in a roof structure or high in a wall (above eye-level), typically used for daylighting.

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

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

Cluster Box Unit (CBU): A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.

Cluster Development: A residential subdivision that concentrates development on a portion of a site, leaving the remainder in open space. Cluster developments achieve the land use intensity objectives by virtue of limits to overall density rather than minimum lot sizes.

Collector Street: A local street which serves as a connector street between local residential streets, commercial development and the thoroughfare system; such streets typically collect traffic from 250 to 400 dwelling units.

Co-Living: A dwelling unit where individuals reside by leasing a bedroom, the collective individuals do not qualify as a family as defined in this Ordinance, and where bathrooms may be shared but the common spaces and kitchen are shared. No individually leased rooms maintain separate cooking facilities. This definition does not include a fraternity or sorority, or a hotel, bed and breakfast inn, or other overnight accommodation.

Collocation: The placement or installation of wireless facilities on existing structures including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

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

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

Commercial Speech: Any expression related solely to the economic interests of the speaker and its audience, or as otherwise defined by a court of competent jurisdiction.

Committed Elements: See Elements, Commitments.

Commitments: Elements submitted as part of a development plan associated with a zoning map change, which are binding and establish the level of development allowed absent further zoning action except as otherwise allowed or required under this Ordinance. Formerly known as "committed elements."

Common Signage Plan: A plan delineating unifying characteristics for signs associated with a development project or complex.

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

Comprehensive Plan: The overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

Conditional Letter of Map Revision (CLOMR): A formal review and comment issued by the Federal Emergency Management Agency as to whether a proposed project complies with the minimum NFIP floodplain management criteria, and direction on revisions that will need to be made to the NFIP maps and/or study upon completion of the project.

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

Conference Center: See "Event Venue."

Congregate Living Facility: A residential use which undertakes, for a period exceeding 24 hours, care, housing, food service and one or more personal services for persons not related to the owner or administrator.

Contractors: Individuals or firms engaged in the construction of buildings, either residences or commercial structures, as well as activities such as paving, highway construction, and utility construction.

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

Convenience-Oriented Use: An establishment that provides frequently or recurrently needed items for household use.

Convenience Store: A retail store with a floor area of less than 5,000 square feet that sells groceries and may also sell gasoline but not including vehicle service stations (limited or full).

Corner Tower Element: A corner tower element is an accentuated vertical element located on a building corner at a street intersection allowed to be taller than the rest of the building.

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

Crop: Cultivated plants or agricultural produce, such as but not limited to grain, vegetables, or fruit.

Cul-de-sac: A short street having only one end open to traffic and the other being permanently terminated with a vehicular turn-around provided.

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

D Definitions



Date of Approval: The date of approving authority action.

Day Care Facility: A place that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. A daycare home, preschools integrated into the curriculum of a public or private school or not regulated by the State as a daycare facility, and retail drop-in/short-term childcare centers shall not be considered daycare facilities.

Day Care Home: A dwelling in which a permanent occupant provides for the care of no more than five preschool children (including the caregiver's children) and/or three school-aged children (not including the caregiver's children) or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and not dependents of the occupant, do not reside on the site. For the purpose of this Ordinance, such activities shall meet all requirements for home occupations.

Day-Night Average Sound Level: The average noise level over a 24-hour period, weighted by 10 dB between the hours of 10 p.m. and 7 a.m.

Day Treatment Facility: A facility licensed through the NC Department of Health and Human Services, Division of Medical Assistance, which provides supplemental therapeutic or clinical services coordinated with academic and/or vocational services for adults, children, or adolescents with mental health or substance abuse treatment needs, and their families. No overnight accommodations are provided.

Dedication: The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

Density: The number of dwelling units per gross acre, excluding accessory residences or dwelling units, or any other exclusion within this Ordinance.

Developer: Pursuant to NCGS 160D-102, a person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development: Pursuant to NCGS 160D-102, any of the following:

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- B. The excavation, grading, filling, clearing, or alteration of land.
- C. The subdivision of land as defined in NCGS 160D-802.
- D. The initiation or substantial change in the use of land or the intensity of use of land.

Development Plan: A type of plan that becomes part of the zoning of a property that establishes the level of development allowed absent further zoning action except as otherwise allowed or required under this Ordinance.

Diameter at Breast Height (dbh): The diameter of a tree measured four and one-half feet above the ground.

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

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

Disposal: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, is defined as in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distance Learning Center: An educational facility where teaching and learning is specifically designed to be carried out remotely, typically by using electronic communication.

Drive-Through Facility: An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included.

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

Drop-In/Short-Term Childcare Centers: Retail businesses that provide care for individuals on an hourly basis, do not offer enrollment, and do not require daycare licensing by the State.

Durham Inventory, Natural Inventory, or Inventory: The Durham County Inventory of Important Natural Areas, Plants and Wildlife, which in the case of a conflict may be superseded or supplemented by more current information from the North Carolina Heritage Program as determined by the Planning Director. The Durham Inventory does not include the Durham Architectural and Historic Inventory; the Durham County Archaeological Inventory; the Durham County Inventory of Cultural and Natural Resources; or the Durham County and Durham ETA Inventories of Historic Sites, which are referenced separately in the Ordinance.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E Definitions



Easement: A grant by a property owner for use by the public, a corporation or persons of an area of land for specific purposes.

Electronic Gaming Operation: Any for-profit business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to 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. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens, or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the

customer to enter a sweepstakes. The term **electronic gaming operations** includes, but is not limited to, cyber-gambling establishments, internet sweepstakes, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

Elevated Building: A non-**basement building**: (a) **built** in a **Special Flood Hazard Area** to have the top of the elevated floor, above the ground by means of pilings, columns (posts or piers), shear walls parallel to the flow of water or adequately anchored so as not to impair the structural integrity of the **building** during a **flood** up to the magnitude of the **base flood**; or (b) elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of **flood** waters.

Eligible Facility Request: A request for modification of an existing tower or **base station** that involves **collocation** of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment but does not include a "**substantial change**" of the facility pursuant to the qualifications detailed in the *FCC Report and Order FCC14-153*, or as amended; and complies with all applicable **building**, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health and safety.

Encroachment: When used in reference to Sec. 8.4, **Floodplain** and **Flood** Damage Protection Standards, the advance or infringement of uses, fill, excavation, **buildings**, permanent **structures** or **development** into a **floodplain**, which may impede or alter the flow capacity of a **floodplain**.

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

Engineered Stormwater Control: A structural **BMP** used to reduce pollution or peak flow rates to downstream properties and receiving waters in order to achieve water quality or water quantity control.

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

Erosion Control Plan: A plan designed to control both **erosion** and **sedimentation**.

Event Venue: A primarily indoor commercial multipurpose venue facility designed primarily for hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or meetings, and other similar functions. The facility may typically have a catering kitchen, indoor and outdoor seating, and a stage or event area. This definition does not include stadiums, arenas, or other similar outdoor venues.

Existing Conditions: Conditions that exist at time of plan or **plat** submittal.

Existing Manufactured Home Park or Manufactured Home Subdivision: When used in reference to Sec. 8.4, **Floodplain** and **Flood** Damage Protection Standards, a **manufactured home park** or **subdivision** for which the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site **grading** or the pouring of concrete pads) was completed before the original adoption of **flood** damage protection ordinances which occurred in the City of Durham on October 18, 1971 and in Durham County on August 21, 1972.

Expressway: The same attributes as a **freeway** but with partial control of access and some limited **driveways**. Such facilities are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Extended Stay Residence: An establishment containing 10 or more **guest rooms** that contain kitchen facilities or other home-like amenities not ordinarily provided in **hotels** or **motels**, for overnight guests staying five or more consecutive nights, and providing on-site registration and management.

F Definitions



Fall Zone: The area in which a **wireless support structure** may be expected to fall in the event of a structural failure, as measured by engineering standards.

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

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

Family Care Home: A residential facility as defined in **NCGS § 160D-907**.

Farm: See: "[Agricultural Uses](#)"

Farm Products: Includes, but is not limited to, fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, [livestock](#) food products (including meat and milk), and seafood.

Farmers' Market: A market open to the public where all products sold are [farm products](#), [value-added farm products](#), or a food or beverage product, and where the booths are operated by [producers](#).

Feed Lines: Cables used as the interconnecting media between a transmission/receiving [base station](#) and an [antenna](#).

Fenestration: The design and arrangement of windows and other exterior glazed openings of a [building](#).

Final Plat: The final map of all or a portion of a [subdivision](#) which is presented for final approval.

Firing Range: A property prepared, equipped and delineated for the purpose of shooting at targets by rifles [excluding air rifles], pistols, shot guns or archery. Excluded from this definition are residential sites and properties with hunting leases.

Flex Space: [Buildings](#) designed and marketed as multipurpose facilities with at least 10,000 square feet of leasable space providing opportunities for a mix of [office](#), showroom, distribution, and/or [laboratory](#) space. Facilities tend to be single-story.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation of [runoff](#) of surface waters from any source.

Flood Insurance: The insurance coverage provided under the National [Flood Insurance](#) Program.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management [Agency](#) has delineated the areas of special [flood](#) hazard, the [Future Conditions Flood Hazard Areas](#) and the risk premium zones.

Flood Insurance Study (FIS): A report that includes an examination, evaluation, and determination of [flood](#) hazards, corresponding water surface elevations (if appropriate), [flood](#) hazard risk zones, and other [flood](#) data in a community issued by the Federal Emergency Management [Agency](#). The [Flood Insurance Study](#) report includes [Flood Insurance Rate Maps \(FIRMs\)](#).

Flood Zone: A geographical area shown on a [Flood](#) Hazard Boundary Map or [Flood Insurance Rate Map](#) that reflects the severity or type of [flooding](#) in the area.

Floodplain (or Flood Prone Area): Any land area susceptible to being inundated by water from any source.

Floodplain Administrator: The individual appointed to administer and enforce the [floodplain management regulations](#). The Inspections Director or designee serves as the [Floodplain Administrator](#) pursuant to paragraph [3.21.2, Floodplain Administrator](#).

Floodplain Development Permit: means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any [development](#) activity.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing [flood](#) damage and preserving and enhancing, where possible, natural resources in the [floodplain](#), including, but not limited to, emergency preparedness plans, [flood](#) control works, [floodplain management regulations](#), and [open space](#) plans.

Floodplain Management Regulations: means this ordinance and other zoning ordinances, [subdivision](#) regulations, [building](#) codes, health regulations, special purpose ordinances, and other applications of police power which control [development](#) in [flood-prone areas](#). This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing [flood](#) loss and damage.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to [structures](#), which reduce or eliminate risk of [flood](#) damage to real estate or improved real property, water and sanitation facilities, or [structures](#) with their contents.

Floodway: The channel of a river or other [watercourse](#) and the [adjacent](#) land areas that must be [reserved](#) in order to discharge the [Base Flood](#) without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway Fringe: The portion of the [Special Flood Hazard Area](#) that is outside of the [Floodway](#).

Floor Area: Area of enclosed (i.e. roofed and walled) [built](#) space, excluding any unfinished area used exclusively for storage or mechanical elements.

Floor Area Ratio (FAR): The ratio of [building](#) area to [parcel](#) area.

Forecourt: The area between the [streetscape](#) and the façade of a [building](#), as prescribed for the [Forecourt Frontage](#) Type.

Forestry: The act of growing trees, harvesting timber or replanting trees in accordance with a management plan endorsed by the NC Division of Forest Resources.

Freeboard: The height added to the [Base Flood Elevation \(BFE\)](#) or the [future conditions flood elevation](#) to account for [watershed development](#) as well as limitations of the engineering methodologies for the determination of [flood](#) elevations. The [Base Flood Elevation](#) plus the [freeboard](#) establishes the "[Regulatory Flood Protection Elevation](#)."

Freeway: A multi-lane, controlled access major [road](#) connecting this region, major activity centers or major [roads](#) with other regions, major activity centers or major [roads](#). It is designed to accommodate large traffic volumes at high speeds. Such facilities may be part of the Interstate, Federal, or State primary highway system and are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Frontage, Street: The dimension of a property that is [adjacent](#) to a street.

Future Conditions Flood: The [flood](#) having a one (1) percent chance of being equaled or exceeded in any given year based on [future conditions hydrology](#).

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

Future Conditions Flood Hazard Area: The land area that would be inundated by the one percent (1%) annual chance [flood](#) based on [future conditions hydrology](#) as determined in paragraph [8.4.2](#), Applicability, of this ordinance.

Future Conditions Hydrology: The [flood](#) discharges associated with projected land-use conditions based on Durham City's and County's zoning maps or comprehensive land-use plans and without consideration of projected future construction of [flood](#) detention [structures](#) or projected future hydraulic modifications within a [stream](#) or other waterway such as bridge and culvert construction, fill, and excavation. [Future conditions flood](#) discharges are published in the [Flood Insurance Study](#).

G Definitions



Geographic Search Ring: The area within which a [wireless support structure](#) or [wireless facility](#) must be located in order to meet service objectives of the wireless service provider using the [wireless facility](#) or [wireless support structure](#).

Glazing: The portion of the [building](#) façade or external materials which are composed of glass or similar material. [Glazing](#) calculations include the glass used in the doors and windows of the [building](#).

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

Grading: A [land disturbing activity](#) that modifies the contours of the land.

Grandfathering: An exemption based on previously existing circumstances.

Green Roof: A vegetated roof treatment that has a layer of soil and a drainage system and is planted with vegetation.

Gross Vehicle Weight (GVW): The weight of a [vehicle](#) and its equipment with a full tank of fuel, a full maximum load of cargo, and passengers.

Ground Cover: Any natural vegetative growth or other material which renders the soil surface stable against [accelerated erosion](#).

Ground Floor: Also referred to as "ground level" or "street level," the floor of a [building](#) whose finished floor elevation (FFE) is closest to the grade of the [adjacent](#) street, allowing for [articulation](#) to accommodate changes in grade.

Group Home: A dwelling that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the North Carolina [Building Code](#).

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

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

H Definitions



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

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

Hazardous Waste Facility: means, as defined in [NCGS Article 9](#) of Chapter [130A](#), a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heavy Equipment: **Vehicles** such as buses, tow trucks, furniture trucks, fuel trucks, refrigerated trucks, dump trucks, or cement mixers; **vehicles** with a Class of 7 or above that would typically have a **Gross Vehicle Weight (GVW)** of at least 13 tons, or any construction equipment, or, within City limits, any **farm** equipment (except in the **RS-20** or **RR** districts).

Heliport: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory **buildings** and uses.

Helistop: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, without any appurtenant area, facility, **structure** or **building** designed, used, or intended for use in the operation or maintenance of the **helistop** or in the service or maintenance of helicopters.

High Density Option: One of two approaches available for **development** in **Watershed** Protection Overlays. The **high density option** relies on **impervious surface** limits and **engineered stormwater controls** to minimize risk of water pollution.

High Quality Water (HQP) Zones: Areas in the coastal counties that are within 575 feet of **high quality waters** and, for the remainder of the state, areas that are within one mile and drain to **HQWs**.

High Quality Waters: Those classified as such in Title [15A](#) NCAC [2B.0101\(e\)\(5\)](#) general procedures, which is incorporated herein by reference to include further amendments pursuant to [NCGS § 150b-14\(c\)](#).

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

Historic Structure: Any **structure** that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a local **inventory** of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program." Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Natural and Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation: Any occupation conducted by the inhabitants of the dwelling, which is secondary to the main use as a dwelling, and causes no change in the exterior of the dwelling.

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

Hotel or Motel: An establishment containing 10 or more **guest rooms**, for short term guests, and containing registration facilities, on-site management, cleaning services and combined utilities, except for an **Extended Stay Residence** or Facility.

I Definitions



Impervious Surfaces: A surface composed of any material that impedes or prevents natural infiltration of water into the soil and qualifies as "**built-upon area**" as defined by [NCGS 143-214.7](#), as amended.

Independent Living Facility: A facility consisting of a single **building** or group of **buildings** with one ownership and management in which the residents are **persons** at least 55 years of age, their spouses, and/or their surviving spouses, and with or without an on-site resident manager. Residents live in their own **dwelling units**. The facility maintains a common dining room and typically provides personal services such as transportation, banking, and/or a barber shop/hair salon; recreational activities and amenities; concierge services; and housekeeping for residents and their guests. Health maintenance services and/or treatment are not provided.

Initial Zoning Map Change: A zoning map change that establishes the City's zoning authority over newly annexed territory, per [NCGS 160D-202\(g\)](#), or establishes the County's zoning authority over newly relinquished territory, per [NCGS 160D-202\(h\)](#).

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

Internal Campus: All areas within the [UC](#) and [UC-2](#) Districts that are not included within a transitional use area.

Inventory: See [Durham Inventory](#).

J Definitions



Junk Vehicle: A [vehicle](#) which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

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

K Definitions



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

L Definitions



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

Lake or Natural Watercourse: Any [stream](#), river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which [sediment](#) may be moved or carried in suspension, and which could be damaged by accumulation of [sediment](#).

Land Disturbing Activity: Any use of land by any [person](#) in residential, industrial, educational, institutional or commercial [development](#), and in highway and [road](#) construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to [sedimentation](#). This includes [borrow](#) and waste disposal activity not regulated by the provisions of the [Mining Act](#) of 1971 or the Department of Health and Human Resources, Division of Health Services. [Land disturbing activities](#) over which the State has exclusive regulatory jurisdiction as provided in [NCGS § 74-46](#) through [74-68](#), or [NCGS § 113A-56](#) (a) shall not be included in this definition.

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

Landfill, Sanitary: A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day.

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

Letter of Map Amendment (LOMA): An official determination by [FEMA](#) that a property has been inadvertently included in a [Special Flood Hazard Area](#) as shown on an effective [FIRM](#) and is not subject to inundation by the one percent annual chance [flood](#). Generally, the property is located on natural high ground at or above the [BFE](#) or on fill placed prior to the effective date of the first [NFIP](#) map designating the property as within a [Special Flood Hazard Area](#). Limitations of map scale and [development](#) of topographic data more accurately reflecting the existing ground elevation at the time the maps were prepared are the two most common bases for [LOMA](#) requests.

Letter of Map Change (LOMC): A term used to inclusively define a [FEMA](#) issued letter related to a [Flood Insurance Rate Map](#) or [Flood Hazard Boundary Map](#) using one or more of the following processes: [Letter of Map Amendment](#), [Letter of Map Revision](#), as well as conditional [Letter of Map Amendment](#) and [conditional Letter of Map Revision](#).

Letter of Map Revision (LOMR): A letter issued by the Federal Emergency Management [Agency](#) that confirms amendment of a special [flood](#) hard area boundary.

Level of Service: A measure of capacity per unit of demand for a public service or facility. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility.

Livestock: **Livestock** includes but is not limited to poultry and hoofed animals such as cattle, horses, goats, sheep and swine; however, swine commonly referred to as Miniature, Vietnamese or Oriental Pot-Bellied pigs (*Sus scroda vittatus*) shall not be considered **livestock** if the animals are no more than 18 inches in height, the **owner** has proof of registry with the International Potbellied Pig Registry (IPPR), and no more than two are kept at any household.

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

Local Street: Streets less than one mile in length that do not connect thoroughfares, or major traffic generators, and typically do not collect traffic from more than 100 **dwelling units**; or loop streets less than 2,500 feet in length.

Lot, Corner: A **lot** abutting two or more streets at their intersection.

Lot, Double-Frontage: A **lot**, other than a **corner lot**, with **frontage** on more than one street.

Lot, Flag:

A. A **lot** with two distinct parts:

- 1 The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another **lot**; and
- 2 The pole, which connects the flag to the street; provides the only street **frontage** and access for the **lot**; and at any point is less than the minimum **lot width** for the zone.

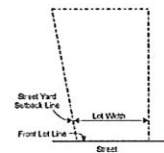
B. A **lot** when, as a result of an approved and recorded street closing or withdrawal, the only **street frontage** and access to the **lot** is less than the minimum **lot width**, in which case the "pole" shall be considered the width of **frontage** along the street.

Lot Area: The total area within the **lot** lines of a platted **lot**.

Lot of Record: Also called "lot" or "parcel", a **parcel** of land described by metes and bounds, or otherwise delineated by property boundary dimensions, on a **plat** recorded in the **office** of the appropriate Register of Deeds.

Lot, Through: See "**Lot, Double-Frontage**."

Lot Width: The distance between the side **lot** lines, measured along a straight line parallel to the front property line or parallel to the chord of the front property line at the **street yard setback** line or at the **building line** on **flag lots** or gore shape **lots**.



Low Density Option: One of two approaches available for **development** in **Watershed** Protection Overlays that relies on non-structural means, specifically lower intensity limits, to minimize the risk of water pollution.

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

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

M Definitions



Mailed Notice: Either surface mail or e-mail, unless one is explicitly directed.

Major Local Street: Streets less than one mile in length that do not connect thoroughfares or major traffic generators that typically do not collect traffic from more than 250 **dwelling units**; or a loop street less than 2,500 feet in length.

Manufactured Home (Class A, B, C): A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State **Building** Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant designed to be transported to a site on its own chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. Within the text of this Ordinance, the term "**manufactured home**" shall only apply to Class A or B **manufactured homes** unless explicitly stated to include Class C **manufactured homes**. Class A and Class B are **manufactured homes** constructed after July 1, 1976 that meet or exceed the construction standards promulgated by the US Department of Housing and Urban **Development** that were in effect at the time of construction. Class C **manufactured homes** are **manufactured homes** that do not meet the definition of a Class A or Class B **manufactured home**. The term "**manufactured home**" does not include "**recreational vehicles**."

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

Manufactured Home Park or Manufactured Home Subdivision: When used in reference to Sec. [8.4, Floodplain](#) and [Flood Damage Protection Standards](#), a [parcel](#) (or contiguous [parcels](#)) of land divided into two or more [manufactured home lots](#) for rent or sale.

Marina: A dock or basin providing securing moorings for boats and supplies, boat repair or other facilities.

Market Value: The [building](#) value, not including the land value and that of any accessory [structures](#) or other improvements on the [lot](#). [Market value](#) can be established by independent certified appraisal; replacement cost depreciated for age of [building](#) and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Marquee: A permanent [canopy](#) projecting over an entrance.

Mass Grading: The [grading](#) of four acres or more at one time to prepare one or more [lot\(s\)](#) for construction. The phasing or staged [grading](#) of a project resulting in less than four acres in any given phase or stage shall not exclude the project from this definition.

Massage Therapy Business: A business where all therapists maintain a valid license to practice massage therapy, as required pursuant to [NCGS Chapter 90, Article 36, Massage and Bodywork Therapy Practice](#).

Mausoleum: A [building](#) with places for entombment of the dead above ground.

Mean Sea Level: The National Geodetic Vertical Datum ([NGVD](#)) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the [floodplain](#), to which [Base Flood Elevations \(BFEs\)](#) shown on a [FIRM](#) are referenced. Refer to each [FIRM](#) panel to determine datum used.

Microbrewery: A [brewery](#) that produces less than 15,000 US barrels (460,000 US gallons) per year.

Micro-distillery: A distillery that produces no more than 50,000 US gallons per year. Other typical names include, but are not limited to, "craft distillery," "small batch distillery," and "artisan distillery."

Mining: The [development](#) or extraction of a mineral from its natural occurrences on affected land.

Mitigation (for wireless communications facilities): A modification to increase the height of an existing [antenna](#) support [structure](#), or to improve the structural integrity of an existing support [structure](#), or to replace or remove one or more [antenna](#) support [structure\(s\)](#) located in close proximity to a proposed new [antenna](#) support [structure](#) in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

Mixed Use: A [development](#) that includes both residential and nonresidential uses as [principal uses](#) on the same [development](#) site. See paragraph [4.4.5, Mixed Use](#), and paragraph [6.11.7, Mixed Use \(MU\)](#).

Modular Unit or Modular House: A factory-fabricated, transportable [building](#) or dwelling in compliance with the North Carolina [Building Code](#), that is designed to be used by itself or to be incorporated with other units into a [structure](#) that will be a finished [building](#) on a permanent location on a permanent foundation. A [modular unit](#) shall not be considered a or [manufactured home](#) for the purpose of this Ordinance.

Monopine or Faux Tree: A type of freestanding, [wireless communication facility](#) that is designed to resemble a tree. The support [structure](#) is attached to a foundation and is designed to support itself without the use of guy wires or other stabilization devices.

Monopole: A style of [wireless support structure](#) (tower) for a freestanding, [wireless communication facility](#) that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices, with a foundation that rests on or in the ground. [Antennas](#) and associated cables are not typically concealed within the shaft of the [structure](#).

Monumental Building Type: In Design Districts, a [structure](#) with large [setbacks](#) from the sidewalk which become publicly accessible open area. The [structure](#) is utilized for a specific set of uses that primarily serve for public or private gathering or assembly.

Multifamily: A residential use consisting of at least three [dwelling units](#). As described in Sec. [7.1, Housing Types](#), includes: [townhouse](#); multiplex; or apartment.

Museums: Establishments for the display of art or historic or science objects.

N Definitions



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

Natural Inventory: See [Durham Inventory](#).

New Construction: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

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

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

Non-Encroachment Area Fringe: The area within the special flood hazard area that is adjacent to, but not within, the non-encroachment area and is within the 100 year floodplain and is inundated by the base flood.

Noncommercial Sign: A sign which contains no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or information about and/or announcements of non-profit organizations related to their tax-exempt status.

Nuclear Material: Any natural or man-made material which undergoes radioactive decay, during which process it releases energy in the form of ionizing radiation; this also includes any mixture of materials which contains nuclear material.

O Definitions



Obstruction: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

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

Opacity: The surface area of a fence, wall or buffer that is impenetrable to light when viewed perpendicularly to the plane of the fence, wall or buffer.

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

Orientation: The directional placement of a structure or element in relation to its surroundings, the street and other structures.

Outparcel: Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

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

P Definitions



Parcel: See "Lot of record."

Parent: means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Park and Ride: Motor vehicle parking spaces to be occupied by vehicles left by individuals who transferred to other modes of transportation for the remainder of their trip to an off-site location (for example, a driver who transfers from a car to a bus, train, or carpool for the remainder of the trip to work or school).

Parking Block: A wheel stop.

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

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

Passive Recreation: Recreational activities that do not require a developed site. This includes such activities as trails for walking, hiking, and horseback riding; and areas for picnicking.

Pedestrian Mall: A public or private, improved area intended for public pedestrian and non-motor use that is permanently preserved for such use through limited easements or rights of enforcement granted to the City, or other similar legal techniques.

Pedestrian Passage: A site feature of Design Districts where a passageway for pedestrian movement is provided through the development site.

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

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

Phase of Grading: One of two types of grading, rough or fine.

Philanthropic Institution: An organization distributing or supported by funds set aside for humanitarian purposes.

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

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

Plant Unit: The measure of plant material required for 100 linear feet of buffer area to meet landscape requirements and ensure variety in buffer plantings.

Plat: A map, chart or plan of a tract or parcel of land which is to be or which has been, subdivided.

Playground: A constructed area designated for play and recreation typically for children, surfaced with material recommended by the most current safety handbook published by the U.S. Consumer Product Safety Commission, and consisting of play structures and equipment, including but not limited to, slides, swings, rockers, and climbing apparatus.

Podium: The initial level(s) of a building, beginning at ground level, above which the building steps back to greater height. Building podiums can vary from one story to several stories in height.

Porte Cochere: A roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

Post-FIRM: Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

Pre-FIRM: Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

Preliminary Plat: A map indicating the proposed layout of a development and related information that is submitted for preliminary review.

Primary or Main Entrance: An ingress/egress of a building designed to accommodate a predominant amount of foot traffic for the building.

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

Principally Above Ground: At least 51% of the actual cash value of the structure is above ground.

Producer: A person or entity that makes a food or beverage, raises or produces farm products, or creates value-added farm products from farm products raised or produced on land that the person or entity farms.

Property Owner or Owner: The owner of a parcel of land as shown on the Durham County tax records.

Protective cover: See "ground cover."

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

Public Art: A work of art in any medium that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outdoors and publicly accessible.

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

Public Park or Playground: A park or [playground](#) available to the general public.

Public Parking: [Parking spaces](#) or areas controlled by, or under contract with, a governmental entity to allow for general public use of the [parking spaces](#) and not dedicated to a specific user.

Public Safety and/or Nuisance: When used in reference to Sec. [3.21, Floodplain Development Permit](#) and Sec. [8.4, Floodplain](#) and [Flood](#) Damage Protection Standards, means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of [persons](#), or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, [stream](#), canal, or basin.

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

Public Utility: A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service. A [wireless communication facility](#), unless regulated as a [public utility](#) by State or federal regulations, shall not be considered a [public utility](#).

R Definitions



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

Receiving Watercourse: A lake, natural [watercourse](#) or other natural or manmade area into which [stormwater runoff](#) flows from a [land-disturbing activity](#).

Recreational Vehicle: A [vehicle](#), which is: (a) [built](#) on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Recycling Center: A [building](#) or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junkyards or wrecking [yards](#).

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

Reference Level: The top of the [lowest floor](#) for [structures](#) within [Special Flood Hazard Areas](#) and [Future Conditions Flood Hazard Areas](#) designated as Zone AE, A, A99, AO, or X (Future).

Regulatory Flood Protection Elevation: The elevation above [mean sea level](#) to which the [reference level](#) of all [structures](#) and other [development](#) located within [Special Flood Hazard Areas](#) and [Future Conditions Flood Hazard Areas](#) must be protected.

1. In [Special Flood Hazard Areas](#) where [Base Flood Elevations \(BFEs\)](#) have been determined, this elevation shall be the [BFE](#) plus two feet of [freeboard](#).
2. In [Special Flood Hazard Areas](#) where no [BFE](#) has been established, this elevation shall be at least five feet above the [highest adjacent grade](#).
3. In [Future Conditions Flood Hazard Areas](#) this elevation shall be the [Future Conditions Flood Elevation](#) plus two feet of [freeboard](#).

Remedy a Violation: To bring a [structure](#) or other [development](#) into compliance with the requirements of this ordinance and, when appropriate, State requirements.

Repair Shop: A [structure](#) or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed [building](#). This does not include [vehicle](#) repair.

Repetitive Loss: [Flood](#)-related damages sustained by a [structure](#) on two separate occasions during a 10-year period for which the cost of repairs at the time of each such [flood](#) event, on the average, equals or exceeds 25% of the [market value](#) of the [structure](#) before the damage occurred.

Reservation: The withholding by a private entity of specific real estate from [development](#) pending acquisition by a public [agency](#).

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

Residential Street: Streets less than one mile in length that do not connect thoroughfares or major traffic generators that typically do not collect traffic from more than 25 dwelling units; or a loop street less than 2,500 feet in length.

Restaurant: An establishment where food and drink are served as a principal activity, including the dispensing of food or drink to patrons who remain in vehicles.

Retail Stores and Shops: Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods including the leasing or repairing of merchandise for public consumption.

Retreat House: See "Event Venue."

Ribbon Driveway : Also called "strip driveway," a driveway that consists of two parallel strips of concrete, pavers, or similar all-weather material with groundcover or similar pervious material in between.

Right-of-Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, rail corridor, or public utility.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: See "Street, Public" and "Street, Private."

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

Rural Village: An area delineated on the Future Land Use Map, within the Rural Tier, that can include residential, commercial, office, institutional, and open space/recreation land uses.

Runoff: Water from precipitation that flows off a property.

S Definitions



Salvage Yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

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

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

School, Trade or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects;

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

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

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

Service Area: In Design Districts, the service area is a designation for portions of buildings or sites that are used for loading areas including garage entries; trash/recycling facilities; secondary fire code egress; and mechanical equipment or utilities that are not permitted by code to be underground or on rooftops.

Setback: The minimum distance between a property line (or a different encumbrance, improvement, or feature as required within a specific regulation) and a building or structure.

Shelter: A facility established on a temporary or permanent basis by an organization to provide sleeping accommodations or refuge to individuals due to a social, economic, or other emergency or crisis, such as but not limited to homelessness, domestic violence, or a natural disaster.

Shopping Center: A group of retail businesses developed under a uniform development scheme and served by common off-street parking facilities.

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

Sign Support or Bracing: The materials used to support and attach a sign to the ground, building, or other fixed location.

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

Single-Family: A residential use consisting of one dwelling unit per lot of record. As described in Sec. 7.1, Housing Types, includes: single-family detached house; zero lot line house; traditional house; or attached house. Not to include manufactured housing.

Single-Loaded Street: A roadway serving property (street yard) on one side only with no need for access on the other side.

Site Area: The minimum area required for a particular type of development. The site may then be divided into smaller lots.

Site Plan: An accurately scaled development plan that shows existing conditions on a site as well as depicting details of proposed development.

Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements.

Solid Waste Disposal Facility: Means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site: Means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Solid Waste Facilities: Stationary solid waste collection containers, yard waste containers, recycling containers and roll-out containers for the above.

Special Flood Hazard Area (SFHA) or Area of Special Flood Hazard: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year based on current conditions hydrology.

Specimen Tree, Major: Any evergreen canopy tree 18 inches dbh or greater, any deciduous canopy tree 12 inches dbh or greater and any understory tree (deciduous or evergreen) eight inches dbh or greater, except any tree listed as a nonnative invasive plant by the U.S. Forest Service or prohibited pursuant to the Landscape Manual for Durham, North Carolina, also referred to as the Landscape Manual.

Specimen Tree, Minor: Trees that qualify for required preservation under the following paragraphs of this Ordinance:

- a. Any species of tree that qualify for tree preservation within a cluster of trees under paragraph 8.3.1D.3, Cluster of Trees; and
- b. Any species of tree that qualify for tree preservation as an individual tree under paragraph 8.3.1D.4, Individual Trees.

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

Storefront Window System: An architectural wall assembly of large glass panes framed in relatively thin metal members and typically used at the ground level of commercial buildings.

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

Stormwater: The flow of water which results from precipitation and which occurs immediately following rainfall or snowmelt.

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

Story: The horizontal division of a building made up of the space between two successive floors, or a floor and the roof.

Stream: means a body of concentrated flowing water in a natural low area or natural channel on the land surface.

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

Stream, Intermittent: Except under Sec. 8.5, Riparian Buffer Protection Standards, a watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.

Stream, Perennial: Except under Sec. 8.5, Riparian Buffer Protection Standards, a watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

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

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

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

Street Wall: The implicit line created by the façades of adjacent structures.

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

Streetscape: The appearance or view of an entire street or street network in general, including sidewalks, utilities, landscaping, street furniture, and the structures that make up the street wall.

Strip Commercial: Intense commercial development extending along a roadway at a shallow depth along that roadway. It is typically characterized by multiple curb-cuts, unconnected vehicular use areas and a proliferation of signs.

Structure: A walled or roofed constructed object that is principally above ground; vertical projections meeting the definition of antenna-supporting or wireless support structures; or, when used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, a gas or liquid storage tank that is principally above ground. Included in this definition are extensions or additions which are covered by a roof supported by walls or columns, such as but not limited to porte cocheres, carports, covered or screened porches, and breezeways.

Stub Out: The extension of a street to an external property line to facilitate future roadway connection and reduce traffic impacts on the road network.

Subdivisions: 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) or any division of land involving the dedication of a new street or a change in existing streets.

Subordinate: Secondary in appearance so as not to diminish or visually overpower another element or structure. This shall be considered as a whole and shall not require each dimensional aspect to be subordinate, unless specifically required by another provision of this Ordinance.

Subsidiary: An affiliate that is directly or indirectly through one or more intermediaries, controlled by another person.

Substantial Change: In regards to wireless communication facilities, a modification that substantially changes the physical dimensions of an existing tower or base station if it meets any of the criteria detailed in the *FCC Report and Order FCC14-153*, or as amended.

Substantial Damage: Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project or improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Substantial Quantities: An amount of hazardous materials equal to or exceeding the Threshold Planning Quantities listed in the provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. Where no Threshold Planning Quantities have been identified for a particular material, the amount considered to be a substantial quantity shall be determined by the Director of Emergency Management or the Durham County Fire Marshall.

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

T Definitions



Telecommuting: A work arrangement in which an employee uses technology to perform assigned duties at home or at another site away from the traditional work site during some or all of regularly scheduled work hours, reducing or eliminating the employee's commute or travel to and from the traditional work site.

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

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

Thoroughfare, Major: Major streets, excluding freeways, expressways, and boulevards, that provide for the expeditious movement of large volumes of traffic within and through the urban area. These facilities are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Thoroughfare, Minor: Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets can be used to supplement the major thoroughfare system by facilitating minor through movements and can also serve abutting property. They are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

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

Towers for Transmitting and Receiving Electronic Signals: Structures whose principal function is to support communication antenna(s).

Townhome: See "Townhouse."

Townhouse: A building made up of three or more attached dwelling units (except when otherwise allowed) where each unit is on an individual lot and the units are lined up in a row and share side walls.

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

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

Tree Protection Zone : The permeable land area around the base of a tree in which disturbances are prohibited in order to protect the roots of a tree and aid the trees survival. Tree protection zones are measured as the greater of:

- A. Six-foot radius around the tree; or
- B. One-foot radius for every inch of dbh.

Twenty-Five Year Storm: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Two-Family: A residential use consisting of two individual dwelling units on a single lot of record. This definition does not include a single-family dwelling with an accessory dwelling unit.

U Definitions



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

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

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

Unipole: A freestanding, wireless communication facility where the wireless support structure (tower) is composed of a single shaft usually made up of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices and the foundation rests on or in the

ground. All [antennas](#) and associated components mounted onto the [structure](#) are completely concealed within the shaft of the [structure](#).

University or College: An institution other than a [trade school](#) that provides full-time or part-time education beyond high school.

Upper Story Step-Backs: The [stories](#) above the maximum [podium](#) where [building](#) façades are set back from [podium](#) façades to allow light and air access to street level.

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

V Definitions



Value-Added Farm Product: Any product processed by a [producer](#) from a [farm product](#), such as, but not limited to, baked goods, jams, jellies, canned vegetables, dried fruit, syrups, salsa, salad dressings, flours, coffee, smoked or canned meat or fish, sausages, yogurt, cheese, or prepared foods.

Variance: A grant of relief to a [person](#) from the requirements of this Ordinance which permits construction or use in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Vegetative Screen: A three-dimensional [structure](#) that provides vegetative façades, either freestanding or mounted to a wall.

Vehicle Repair Shops: [Buildings](#) and premises where mechanical work, servicing, and repair of motor [vehicles](#) is conducted as the primary activity. Excluded from this definition are dwellings where not more than two [vehicles](#) owned by the lawful residents of the dwelling are repaired on-site.

Vehicle Service, Major: [Buildings](#) and premises for uses such as auto detailing, alignment shops, auto body shops, auto paint facilities, auto upholstery shops, and towing service.

Vehicle Service, Minor: [Buildings](#) and premises for uses such as auto repair, battery sales and installation, fuel sales (other than with a [convenience store](#)), quick lubrication facilities, and tire sales and mounting.

Vehicle Storage Yard: A bulk and non-public holding facility for fleet [vehicles](#) or [heavy equipment](#), [vehicles](#) held for sale or repair, or the storage of operable or inoperable [vehicles](#) awaiting adjustment or settlement of insurance claims or motor [vehicles](#) that have been impounded by the police. No dismantling of [vehicles](#) is permitted.

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

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

Vested Rights: The right of [property owner](#) to develop in accordance with [NCGS 160D-108](#) and the provisions of this Ordinance.

Violation: The establishment, creation, expansion, alteration, occupation or maintenance of any use, land [development](#) activity, or [structure](#), including but not limited to [signs](#) and [buildings](#), that is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

W Definitions



Waste: As used in Sec. [12.10](#), [Sedimentation](#) and [Erosion](#) Control, surplus materials resulting from onsite construction and disposed of at other locations.

Water Surface Elevation (WSE): When used in reference to Sec. [8.4](#), [Floodplain](#) and [Flood](#) Damage Protection Standards, the height, in relation to [mean sea level](#), of [floods](#) of various magnitudes and frequencies in the [floodplains](#) of coastal or [riverine](#) areas.

Water-Dependent Structure: A [structure](#) which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Watercourse: A lake, river, creek, [stream](#), wash, channel or other topographic feature on or over which waters flow at least periodically. [Watercourse](#) includes specifically designated areas in which substantial [flood](#) damage may occur.

Watershed: All of the land area draining to a particular point on a water course or to a water body.

Way-Finding Signage Plan: A plan delineating unifying characteristics for way-finding signs associated within a development project or complex.

Way-Finding Sign: A sign designed to convey location and direction.

Wetlands: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly as hydrophytic vegetation, as defined by responsible State or Federal agencies.

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

Wireless Communication Facility (WCF): Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of one or more of the following components: a wireless facility, base station, equipment compound, and wireless support structure. Amateur wireless facilities, satellite dish antennas, and antenna-supporting structures, antennas and/or antenna arrays for TV/HDTV/AM/FM broadcasting transmission facilities shall be excluded from this definition.

Wireless Communication Facility, Attached: A wireless facility that is secured to an existing building with an accompanying pole or device which attaches it to the building and may be located either on the roof, inside, or outside of the existing building. An attached WCF can also be placed on utility poles, light poles, transmission towers, and other similar site features. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Wireless Communications Facility, Concealed: A wireless facility, wireless support structure, and WCF equipment compound that is designed to be camouflaged or hidden. A concealed facility is camouflaged if designed to appear as, for example but not limited to a church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole, or tree.

Wireless Communication Facility Equipment Compound: An area, surrounding or near the base of a wireless support structure, consisting of components of a wireless facility not mounted on a wireless support structure.

Wireless Communication Facility, Freestanding: A WCF that is composed of a wireless support structure (tower) and associated wireless facilities.

Wireless Facility: Also known as "transmission equipment," it is the set of equipment and network components including antennas, transmitters, receivers, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services; but exclusive of the underlying structure or tower, as described in the *FCC Report and Order FCC14-153*, as amended.

Wireless Support Structure: Also known as a "tower," it is a structure that is solely designed and built for the primary purpose of supporting wireless facilities. A building or other fixed object not originally designed to support wireless facilities is not a wireless support structure.

Working Days: Days exclusive of Saturday, Sunday and (a) when used other than in reference to Sec. 3.8, Sedimentation and Erosion Control, and Sec. 12.10, Sedimentation and Erosion Control, legal holidays recognized by the City or County; or (b) when used in reference to Section 3.8 and 12.10, days during which weather conditions or soil conditions permit land-disturbing activity to be undertaken, as determined by the sedimentation and erosion control officer, or their designee, except where the context clearly indicates otherwise.

Y Definitions

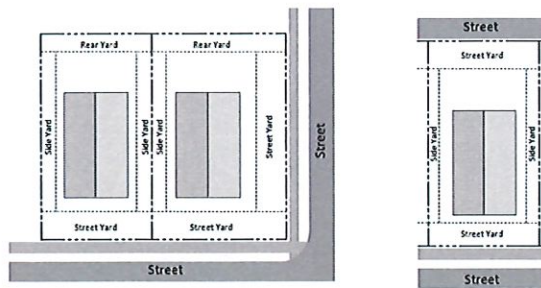


Yard: A space on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line.

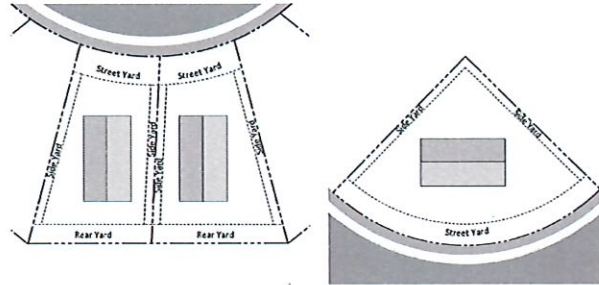
Yard, Rear: That portion of a yard between the required rear setback and the rear property line extending the full width of the lot between side lot lines. The rear yard width is measured perpendicular to the rear lot line. The rear yard shall be the yard on the opposing side of a street yard. No rear yard shall apply for triangular or pie-shaped lots where there is no rear property line.

Yard, Side: That portion of a yard between the required side setback and the side lot line extending from the street yard to the rear yard. The side yard width is measured perpendicular to the side lot line.

Yard, Street: That portion of a yard extending between the edge of the street right-of-way (or easement, for private streets; or common access drive, for townhouses) and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way. The street yard width is measured perpendicular to the street right-of-way. Corner lots and through lots shall be considered to have two street yards. A street yard does not exist adjacent to an alley.



Irregular and Triangular Lot Diagrams:



Z Definitions



Zero Lot Line: A detached dwelling unit positioned on one property line without any setback.

The Durham Unified Development Ordinance is current through legislation effective:
 Durham County: May 1, 2023
 City of Durham: May 1, 2023

Disclaimer: The Durham City-County Planning Department office has the official version of the Durham Unified Development Ordinance. Users should contact the Planning Department for amendments subsequent to the amendment cited here.

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[Unified Development Ordinance](#) → [Article 8, Environmental Protection](#) →

Sec. 8.7

Watershed Protection Overlay Standards



Paragraphs:

- [8.7.1](#) [Applicability](#)
- [8.7.2](#) [General Requirements](#)
- [8.7.3](#) [Exceptions](#)
- [8.7.4](#) [High Density Option Approval](#)
- [8.7.5](#) [Changes to Tier Boundaries](#)

8.7.1

Applicability



The [watershed](#) protection overlay standards of this section shall apply to the [Watershed](#) Protection Overlay as set forth in Sec. [4.11](#), [Watershed](#) Protection Overlay.

8.7.2

General Requirements



A. Minimum Lot Size

- In all [Watershed](#) Protection Overlays, except F/J-B and E-B, the minimum [lot](#) sizes indicated in the following table shall be applied in all new [subdivisions](#) unless the [subdivision](#) uses the cluster provision in accordance with Sec. [6.7](#), Cluster [Subdivision](#), or the conservation [subdivision](#) provisions of paragraph [6.2.4](#), Conservation [Subdivision](#).

Minimum Lot Size

| Overlay | Rural Tier | Rural Tier – Rural Village | Suburban Tier |
|---------|----------------|---|--------------------|
| M/LR-A | 3 acres | | 20,000 square feet |
| M/LR-B | 3 acres | 1 acre | 20,000 square feet |
| F/J-A | 3 acres | | 1 acre |
| E-A | Not Applicable | | 20,000 square feet |

- In the F/J-B and E-B overlays, [developers](#) of [single-family subdivisions](#) shall comply with the requirements of the underlying zoning district.

B. Impervious Surface Limits

- Any [development](#) in a [Watershed](#) Protection Overlay shall be subject to limits on the amount of [impervious surfaces](#) permitted in accordance with the following table. [Development plans](#), [site plans](#), [preliminary plats](#), and [final plats](#) shall clearly identify the amount of existing and proposed [impervious surfaces](#).

| Overlay | Low Density Option Impervious Surface Limit | | High Density Option Impervious Surface Limit |
|---------|---|-----|---|
| M/LR-A | 6% | | Not permitted |
| M/LR-B | Rural Tier | 6% | Not permitted |
| | Rural Village | 12% | 24% |
| F/J-A | Within one-half mile of the normal pool: six percent; Between one-half and one mile from the normal pool: nine percent | | Not permitted in the Rural Tier. 40%, for all areas not in the Rural Tier and for those uses allowed in Sec. 4.11.4 , Nonresidential Land Use Restrictions ; Intensities greater than 25% shall require a Major Special Use Permit pursuant to Sec. 3.9 , Special Use Permit . |

| | | |
|------------|-----|---------------|
| F/J-B, E-B | 24% | 70% |
| E-A | 24% | Not permitted |

2. The impervious surface limit provisions of this section can be exceeded through an impervious surface credit transfer. Credit for the impervious surfaces allowed on one or more parcels ("donor parcels") can be transferred to non-contiguous parcels ("receiving parcels"), such that the amount of impervious surface available for a development project would be the total of what is normally allowed on the receiving parcel plus what is transferred from the donor parcel(s). Impervious surface credit transfer is subject to the following provisions:

- a. The donor parcel and receiving parcel shall be located within the same water supply watershed.
- b. The impervious surface credit transfer shall not be from a donor parcel in Area B to a receiving parcel in Area A, or from a donor parcel in an F/J-A area with a nine percent limit to a receiving parcel in an F/J-A area with a six percent limit.
- c. The portion of the donor parcel which is restricted from development as part of the impervious surface credit transfer shall remain in a vegetated or natural state or used for crop production or pasture provided that best management practices (BMPs) as developed by the Soil and Water Conservation District are utilized. The portion of the donor site restricted from development shall be protected from all future development through use of a permanent conservation easement in favor of either:
 - (1) Durham County or the City of Durham; or
 - (2) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be *bona fide* and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer to the County or City, as appropriate, in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the County or City, then a third right of enforcement favoring the County or City, as appropriate, shall be included in the easement.
- d. The impervious surface credit transfer shall be reviewed and approved through use of the final plat process pursuant to Sec. 3.6, Subdivision Review, or the site plan process pursuant to Sec. 3.7, Site Plan Review, as applicable.
- e. The donor parcel shall be deemed appropriate for acceptance by the County or City, as appropriate, under the Durham County Review Criteria for Acceptance of Conservation Easements for Impervious Surface Transfer.

C. Stormwater Control Requirements

Where development proposes intensity greater than the maximum authorized by the Low Density Option, engineered stormwater controls shall be used to control stormwater runoff from the first inch of rainfall in order to meet water quality concerns.

D. Ownership, Design, and Maintenance of Engineered Stormwater Controls

1. Unless otherwise approved, ownership of the engineered stormwater controls shall remain with the property owner or a property owner's association, which shall be responsible for the continued care and maintenance of such controls.
2. Engineered stormwater controls shall be designed and constructed in accordance with standards and specifications established by the City Public Works Director or County Engineer, or their designees, as appropriate.
3. Except as allowed in paragraph c below, no building permit shall be issued for a site proposed for development, until:
 - a. The City Public Works Director or County Engineer, or their designees, as appropriate, has approved plans and specifications for the proposed engineered stormwater controls and the property owner has entered into an Agreement and Covenants or Operation and Maintenance Agreement with the City or County, as appropriate, in accordance with the terms established by either the City Public Works Director or County Engineer, or their designees, as appropriate; and
 - b. The property owner has posted a performance bond, other surety instrument, or other payment satisfactory to the City or County, as appropriate, in an amount determined by the City Public Works Director or County Engineer, or their designees, as appropriate to assure construction, maintenance, repair, and/or reconstruction necessary for adequate performance of the engineered stormwater controls.
 - c. For office, institutional, commercial, industrial, and multifamily projects, building permits may be issued; but construction drawing approval, or water or sewer permit approval, shall be withheld until compliance with paragraphs a and b above.
 - d. The Agreement and Covenants or Operation and Maintenance Agreement required under paragraph a, above, may be required prior to site plan or preliminary plat approval.

4. No certificate of compliance shall be issued for any structure constructed within a site proposed for development, other than as allowed below, until the City Public Works Director or County Engineer, or their designees, as appropriate, has approved construction of the engineered stormwater controls and after review and approval of submitted "as-built" drawings. Notwithstanding this requirement, the Stormwater Division of the City may allow for delay in approval of construction of stormwater controls and submission and approval of as-built drawings for single family housing, duplexes, and townhouses) and other developments requiring multiple certificates of occupancy in accordance with adopted policies of the City.

E. Riparian Buffers

Riparian buffers are required in accordance with Sec. 8.5, Riparian Buffer Protection Standards.

F. Wastewater Treatment and Facilities

1. Wastewater Treatment

Except as indicated below, wastewater treatment facilities shall be prohibited in all Watershed Protection Overlays.

- a. Individual on-site ground absorption systems shall be permitted, subject to the approval of the Durham County Health Department or the State of North Carolina, as applicable.
- b. A spray irrigation wastewater treatment system to serve a single-family house shall be permitted, provided that:
 - (1) The owner enters into a written agreement with the Durham County Health Department which:
 - (a) Provides for Health Department access to the property for the purpose of monitoring the system during its construction and operation; and
 - (b) Provides that the owner and certified operator shall provide to the Health Department copies of any and all applications, plans, permits, reports and any other documents concerning but not limited to the permitting, system, design, construction, operation, monitoring or repair of the system.
 - (2) The owner shall not act as the certified operator for a spray irrigation system to be installed on his or her property.
- c. Publicly-owned wastewater treatment facilities, and replacement and expansions of such facilities, shall be allowed in F/J-B and E-B overlays.
- d. In the County jurisdiction, wastewater treatment facilities may be permitted in the F/J-A Overlay through the issuance of a Major Special Use Permit pursuant to Sec. 3.9, Special Use Permit, subject to the restrictions described in Sec. 12.7, Water and Sanitary Sewer Systems. This requirement shall also apply within the City jurisdiction unless the system has been approved by the State.

2. Sanitary Sewer Services

- a. Except in the Rural Tier, public and private sanitary sewer lines, force mains, and pump stations shall be permitted within all Watershed Protection Overlays. Public and private pump stations shall be equipped with the following safety features:
 - (1) Battery-backed alarm systems activated by pump failure or power outage, connected by an automatic dialer to a 24-hour maintenance service approved by the City Public Works Director or County Engineer, or their designees, as appropriate.
 - (2) Provision for connection of a portable generator. The City Public Works Director or County Engineer, or their designees, as appropriate, may require the pump station to be equipped with on-site, stand-by power.
- b. Within the Rural Tier, new public or private sanitary sewer lines or outfalls, including necessary force mains and pump stations, may be permitted within the Watershed Protection Overlays subject to City Council or Board of Commissioners approval, as appropriate:
 - (1) To serve an existing use or structure for which a health hazard has been documented by the County Health Department or the State of North Carolina; or
 - (2) If associated with a wastewater treatment facility permitted pursuant to paragraph 1, Wastewater Treatment, above.
- c. In considering such extensions, all reasonable alternatives shall be considered prior to a decision to extend the sewer services. All service connections, installed in accordance with the North Carolina Plumbing Code, shall be permitted only in accordance with Article III, Water and Sewer Main Extensions, of Chapter 70, Utilities, of the Durham City Code.

G. Hazardous and Nuclear Materials

1. Prior to site plan approval, an Emergency Contingency Plan shall be prepared and submitted through the Planning Department to the Durham County Fire Marshall and the Water Management Director for review and approval. The Emergency Contingency Plan shall be prepared in accordance with the requirements in the Superfund Amendments and Reauthorization Act (SARA), Title III and shall be updated annually. In addition, the Emergency Contingency Plan shall include:

- a. A site plan showing buildings and the locations of points of storage, transfer and use of nuclear and hazardous materials;
- b. A list of nuclear and hazardous materials kept on-site in any quantities;
- c. The location of spill control valves on any bridges and causeways; and
- d. The person responsible for on-site spill control and containment, and the appropriate means of contacting that person on a 24-hour basis.

2. Any container or tank used to store hazardous materials shall be equipped with leak detection devices and shall be double-walled or have other secondary containment features.

3. Points of storage, transfer and use of substantial quantities of hazardous materials shall be protected by a dike or comparable containment structure, constructed of a material resistant to hazardous material the dike or structure is designed to contain. The dike or structure shall be sized to handle at least the maximum amount of material to be stored or used and shall be constructed and installed in a manner to exclude rainwater and stormwater runoff.

4. All floor drains that could collect hazardous materials shall be connected to a corrosion resistant tank or catch basin sized to handle the maximum amount of hazardous material to be stored or used. These floor drains shall not be open to the site's natural drainage system and discharges to the site's storm drainage system or to adjacent surface waters shall be prohibited.

5. Points of storage, transfer and use of hazardous or nuclear materials shall have roof coverage.

8.7.3 Exceptions



All development within Watershed Protection Overlays shall be subject to the restrictions in this section, with the following exceptions:

A. Existing Development

For the purposes of this section, existing development shall be considered to include any impervious surfaces constructed before January 1, 1994. All new uses and activities and all expansions of previously-existing uses and activities shall conform to paragraph 4.11.4, Nonresidential Land Use Restrictions and paragraph 8.7.2, General Requirements.

B. Existing Single-Family Lots

New construction and additions to existing residential buildings on single-family residential lots recorded prior to January 1, 1994 shall be constructed in accordance with the watershed protection regulations, if any, in effect at the time the lot was created. In Rural Villages, as defined on the Future Land Use Map of the Durham Comprehensive Plan, such lots shall use the current standards or those in effect at the time the lot was created, whichever is less restrictive.

C. Stormwater Control Exemptions

Proposed development projects not in the Rural Tier, and in F/J-B or E-B overlays involving less than one acre cumulatively, of land disturbing activity shall be exempt from the stormwater control requirements indicated in this Section.

8.7.4 High Density Option Approval



Any development utilizing the High Density Option within the F/J-A overlay shall require site plan approval by the appropriate governing body.

8.7.5 Changes to Tier Boundaries



Neither the City nor the County shall extend the Urban or Suburban Tier boundaries further into the M/LR-A or F/J-A overlays.

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Durham County: May 1, 2023

City of Durham: May 1, 2023

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[City Website: durhamnc.gov](http://durhamnc.gov)

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Sec. 17.3 Defined Terms



A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A Definitions



Accelerated Erosion: Any increase over the rate of natural erosion as a result of land-disturbing activity.

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

Accessory Use or Structure: A use or structure that exists on the same lot with the principal use or structure and is subordinate in size and purpose to the principal use.

Act of God: An event, such as an earthquake or hurricane, that is caused by natural forces and cannot be prevented or foreseen.

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

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

Adequate Erosion Control Measure, Structure or Device: means one which controls the soil material within the land area under responsible control of the person conducting the land disturbing activity.

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

Adopted Land Use Plans: Any land use plan adopted by a governing body including, specifically, the Comprehensive Plan.

Adult Establishment: A business as defined in North Carolina General Statute (NCGS) §14-202.10(2). This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in NCGS §14-202.10 and the definitions are adopted by reference; however, massage therapy businesses as defined in this Ordinance are exempt from this definition.

Affiliate: A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

Affordable Housing Dwelling Unit: A dwelling unit committed for a minimum 30-year term as affordable, through covenants, restrictions, or officially adopted agreements, to households with incomes as follows. Income eligibility, affordable rent levels and affordable for sale prices, as well as monitoring and compliance requirements for affordable housing dwelling units, will adhere to the adopted rules and procedures of the City of Durham's Community Development Department.

A. For rental units, household income at initial occupancy of the rental affordable housing dwelling unit must be at or below 60% of area median income as defined by the United States Department of Housing and Urban Development (HUD) for the HOME Investment Partnership Program. The unit will remain qualified as an affordable housing dwelling unit if household income rises above 60% AMI but remains at or below 80% AMI after initial occupancy. If tenant income after initial occupancy rises above 80% AMI, the unit will no longer qualify as an affordable housing dwelling unit.

B. For homeownership units, household income at closing of the for sale affordable housing dwelling unit must be at or below 80% of area median income as defined by HUD for the HOME Investment Partnership Program. There are no limits on increases in income after closing as long as the unit remains the household's principal residence.

Afforestation: The act of establishing forest cover.

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

Agricultural Uses: Land used as pasture or in the commercial production of crops, forestry, horticultural products, fish hatcheries or aquaculture, and the keeping of livestock for commercial or noncommercial purposes. Also included in this definition of agricultural uses are agricultural accessory buildings and sales of farm products grown or produced on the premises. This definition does not include domesticated chickens allowed pursuant to Sec. 5.4, Accessory Uses and Structures, the commercial slaughtering of animals for marketing, and farm tenant dwellings.

Airport: A place where aircraft can takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled.

Alley: A strip of land, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alternative Form of Compliance: A form of compliance that equals or exceeds an applicable standard and is subject to approval as defined in the Unified [Development](#) Ordinance.

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

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

Antenna, Combined: An [antenna](#) or an array of [antennas](#) designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna-Supporting Structure: A vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating [antennas](#) at a desired height above grade. [Antenna-supporting structures](#) do not include any device used to attach [antennas](#) to an existing [building](#), unless the device extends above the highest point of the [building](#) by more than 20 feet. A [wireless support structure](#) is defined separately within this section.

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

Appeal: Request for review of a final order, interpretation or decision by any administrative official authorized to make such decision.

Apiculture: The maintenance of honey bee colonies.

Area Median Income (AMI): Income thresholds established by the United States Housing Department of Housing and Urban [Development](#) (HUD) based on median income for households in metropolitan areas, adjusted for [family](#) size, to determine eligibility for a variety of housing programs.

Area of Shallow Flooding: A designated AO Zone on a community's [Flood Insurance Rate Map \(FIRM\)](#) with [base flood](#) depths from one to three feet, where a clearly defined channel does not exist, the path of [flooding](#) is unpredictable and indeterminate, and velocity flow may be evident.

Articulation: An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; or modulation of [building](#) façades, massing, and detail to create variety.

B Definitions



Banquet Hall: See ["Event Venue."](#)

Bar: See ["Nightclub."](#)

Base Flood: The [flood](#) having a one percent chance of being equaled or exceeded in any given year based on [current conditions hydrology](#).

Base Flood Elevation (BFE): The water surface elevations for the [Base Flood](#) as published in the [Flood Insurance Study](#). When the [BFE](#) has not been provided in a [Special Flood Hazard Area](#), it may be obtained from engineering studies available from a Federal, State, or other source using [FEMA](#)-approved engineering methodologies. This elevation, when combined with the [Freeboard](#), establishes the [Regulatory Flood Protection Elevation](#) in [Special Flood Hazard Areas](#).

Base Station: A [structure](#) or equipment at a fixed location that enables FCC-licensed or authorized [wireless communications](#) between user equipment and a communication network. The term does not encompass a [wireless support structure](#) as defined in this section or any equipment associated with a tower.

Basement: The lowest level or [story](#) which has its floor sub-grade on at least three sides.

Bed and Breakfast: A state-regulated facility for overnight accommodations as defined under [NCGS § 130A-247](#).

Being Conducted: A [land-disturbing activity](#) has been initiated and permanent stabilization of the site has not been completed.

Best Management Practice or BMP: [Stormwater](#) and [runoff](#) pollution control practices designed to reduce the amount of flow or pollutants contained in discharges to the [stormwater](#) conveyance system and receiving waters.

Bicycle Parking, Long-Term: Bicycle parking that is not required to be publicly accessible, but provided for the use of residents, employees, and visitors to a site for long periods of time during a day or overnight.

Bicycle Parking, Short-Term: Bicycle parking that is publicly and readily accessible, and visible, with the intention to be used for short periods of time.

Block: A usually rectangular space enclosed by right-of-way and occupied by or intended for buildings.

Block Face: One side of a right-of-way between two consecutive intersecting or intercepting rights-of-way, natural barrier, or between a cross-street and the end of a dead end street or cul-de-sac. Where a street curves so that any two adjacent 100-foot chords thereof form an angle of 120 degrees or less, measured along the centerline of the street, such curve shall be construed as an intersecting street.

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

Boulevard: Major streets with a median and two or more lanes that are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Brewery: A brewery that produces 15,000 or more US beer barrels (460,000 US gallons) per year.

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

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

Buffer Zone: The strip of land adjacent to a lake or natural watercourse.

Build-To Line: The line a set distance from the back of curb establishing the required building location. Build-to lines shall be measured from the predominant curbline (not including bulb outs) or future curbline where no curb currently exists.

Build-To, Percent of Frontage: The percent of the principal structure's frontage that shall be constructed to a fixed line designed to pull structures forward on a lot. The required minimum build-to is set out as a percentage of the frontage.

Building: As defined in the North Carolina Building Code, as amended, or the North Carolina Residential Code for One and Two-Family Dwellings, as amended, as applicable.

Building Articulation: See Articulation.

Building Base: The lower level(s) of the building podium specifically designed and articulated as the base or plinth of the building.

Building Coverage: The horizontal area within the outside of the exterior walls of the ground floor of all principal and accessory buildings. Building coverage is set forth as a percentage of the total lot area.

Building Elevation: One of the exterior vertical faces of a building.

Building Envelope: The area between all required setbacks within which a structure can be located.

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front.

Building Line: The primary edge of a building closest to the street, side, and rear property lines, and extending from the physical edge of the building.

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

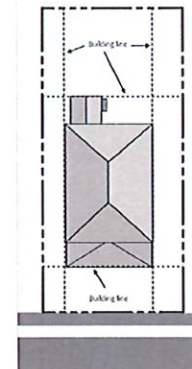
Building, Primary or Principal: A building which contains the principal use(s). In a residential district, any primary dwelling shall be deemed to be a primary building on the lot on which it is situated.

Building Podium: See Podium.

Building Separation: The required separation between primary buildings.

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

Build-to Zone: In Design Districts, the area parallel to the street where a street-facing façade or forecourt is required to be located.



Caliper: The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

Campground : A commercial recreational facility developed to accommodate the use of travel trailers, motorized homes, tents, cabins, or other similar device or facility used for temporary occupancy, with or without facilities for the exclusive use of its occupants. This definition shall not include manufactured homes, manufactured home parks or subdivisions, or the storage of recreational equipment or vehicles.

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

Cardinal Direction: One of the four principal compass points: north, south, east, or west.

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

Certificate of Compliance: A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with this Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Changeable Copy: The characters, letters, or illustrations of a sign that change, either manually or electronically, without altering the sign.

Chemical Storage Facility: means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Chicken: Poultry or fowl of the species *Gallus gallus*/G. *gallus domesticus*. The species includes many different breeds of chicken.

Chicken Coop: A structure for the sheltering of chickens.

Chicken Pen: An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

Clerestory Window: A window set in a roof structure or high in a wall (above eye-level), typically used for daylighting.

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

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

Cluster Box Unit (CBU): A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.

Cluster Development: A residential subdivision that concentrates development on a portion of a site, leaving the remainder in open space. Cluster developments achieve the land use intensity objectives by virtue of limits to overall density rather than minimum lot sizes.

Collector Street: A local street which serves as a connector street between local residential streets, commercial development and the thoroughfare system; such streets typically collect traffic from 250 to 400 dwelling units.

Co-Living: A dwelling unit where individuals reside by leasing a bedroom, the collective individuals do not qualify as a family as defined in this Ordinance, and where bathrooms may be shared but the common spaces and kitchen are shared. No individually leased rooms maintain separate cooking facilities. This definition does not include a fraternity or sorority, or a hotel, bed and breakfast inn, or other overnight accommodation.

Collocation: The placement or installation of wireless facilities on existing structures including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

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

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

Commercial Speech: Any expression related solely to the economic interests of the speaker and its audience, or as otherwise defined by a court of competent jurisdiction.

Committed Elements: See Elements, Commitments.

Commitments: Elements submitted as part of a development plan associated with a zoning map change, which are binding and establish the level of development allowed absent further zoning action except as otherwise allowed or required under this Ordinance. Formerly known as "committed elements."

Common Signage Plan: A plan delineating unifying characteristics for signs associated with a development project or complex.

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

Comprehensive Plan: The overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

Conditional Letter of Map Revision (CLOMR): A formal review and comment issued by the Federal Emergency Management Agency as to whether a proposed project complies with the minimum NFIP floodplain management criteria, and direction on revisions that will need to be made to the NFIP maps and/or study upon completion of the project.

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

Conference Center: See "Event Venue."

Congregate Living Facility: A residential use which undertakes, for a period exceeding 24 hours, care, housing, food service and one or more personal services for persons not related to the owner or administrator.

Contractors: Individuals or firms engaged in the construction of buildings, either residences or commercial structures, as well as activities such as paving, highway construction, and utility construction.

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

Convenience-Oriented Use: An establishment that provides frequently or recurrently needed items for household use.

Convenience Store: A retail store with a floor area of less than 5,000 square feet that sells groceries and may also sell gasoline but not including vehicle service stations (limited or full).

Corner Tower Element: A corner tower element is an accentuated vertical element located on a building corner at a street intersection allowed to be taller than the rest of the building.

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

Crop: Cultivated plants or agricultural produce, such as but not limited to grain, vegetables, or fruit.

Cul-de-sac: A short street having only one end open to traffic and the other being permanently terminated with a vehicular turn-around provided.

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

D Definitions



Date of Approval: The date of approving authority action.

Day Care Facility: A place that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. A daycare home, preschools integrated into the curriculum of a public or private school or not regulated by the State as a daycare facility, and retail drop-in/short-term childcare centers shall not be considered daycare facilities.

Day Care Home: A dwelling in which a permanent occupant provides for the care of no more than five preschool children (including the caregiver's children) and/or three school-aged children (not including the caregiver's children) or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and not dependents of the occupant, do not reside on the site. For the purpose of this Ordinance, such activities shall meet all requirements for home occupations.

Day-Night Average Sound Level: The average noise level over a 24-hour period, weighted by 10 dB between the hours of 10 p.m. and 7 a.m.

Day Treatment Facility: A facility licensed through the NC Department of Health and Human Services, Division of Medical Assistance, which provides supplemental therapeutic or clinical services coordinated with academic and/or vocational services for adults, children, or adolescents with mental health or substance abuse treatment needs, and their families. No overnight accommodations are provided.

Dedication: The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

Density: The number of dwelling units per gross acre, excluding accessory residences or dwelling units, or any other exclusion within this Ordinance.

Developer: Pursuant to NCGS 160D-102, a person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development: Pursuant to NCGS 160D-102, any of the following:

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- B. The excavation, grading, filling, clearing, or alteration of land.
- C. The subdivision of land as defined in NCGS 160D-802.
- D. The initiation or substantial change in the use of land or the intensity of use of land.

Development Plan: A type of plan that becomes part of the zoning of a property that establishes the level of development allowed absent further zoning action except as otherwise allowed or required under this Ordinance.

Diameter at Breast Height (dbh): The diameter of a tree measured four and one-half feet above the ground.

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

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

Disposal: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, is defined as in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distance Learning Center: An educational facility where teaching and learning is specifically designed to be carried out remotely, typically by using electronic communication.

Drive-Through Facility: An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included.

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

Drop-In/Short-Term Childcare Centers: Retail businesses that provide care for individuals on an hourly basis, do not offer enrollment, and do not require daycare licensing by the State.

Durham Inventory, Natural Inventory, or Inventory: The Durham County Inventory of Important Natural Areas, Plants and Wildlife, which in the case of a conflict may be superseded or supplemented by more current information from the North Carolina Heritage Program as determined by the Planning Director. The Durham Inventory does not include the Durham Architectural and Historic Inventory; the Durham County Archaeological Inventory; the Durham County Inventory of Cultural and Natural Resources; or the Durham County and Durham ETA Inventories of Historic Sites, which are referenced separately in the Ordinance.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E Definitions



Easement: A grant by a property owner for use by the public, a corporation or persons of an area of land for specific purposes.

Electronic Gaming Operation: Any for-profit business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to 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. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens, or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the

customer to enter a sweepstakes. The term **electronic gaming operations** includes, but is not limited to, cyber-gambling establishments, Internet sweepstakes, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

Elevated Building: A non-**basement building**: (a) **built** in a **Special Flood Hazard Area** to have the top of the elevated floor, above the ground by means of pilings, columns (posts or piers), shear walls parallel to the flow of water or adequately anchored so as not to impair the structural integrity of the **building** during a **flood** up to the magnitude of the **base flood**; or (b) elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of **flood** waters.

Eligible Facility Request: A request for modification of an existing tower or **base station** that involves **collocation** of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment but does not include a "**substantial change**" of the facility pursuant to the qualifications detailed in the *FCC Report and Order FCC14-153*, or as amended; and complies with all applicable **building**, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health and safety.

Encroachment: When used in reference to Sec. **8.4, Floodplain** and **Flood** Damage Protection Standards, the advance or infringement of uses, fill, excavation, **buildings**, permanent **structures** or **development** into a **floodplain**, which may impede or alter the flow capacity of a **floodplain**.

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

Engineered Stormwater Control: A structural **BMP** used to reduce pollution or peak flow rates to downstream properties and receiving waters in order to achieve water quality or water quantity control.

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

Erosion Control Plan: A plan designed to control both **erosion** and **sedimentation**.

Event Venue: A primarily indoor commercial multipurpose venue facility designed primarily for hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or meetings, and other similar functions. The facility may typically have a catering kitchen, indoor and outdoor seating, and a stage or event area. This definition does not include stadiums, arenas, or other similar outdoor venues.

Existing Conditions: Conditions that exist at time of plan or **plat** submittal.

Existing Manufactured Home Park or Manufactured Home Subdivision: When used in reference to Sec. **8.4, Floodplain** and **Flood** Damage Protection Standards, a **manufactured home park** or **subdivision** for which the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site **grading** or the pouring of concrete pads) was completed before the original adoption of **flood** damage protection ordinances which occurred in the City of Durham on October 18, 1971 and in Durham County on August 21, 1972.

Expressway: The same attributes as a **freeway** but with partial control of access and some limited **driveways**. Such facilities are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Extended Stay Residence: An establishment containing 10 or more **guest rooms** that contain kitchen facilities or other home-like amenities not ordinarily provided in **hotels** or **motels**, for overnight guests staying five or more consecutive nights, and providing on-site registration and management.

F Definitions



Fall Zone: The area in which a **wireless support structure** may be expected to fall in the event of a structural failure, as measured by engineering standards.

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

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

Family Care Home: A residential facility as defined in **NCGS § 160D-907**.

Farm: See: "[Agricultural Uses](#)"

Farm Products: Includes, but is not limited to, fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, [livestock](#) food products (including meat and milk), and seafood.

Farmers' Market: A market open to the public where all products sold are [farm products](#), [value-added farm products](#), or a food or beverage product, and where the booths are operated by [producers](#).

Feed Lines: Cables used as the interconnecting media between a transmission/receiving [base station](#) and an [antenna](#).

Fenestration: The design and arrangement of windows and other exterior glazed openings of a [building](#).

Final Plat: The final map of all or a portion of a [subdivision](#) which is presented for final approval.

Firing Range: A property prepared, equipped and delineated for the purpose of shooting at targets by rifles [excluding air rifles], pistols, shot guns or archery. Excluded from this definition are residential sites and properties with hunting leases.

Flex Space: [Buildings](#) designed and marketed as multipurpose facilities with at least 10,000 square feet of leasable space providing opportunities for a mix of [office](#), showroom, distribution, and/or [laboratory](#) space. Facilities tend to be single-story.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation of [runoff](#) of surface waters from any source.

Flood Insurance: The insurance coverage provided under the National [Flood Insurance](#) Program.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management [Agency](#) has delineated the areas of special [flood](#) hazard, the [Future Conditions Flood Hazard Areas](#) and the risk premium zones.

Flood Insurance Study (FIS): A report that includes an examination, evaluation, and determination of [flood](#) hazards, corresponding water surface elevations (if appropriate), [flood](#) hazard risk zones, and other [flood](#) data in a community issued by the Federal Emergency Management [Agency](#). The [Flood Insurance Study](#) report includes [Flood Insurance Rate Maps \(FIRMs\)](#).

Flood Zone: A geographical area shown on a [Flood](#) Hazard Boundary Map or [Flood Insurance Rate Map](#) that reflects the severity or type of [flooding](#) in the area.

Floodplain (or Flood Prone Area): Any land area susceptible to being inundated by water from any source.

Floodplain Administrator: The individual appointed to administer and enforce the [floodplain management regulations](#). The Inspections Director or designee serves as the [Floodplain Administrator](#) pursuant to paragraph [3.21.2](#), [Floodplain Administrator](#).

Floodplain Development Permit: means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any [development](#) activity.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing [flood](#) damage and preserving and enhancing, where possible, natural resources in the [floodplain](#), including, but not limited to, emergency preparedness plans, [flood](#) control works, [floodplain management regulations](#), and [open space](#) plans.

Floodplain Management Regulations: means this ordinance and other zoning ordinances, [subdivision](#) regulations, [building](#) codes, health regulations, special purpose ordinances, and other applications of police power which control [development](#) in [flood-prone areas](#). This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing [flood](#) loss and damage.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to [structures](#), which reduce or eliminate risk of [flood](#) damage to real estate or improved real property, water and sanitation facilities, or [structures](#) with their contents.

Floodway: The channel of a river or other [watercourse](#) and the [adjacent](#) land areas that must be [reserved](#) in order to discharge the [Base Flood](#) without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway Fringe: The portion of the [Special Flood Hazard Area](#) that is outside of the [Floodway](#).

Floor Area: Area of enclosed (i.e. roofed and walled) [built](#) space, excluding any unfinished area used exclusively for storage or mechanical elements.

Floor Area Ratio (FAR): The ratio of [building](#) area to [parcel](#) area.

Forecourt: The area between the [streetscape](#) and the façade of a [building](#), as prescribed for the [Forecourt Frontage](#) Type.

Forestry: The act of growing trees, harvesting timber or replanting trees in accordance with a management plan endorsed by the NC Division of Forest Resources.

Freeboard: The height added to the Base Flood Elevation (BFE) or the future conditions flood elevation to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation."

Freeway: A multi-lane, controlled access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such facilities may be part of the Interstate, Federal, or State primary highway system and are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Frontage, Street: The dimension of a property that is adjacent to a street.

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

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

Future Conditions Flood Hazard Area: The land area that would be inundated by the one percent (1%) annual chance flood based on future conditions hydrology as determined in paragraph 8.4.2, Applicability, of this ordinance.

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

G Definitions



Geographic Search Ring: The area within which a wireless support structure or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Glazing: The portion of the building façade or external materials which are composed of glass or similar material. Glazing calculations include the glass used in the doors and windows of the building.

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

Grading: A land disturbing activity that modifies the contours of the land.

Grandfathering: An exemption based on previously existing circumstances.

Green Roof: A vegetated roof treatment that has a layer of soil and a drainage system and is planted with vegetation.

Gross Vehicle Weight (GVW): The weight of a vehicle and its equipment with a full tank of fuel, a full maximum load of cargo, and passengers.

Ground Cover: Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Ground Floor: Also referred to as "ground level" or "street level," the floor of a building whose finished floor elevation (FFE) is closest to the grade of the adjacent street, allowing for articulation to accommodate changes in grade.

Group Home: A dwelling that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the North Carolina Building Code.

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

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

H Definitions



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

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

Hazardous Waste Facility: means, as defined in [NCGS Article 9](#) of Chapter [130A](#), a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heavy Equipment: [Vehicles](#) such as buses, tow trucks, furniture trucks, fuel trucks, refrigerated trucks, dump trucks, or cement mixers; [vehicles](#) with a Class of 7 or above that would typically have a [Gross Vehicle Weight \(GVW\)](#) of at least 13 tons, or any construction equipment, or, within City limits, any [farm](#) equipment (except in the [RS-20](#) or [RR](#) districts).

Heliport: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory [buildings](#) and uses.

Helistop: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, without any appurtenant area, facility, [structure](#) or [building](#) designed, used, or intended for use in the operation or maintenance of the [helistop](#) or in the service or maintenance of helicopters.

High Density Option: One of two approaches available for [development](#) in [Watershed](#) Protection Overlays. The [high density option](#) relies on [impervious surface](#) limits and [engineered stormwater controls](#) to minimize risk of water pollution.

High Quality Water (HQP) Zones: Areas in the coastal counties that are within 575 feet of [high quality waters](#) and, for the remainder of the state, areas that are within one mile and drain to [HQWs](#).

High Quality Waters: Those classified as such in Title [15A](#) NCAC [2B.0101\(e\)\(5\)](#) general procedures, which is incorporated herein by reference to include further amendments pursuant to [NCGS § 150b-14\(c\)](#).

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction next to the proposed walls of the [structure](#).

Historic Structure: Any [structure](#) that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a local [inventory](#) of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program." Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Natural and Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation: Any occupation conducted by the inhabitants of the dwelling, which is secondary to the main use as a dwelling, and causes no change in the exterior of the dwelling.

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

Hotel or Motel: An establishment containing 10 or more [guest rooms](#), for short term guests, and containing registration facilities, on-site management, cleaning services and combined utilities, except for an [Extended Stay Residence](#) or Facility.

I Definitions



Impervious Surfaces: A surface composed of any material that impedes or prevents natural infiltration of water into the soil and qualifies as "[built-upon area](#)" as defined by [NCGS 143-214.7](#), as amended.

Independent Living Facility: A facility consisting of a single [building](#) or group of [buildings](#) with one ownership and management in which the residents are [persons](#) at least 55 years of age, their spouses, and/or their surviving spouses, and with or without an on-site resident manager. Residents live in their own [dwelling units](#). The facility maintains a common dining room and typically provides personal services such as transportation, banking, and/or a barber shop/hair salon; recreational activities and amenities; concierge services; and housekeeping for residents and their guests. Health maintenance services and/or treatment are not provided.

Initial Zoning Map Change: A zoning map change that establishes the City's zoning authority over newly annexed territory, per [NCGS 160D-202\(g\)](#), or establishes the County's zoning authority over newly relinquished territory, per [NCGS 160D-202\(h\)](#).

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

Internal Campus: All areas within the [UC](#) and [UC-2](#) Districts that are not included within a transitional use area.

Inventory: See [Durham Inventory](#).

J Definitions



Junk Vehicle: A [vehicle](#) which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

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

K Definitions



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

L Definitions



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

Lake or Natural Watercourse: Any [stream](#), river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which [sediment](#) may be moved or carried in suspension, and which could be damaged by accumulation of [sediment](#).

Land Disturbing Activity: Any use of land by any [person](#) in residential, industrial, educational, institutional or commercial [development](#), and in highway and [road](#) construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to [sedimentation](#). This includes [borrow](#) and waste disposal activity not regulated by the provisions of the [Mining Act of 1971](#) or the Department of Health and Human Resources, Division of Health Services. [Land disturbing activities](#) over which the State has exclusive regulatory jurisdiction as provided in [NCGS § 74-46](#) through [74-68](#), or [NCGS § 113A-56](#) (a) shall not be included in this definition.

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

Landfill, Sanitary: A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day.

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

Letter of Map Amendment (LOMA): An official determination by [FEMA](#) that a property has been inadvertently included in a [Special Flood Hazard Area](#) as shown on an effective [FIRM](#) and is not subject to inundation by the one percent annual chance [flood](#). Generally, the property is located on natural high ground at or above the [BFE](#) or on fill placed prior to the effective date of the first [NFIP](#) map designating the property as within a [Special Flood Hazard Area](#). Limitations of map scale and [development](#) of topographic data more accurately reflecting the existing ground elevation at the time the maps were prepared are the two most common bases for [LOMA](#) requests.

Letter of Map Change (LOMC): A term used to inclusively define a [FEMA](#) issued letter related to a [Flood Insurance Rate Map](#) or [Flood Hazard Boundary Map](#) using one or more of the following processes: [Letter of Map Amendment](#), [Letter of Map Revision](#), as well as conditional [Letter of Map Amendment](#) and [conditional Letter of Map Revision](#).

Letter of Map Revision (LOMR): A letter issued by the Federal Emergency Management [Agency](#) that confirms amendment of a special [flood](#) hard area boundary.

Level of Service: A measure of capacity per unit of demand for a public service or facility. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility.

Livestock: **Livestock** includes but is not limited to poultry and hoofed animals such as cattle, horses, goats, sheep and swine; however, swine commonly referred to as Miniature, Vietnamese or Oriental Pot-Bellied pigs (*Sus scroda vittatus*) shall not be considered **livestock** if the animals are no more than 18 inches in height, the **owner** has proof of registry with the International Potbellied Pig Registry (IPPR), and no more than two are kept at any household.

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

Local Street: Streets less than one mile in length that do not connect thoroughfares, or major traffic generators, and typically do not collect traffic from more than 100 **dwelling units**; or loop streets less than 2,500 feet in length.

Lot, Corner: A **lot** abutting two or more streets at their intersection.

Lot, Double-Frontage: A **lot**, other than a **corner lot**, with **frontage** on more than one street.

Lot, Flag:

A. A **lot** with two distinct parts:

- 1 The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another **lot**; and
- 2 The pole, which connects the flag to the street; provides the only street **frontage** and access for the **lot**; and at any point is less than the minimum **lot width** for the zone.

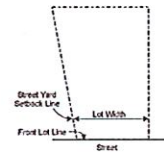
B. A **lot** when, as a result of an approved and recorded street closing or withdrawal, the only **street frontage** and access to the **lot** is less than the minimum **lot width**, in which case the "pole" shall be considered the width of **frontage** along the street.

Lot Area: The total area within the **lot** lines of a platted **lot**.

Lot of Record: Also called "lot" or "parcel", a **parcel** of land described by metes and bounds, or otherwise delineated by property boundary dimensions, on a **plat** recorded in the **office** of the appropriate Register of Deeds.

Lot, Through: See "**Lot, Double-Frontage**."

Lot Width: The distance between the side **lot** lines, measured along a straight line parallel to the front property line or parallel to the chord of the front property line at the **street yard setback** line or at the **building line** on **flag lots** or gore shape **lots**.



Low Density Option: One of two approaches available for **development** in **Watershed** Protection Overlays that relies on non-structural means, specifically lower intensity limits, to minimize the risk of water pollution.

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

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

M Definitions



Mailed Notice: Either surface mail or e-mail, unless one is explicitly directed.

Major Local Street: Streets less than one mile in length that do not connect thoroughfares or major traffic generators that typically do not collect traffic from more than 250 **dwelling units**; or a loop street less than 2,500 feet in length.

Manufactured Home (Class A, B, C): A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State **Building** Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant designed to be transported to a site on its own chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. Within the text of this Ordinance, the term "**manufactured home**" shall only apply to Class A or B **manufactured homes** unless explicitly stated to include Class C **manufactured homes**. Class A and Class B are **manufactured homes** constructed after July 1, 1976 that meet or exceed the construction standards promulgated by the US Department of Housing and Urban **Development** that were in effect at the time of construction. Class C **manufactured homes** are **manufactured homes** that do not meet the definition of a Class A or Class B **manufactured home**. The term "**manufactured home**" does not include "**recreational vehicles**."

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

Manufactured Home Park or Manufactured Home Subdivision: When used in reference to Sec. [8.4, Floodplain](#) and [Flood Damage Protection Standards](#), a [parcel](#) (or contiguous [parcels](#)) of land divided into two or more [manufactured home lots](#) for rent or sale.

Marina: A dock or basin providing securing moorings for boats and supplies, boat repair or other facilities.

Market Value: The [building](#) value, not including the land value and that of any accessory [structures](#) or other improvements on the [lot](#). [Market value](#) can be established by independent certified appraisal; replacement cost depreciated for age of [building](#) and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Marquee: A permanent [canopy](#) projecting over an entrance.

Mass Grading: The [grading](#) of four acres or more at one time to prepare one or more [lot\(s\)](#) for construction. The phasing or staged [grading](#) of a project resulting in less than four acres in any given phase or stage shall not exclude the project from this definition.

Massage Therapy Business: A business where all therapists maintain a valid license to practice massage therapy, as required pursuant to [NCGS Chapter 90, Article 36, Massage and Bodywork Therapy Practice](#).

Mausoleum: A [building](#) with places for entombment of the dead above ground.

Mean Sea Level: The National Geodetic Vertical Datum ([NGVD](#)) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the [floodplain](#), to which [Base Flood Elevations \(BFEs\)](#) shown on a [FIRM](#) are referenced. Refer to each [FIRM](#) panel to determine datum used.

Microbrewery: A [brewery](#) that produces less than 15,000 US barrels (460,000 US gallons) per year.

Micro-distillery: A distillery that produces no more than 50,000 US gallons per year. Other typical names include, but are not limited to, "craft distillery," "small batch distillery," and "artisan distillery."

Mining: The [development](#) or extraction of a mineral from its natural occurrences on affected land.

Mitigation (for wireless communications facilities): A modification to increase the height of an existing [antenna](#) support [structure](#), or to improve the structural integrity of an existing support [structure](#), or to replace or remove one or more [antenna](#) support [structure\(s\)](#) located in close proximity to a proposed new [antenna](#) support [structure](#) in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

Mixed Use: A [development](#) that includes both residential and nonresidential uses as [principal uses](#) on the same [development](#) site. See paragraph [4.4.5, Mixed Use](#), and paragraph [6.11.7, Mixed Use \(MU\)](#).

Modular Unit or Modular House: A factory-fabricated, transportable [building](#) or dwelling in compliance with the North Carolina [Building Code](#), that is designed to be used by itself or to be incorporated with other units into a [structure](#) that will be a finished [building](#) on a permanent location on a permanent foundation. A [modular unit](#) shall not be considered a or [manufactured home](#) for the purpose of this Ordinance.

Monopine or Faux Tree: A type of freestanding, [wireless communication facility](#) that is designed to resemble a tree. The support [structure](#) is attached to a foundation and is designed to support itself without the use of guy wires or other stabilization devices.

Monopole: A style of [wireless support structure](#) (tower) for a freestanding, [wireless communication facility](#) that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices, with a foundation that rests on or in the ground. [Antennas](#) and associated cables are not typically concealed within the shaft of the [structure](#).

Monumental Building Type: In Design Districts, a [structure](#) with large [setbacks](#) from the sidewalk which become publicly accessible open area. The [structure](#) is utilized for a specific set of uses that primarily serve for public or private gathering or assembly.

Multifamily: A residential use consisting of at least three [dwelling units](#). As described in Sec. [7.1, Housing Types](#), includes: [townhouse](#); multiplex; or apartment.

Museums: Establishments for the display of art or historic or science objects.

N Definitions



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

Natural Inventory: See [Durham Inventory](#).

New Construction: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

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

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

Non-Encroachment Area Fringe: The area within the special flood hazard area that is adjacent to, but not within, the non-encroachment area and is within the 100 year floodplain and is inundated by the base flood.

Noncommercial Sign: A sign which contains no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or information about and/or announcements of non-profit organizations related to their tax-exempt status.

Nuclear Material: Any natural or man-made material which undergoes radioactive decay, during which process it releases energy in the form of ionizing radiation; this also includes any mixture of materials which contains nuclear material.

O Definitions



Obstruction: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

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

Opacity: The surface area of a fence, wall or buffer that is impenetrable to light when viewed perpendicularly to the plane of the fence, wall or buffer.

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

Orientation: The directional placement of a structure or element in relation to its surroundings, the street and other structures.

Outparcel: Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

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

P Definitions



Parcel: See "Lot of record."

Parent: means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Park and Ride: Motor vehicle parking spaces to be occupied by vehicles left by individuals who transferred to other modes of transportation for the remainder of their trip to an off-site location (for example, a driver who transfers from a car to a bus, train, or carpool for the remainder of the trip to work or school).

Parking Block: A wheel stop.

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

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

Passive Recreation: Recreational activities that do not require a developed site. This includes such activities as trails for walking, hiking, and horseback riding; and areas for picnicking.

Pedestrian Mall: A public or private, improved area intended for public pedestrian and non-motor use that is permanently preserved for such use through limited easements or rights of enforcement granted to the City, or other similar legal techniques.

Pedestrian Passage: A site feature of Design Districts where a passageway for pedestrian movement is provided through the development site.

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

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

Phase of Grading: One of two types of grading, rough or fine.

Philanthropic Institution: An organization distributing or supported by funds set aside for humanitarian purposes.

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

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

Plant Unit: The measure of plant material required for 100 linear feet of buffer area to meet landscape requirements and ensure variety in buffer plantings.

Plat: A map, chart or plan of a tract or parcel of land which is to be or which has been, subdivided.

Playground: A constructed area designated for play and recreation typically for children, surfaced with material recommended by the most current safety handbook published by the U.S. Consumer Product Safety Commission, and consisting of play structures and equipment, including but not limited to, slides, swings, rockers, and climbing apparatus.

Podium: The initial level(s) of a building, beginning at ground level, above which the building steps back to greater height. Building podiums can vary from one story to several stories in height.

Porte Cochere: A roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

Post-FIRM: Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

Pre-FIRM: Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

Preliminary Plat: A map indicating the proposed layout of a development and related information that is submitted for preliminary review.

Primary or Main Entrance: An ingress/egress of a building designed to accommodate a predominant amount of foot traffic for the building.

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

Principally Above Ground: At least 51% of the actual cash value of the structure is above ground.

Producer: A person or entity that makes a food or beverage, raises or produces farm products, or creates value-added farm products from farm products raised or produced on land that the person or entity farms.

Property Owner or Owner: The owner of a parcel of land as shown on the Durham County tax records.

Protective cover: See "ground cover."

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

Public Art: A work of art in any medium that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outdoors and publicly accessible.

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

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

Public Parking: Parking spaces or areas controlled by, or under contract with, a governmental entity to allow for general public use of the parking spaces and not dedicated to a specific user.

Public Safety and/or Nuisance: When used in reference to Sec. 3.21, Floodplain Development Permit and Sec. 8.4, Floodplain and Flood Damage Protection Standards, means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

Public Utility: A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service. A wireless communication facility, unless regulated as a public utility by State or federal regulations, shall not be considered a public utility.

R Definitions



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

Receiving Watercourse: A lake, natural watercourse or other natural or manmade area into which stormwater runoff flows from a land-disturbing activity.

Recreational Vehicle: A vehicle, which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

Reference Level: The top of the lowest floor for structures within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas designated as Zone AE, A, A99, AO, or X (Future).

Regulatory Flood Protection Elevation: The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

1. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard.
2. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least five feet above the highest adjacent grade.
3. In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus two feet of freeboard.

Remedy a Violation: To bring a structure or other development into compliance with the requirements of this ordinance and, when appropriate, State requirements.

Repair Shop: A structure or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed building. This does not include vehicle repair.

Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Reservation: The withholding by a private entity of specific real estate from development pending acquisition by a public agency.

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

Residential Street: Streets less than one mile in length that do not connect thoroughfares or major traffic generators that typically do not collect traffic from more than 25 dwelling units; or a loop street less than 2,500 feet in length.

Restaurant: An establishment where food and drink are served as a principal activity, including the dispensing of food or drink to patrons who remain in vehicles.

Retail Stores and Shops: Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods including the leasing or repairing of merchandise for public consumption.

Retreat House: See "Event Venue."

Ribbon Driveway : Also called "strip driveway," a driveway that consists of two parallel strips of concrete, pavers, or similar all-weather material with groundcover or similar pervious material in between.

Right-of-Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, rail corridor, or public utility.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: See "Street, Public" and "Street, Private."

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

Rural Village: An area delineated on the Future Land Use Map, within the Rural Tier, that can include residential, commercial, office, institutional, and open space/recreation land uses.

Runoff: Water from precipitation that flows off a property.

S Definitions



Salvage Yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

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

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

School, Trade or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects;

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

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

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

Service Area: In Design Districts, the service area is a designation for portions of buildings or sites that are used for loading areas including garage entries; trash/recycling facilities; secondary fire code egress; and mechanical equipment or utilities that are not permitted by code to be underground or on rooftops.

Setback: The minimum distance between a property line (or a different encumbrance, improvement, or feature as required within a specific regulation) and a building or structure.

Shelter: A facility established on a temporary or permanent basis by an organization to provide sleeping accommodations or refuge to individuals due to a social, economic, or other emergency or crisis, such as but not limited to homelessness, domestic violence, or a natural disaster.

Shopping Center: A group of retail businesses developed under a uniform development scheme and served by common off-street parking facilities.

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

Sign Support or Bracing: The materials used to support and attach a sign to the ground, building, or other fixed location.

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

Single-Family: A residential use consisting of one dwelling unit per lot of record. As described in Sec. 7.1, Housing Types, includes: single-family detached house; zero lot line house; traditional house; or attached house. Not to include manufactured housing.

Single-Loaded Street: A roadway serving property (street yard) on one side only with no need for access on the other side.

Site Area: The minimum area required for a particular type of development. The site may then be divided into smaller lots.

Site Plan: An accurately scaled development plan that shows existing conditions on a site as well as depicting details of proposed development.

Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements.

Solid Waste Disposal Facility: Means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site: Means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Solid Waste Facilities: Stationary solid waste collection containers, yard waste containers, recycling containers and roll-out containers for the above.

Special Flood Hazard Area (SFHA) or Area of Special Flood Hazard: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year based on current conditions hydrology.

Specimen Tree, Major: Any evergreen canopy tree 18 inches dbh or greater, any deciduous canopy tree 12 inches dbh or greater and any understory tree (deciduous or evergreen) eight inches dbh or greater, except any tree listed as a nonnative invasive plant by the U.S. Forest Service or prohibited pursuant to the Landscape Manual for Durham, North Carolina, also referred to as the Landscape Manual.

Specimen Tree, Minor: Trees that qualify for required preservation under the following paragraphs of this Ordinance:

- a. Any species of tree that qualify for tree preservation within a cluster of trees under paragraph 8.3.1D.3, Cluster of Trees; and
- b. Any species of tree that qualify for tree preservation as an individual tree under paragraph 8.3.1D.4, Individual Trees.

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

Storefront Window System: An architectural wall assembly of large glass panes framed in relatively thin metal members and typically used at the ground level of commercial buildings.

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

Stormwater: The flow of water which results from precipitation and which occurs immediately following rainfall or snowmelt.

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

Story: The horizontal division of a building made up of the space between two successive floors, or a floor and the roof.

Stream: means a body of concentrated flowing water in a natural low area or natural channel on the land surface.

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

Stream, Intermittent: Except under Sec. 8.5, Riparian Buffer Protection Standards, a watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.

Stream, Perennial: Except under Sec. 8.5, Riparian Buffer Protection Standards, a watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

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

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

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

Street Wall: The implicit line created by the façades of adjacent structures.

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

Streetscape: The appearance or view of an entire street or street network in general, including sidewalks, utilities, landscaping, street furniture, and the structures that make up the street wall.

Strip Commercial: Intense commercial development extending along a roadway at a shallow depth along that roadway. It is typically characterized by multiple curb-cuts, unconnected vehicular use areas and a proliferation of signs.

Structure: A walled or roofed constructed object that is principally above ground; vertical projections meeting the definition of antenna-supporting or wireless support structures; or, when used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, a gas or liquid storage tank that is principally above ground. Included in this definition are extensions or additions which are covered by a roof supported by walls or columns, such as but not limited to porte cocheres, carports, covered or screened porches, and breezeways.

Stub Out: The extension of a street to an external property line to facilitate future roadway connection and reduce traffic impacts on the road network.

Subdivisions: 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) or any division of land involving the dedication of a new street or a change in existing streets.

Subordinate: Secondary in appearance so as not to diminish or visually overpower another element or structure. This shall be considered as a whole and shall not require each dimensional aspect to be subordinate, unless specifically required by another provision of this Ordinance.

Subsidiary: An affiliate that is directly or indirectly through one or more intermediaries, controlled by another person.

Substantial Change: In regards to wireless communication facilities, a modification that substantially changes the physical dimensions of an existing tower or base station if it meets any of the criteria detailed in the *FCC Report and Order FCC14-153*, or as amended.

Substantial Damage: Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project or improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Substantial Quantities: An amount of hazardous materials equal to or exceeding the Threshold Planning Quantities listed in the provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. Where no Threshold Planning Quantities have been identified for a particular material, the amount considered to be a substantial quantity shall be determined by the Director of Emergency Management or the Durham County Fire Marshall.

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

T Definitions



Telecommuting: A work arrangement in which an employee uses technology to perform assigned duties at home or at another site away from the traditional work site during some or all of regularly scheduled work hours, reducing or eliminating the employee's commute or travel to and from the traditional work site.

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

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

Thoroughfare, Major: Major streets, excluding freeways, expressways, and boulevards, that provide for the expeditious movement of large volumes of traffic within and through the urban area. These facilities are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Thoroughfare, Minor: Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets can be used to supplement the major thoroughfare system by facilitating minor through movements and can also serve abutting property. They are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

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

Towers for Transmitting and Receiving Electronic Signals: Structures whose principal function is to support communication antenna(s).

Townhome: See "Townhouse."

Townhouse: A building made up of three or more attached dwelling units (except when otherwise allowed) where each unit is on an individual lot and the units are lined up in a row and share side walls.

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

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

Tree Protection Zone : The permeable land area around the base of a tree in which disturbances are prohibited in order to protect the roots of a tree and aid the trees survival. Tree protection zones are measured as the greater of:

- A. Six-foot radius around the tree; or
- B. One-foot radius for every inch of dbh.

Twenty-Five Year Storm: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Two-Family: A residential use consisting of two individual dwelling units on a single lot of record. This definition does not include a single-family dwelling with an accessory dwelling unit.

U Definitions



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

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

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

Unipole: A freestanding, wireless communication facility where the wireless support structure (tower) is composed of a single shaft usually made up of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices and the foundation rests on or in the

ground. All [antennas](#) and associated components mounted onto the [structure](#) are completely concealed within the shaft of the [structure](#).

University or College: An institution other than a [trade school](#) that provides full-time or part-time education beyond high school.

Upper Story Step-Backs: The [stories](#) above the maximum [podium](#) where [building](#) façades are set back from [podium](#) façades to allow light and air access to street level.

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

V Definitions



Value-Added Farm Product: Any product processed by a [producer](#) from a [farm product](#), such as, but not limited to, baked goods, jams, jellies, canned vegetables, dried fruit, syrups, salsa, salad dressings, flours, coffee, smoked or canned meat or fish, sausages, yogurt, cheese, or prepared foods.

Variance: A grant of relief to a [person](#) from the requirements of this Ordinance which permits construction or use in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Vegetative Screen: A three-dimensional [structure](#) that provides vegetative façades, either freestanding or mounted to a wall.

Vehicle Repair Shops: [Buildings](#) and premises where mechanical work, servicing, and repair of motor [vehicles](#) is conducted as the primary activity. Excluded from this definition are dwellings where not more than two [vehicles](#) owned by the lawful residents of the dwelling are repaired on-site.

Vehicle Service, Major: [Buildings](#) and premises for uses such as auto detailing, alignment shops, auto body shops, auto paint facilities, auto upholstery shops, and towing service.

Vehicle Service, Minor: [Buildings](#) and premises for uses such as auto repair, battery sales and installation, fuel sales (other than with a [convenience store](#)), quick lubrication facilities, and tire sales and mounting.

Vehicle Storage Yard: A bulk and non-public holding facility for fleet [vehicles](#) or [heavy equipment](#), [vehicles](#) held for sale or repair, or the storage of operable or inoperable [vehicles](#) awaiting adjustment or settlement of insurance claims or motor [vehicles](#) that have been impounded by the police. No dismantling of [vehicles](#) is permitted.

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

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

Vested Rights: The right of [property owner](#) to develop in accordance with [NCGS 160D-108](#) and the provisions of this Ordinance.

Violation: The establishment, creation, expansion, alteration, occupation or maintenance of any use, land [development](#) activity, or [structure](#), including but not limited to [signs](#) and [buildings](#), that is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

W Definitions



Waste: As used in Sec. [12.10](#), [Sedimentation](#) and [Erosion](#) Control, surplus materials resulting from onsite construction and disposed of at other locations.

Water Surface Elevation (WSE): When used in reference to Sec. [8.4](#), [Floodplain](#) and [Flood](#) Damage Protection Standards, the height, in relation to [mean sea level](#), of [floods](#) of various magnitudes and frequencies in the [floodplains](#) of coastal or [riverine](#) areas.

Water-Dependent Structure: A [structure](#) which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Watercourse: A lake, river, creek, [stream](#), wash, channel or other topographic feature on or over which waters flow at least periodically. [Watercourse](#) includes specifically designated areas in which substantial [flood](#) damage may occur.

Watershed: All of the land area draining to a particular point on a water course or to a water body.

Way-Finding Signage Plan: A plan delineating unifying characteristics for way-finding signs associated within a development project or complex.

Way-Finding Sign: A sign designed to convey location and direction.

Wetlands: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly as hydrophytic vegetation, as defined by responsible State or Federal agencies.

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

Wireless Communication Facility (WCF): Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of one or more of the following components: a wireless facility, base station, equipment compound, and wireless support structure. Amateur wireless facilities, satellite dish antennas, and antenna-supporting structures, antennas and/or antenna arrays for TV/HDTV/AM/FM broadcasting transmission facilities shall be excluded from this definition.

Wireless Communication Facility, Attached: A wireless facility that is secured to an existing building with an accompanying pole or device which attaches it to the building and may be located either on the roof, inside, or outside of the existing building. An attached WCF can also be placed on utility poles, light poles, transmission towers, and other similar site features. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Wireless Communications Facility, Concealed: A wireless facility, wireless support structure, and WCF equipment compound that is designed to be camouflaged or hidden. A concealed facility is camouflaged if designed to appear as, for example but not limited to a church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole, or tree.

Wireless Communication Facility Equipment Compound: An area, surrounding or near the base of a wireless support structure, consisting of components of a wireless facility not mounted on a wireless support structure.

Wireless Communication Facility, Freestanding: A WCF that is composed of a wireless support structure (tower) and associated wireless facilities.

Wireless Facility: Also known as "transmission equipment," it is the set of equipment and network components including antennas, transmitters, receivers, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services; but exclusive of the underlying structure or tower, as described in the *FCC Report and Order FCC14-153*, as amended.

Wireless Support Structure: Also known as a "tower," it is a structure that is solely designed and built for the primary purpose of supporting wireless facilities. A building or other fixed object not originally designed to support wireless facilities is not a wireless support structure.

Working Days: Days exclusive of Saturday, Sunday and (a) when used other than in reference to Sec. 3.8, Sedimentation and Erosion Control, and Sec. 12.10, Sedimentation and Erosion Control, legal holidays recognized by the City or County; or (b) when used in reference to Section 3.8 and 12.10, days during which weather conditions or soil conditions permit land-disturbing activity to be undertaken, as determined by the sedimentation and erosion control officer, or their designee, except where the context clearly indicates otherwise.

Y Definitions



Yard: A space on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line.

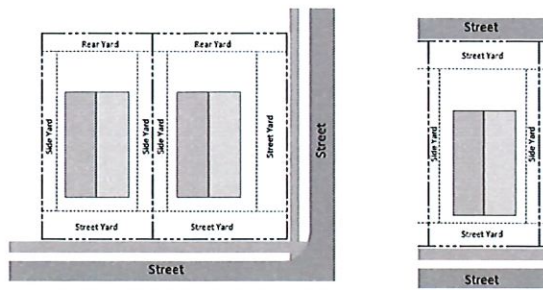
Yard, Rear: That portion of a yard between the required rear setback and the rear property line extending the full width of the lot between side lot lines. The rear yard width is measured perpendicular to the rear lot line. The rear yard shall be the yard on the opposing side of a street yard. No rear yard shall apply for triangular or pie-shaped lots where there is no rear property line.

Yard, Side: That portion of a yard between the required side setback and the side lot line extending from the street yard to the rear yard. The side yard width is measured perpendicular to the side lot line.

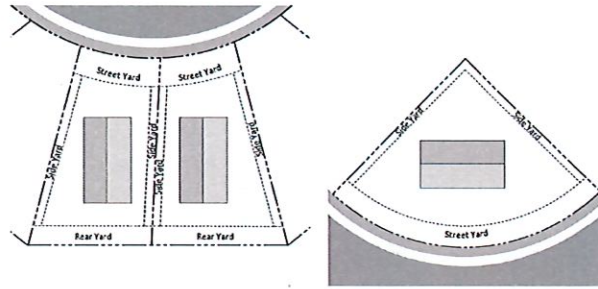
Yard, Street: That portion of a yard extending between the edge of the street right-of-way (or easement, for private streets; or common access drive, for townhouses) and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way. The street yard width is measured perpendicular to the street right-of-way. Corner lots and through lots shall be considered to have two street yards. A street yard does not exist adjacent to an alley.

Interior and Corner Lot
Diagram:

Double-Frontage Lot
Diagram:



Irregular and Triangular Lot Diagrams:



Z Definitions



Zero Lot Line: A detached dwelling unit positioned on one property line without any setback.

The Durham Unified Development Ordinance is current through legislation effective:

Durham County: May 1, 2023

City of Durham: May 1, 2023

Disclaimer: The Durham City-County Planning Department office has the official version of the Durham Unified Development Ordinance. Users should contact the Planning Department for amendments subsequent to the amendment cited here.

City Website: durhamnc.gov

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